

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
★ SEP 17 2004  
BROOKLYN OFFICE

Robert Edmond SCOTT-EDWARDS  
[Date of Birth : January 6, 1953]  
[Country of Birth: England]

(A# Unknown)

Plaintiff,

vs

Mary Ann Gantner, District Director,  
US CITIZENSHIP AND IMMIGRATION  
SERVICES, New York District.

Defendant.

04 4034

Complaint for a Writ in  
the Nature of Mandamus

BLOCK, J.

Plaintiff Robert Edmond SCOTT-EDWARDS by his attorneys'  
Wilens & Baker, P.C.,

complaining of Defendant alleges as follows:

1. Plaintiff Bernardo Hernandez is an individual and an Applicant for CITIZENSHIP who resides at 47 Fox Hollow Riding Road, Northport, NY within the jurisdiction of this Court. Plaintiff's claim to relief arises under 8 USC 1421 et seq.
2. Defendant May Ann Gantner is the District Director of the New York district of Citizenship and Immigration Services, an agency of the United States Government and he is sued herein in her official capacity.
3. This Court has jurisdiction of this action pursuant to 5 USC 555 and 701 et seq.; and 28 USC 2201 et seq. and relief is requested pursuant to said statutes.
4. In or about November 18, 2002 Plaintiff filed his application for Citizenship [FORM N-600] under 8 USC 1421 et seq.,

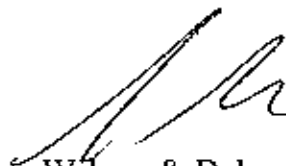
with Defendant. Defendant has a duty to adjudicate said application.

5. On or about August 25, 2004, Defendant's agent told Plaintiff's counsel that they had no record of Plaintiff's filing within this District.
6. Defendant has not scheduled plaintiff for an interview in spite of the fact that the case has passed Defendant's time guidelines for this type of application.
7. Plaintiff has exhausted his administrative remedies.
8. Defendant's action in not scheduling Plaintiff for an interview, as a matter of law is arbitrary and not in accordance with the law.
9. Defendant is in violation of the Administrative Procedures Act, 5 USC 555 and 701 et seq., by unlawfully withholding or unreasonably delaying action on Plaintiff application and has failed to carry out the administrative functions delegated to him by law with regard to Plaintiff's case.

WHEREFORE, Plaintiff respectfully requests :

- A. That Defendant be ordered to have his agents' process Plaintiff's case to a conclusion forthwith;
- B For reasonable attorney's fees; and
- C For such other and further relief as to this Court may seem proper.

Dated: September 13, 2004



Wilens & Baker, P.C.  
By Spiro Serras (SS 9232)  
450 Seventh Avenue  
New York, NY 10123  
212-695-0060