

or not the couple's marriage is recognized under state law. *Id.* Next, the agency determined that the administrative record contained substantial evidence to support a conclusion that Maas is ineligible to receive the benefits of Revelis' I-130 Petition, or any other visa petition. *Id.* Because the denial contains private information concerning Plaintiffs and third parties, it will not be publicly released and therefore has not been addressed in detail, but has been filed under seal as Exhibit A to this motion for the Court's reference.

USCIS's decision will become final unless Revelis appeals it by filing a completed Form EOIR-29, Notice of Appeal to the Board of Immigration Appeals from a Decision of a USCIS Officer. Ex. A. The appeal must be filed within 30 days from the date of the decision notice.¹ *Id.* If an appeal is not received by that time, the agency decision will become final. *Id.*

Revelis also has the option of filing a motion to reopen or reconsider under the jurisdiction of USCIS in lieu of an appeal. *Id.* If he intends do so, such a motion must also be filed within 30 days from the date of the decision notice. *Id.* If no motion to reopen or reconsider is filed, the agency decision will become final. *Id.*

On August 6, 2012, the agency also denied Maas' I-485 Application, concluding that Maas is not eligible to adjust his status to that of a lawful permanent resident because the I-130 Petition, filed by Revelis on his behalf, was denied. Ex. B.

Because the agency has issued its decisions on both the I-130 Petition and I-485 Application, Defendants, Plaintiffs and Counsel for Intervenor, the Bipartisan Legal Advisory Group, have conferred and, in accordance with this Court's July 12, 2012 Order, request that this Court schedule a status hearing for September 20, 2012, which will allow Plaintiffs time to determine how they intend to proceed with the case. In addition, Defendants respectfully request

¹ The appeal is due by Wednesday, September 5, 2012.

that this Court continue to hold the briefing regarding the constitutionality of Section 3 of DOMA in abeyance at this time.

DATED: August 13, 2012

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 13, 2012, a copy of the attached Notice of Agency Action and Motion for an Earlier Status Hearing was filed with this Court's electronic filing system which served a copy on all parties.

Exhibit A was filed under seal pursuant to Court Order and served on Counsel for Plaintiffs by U.S. Mail:

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