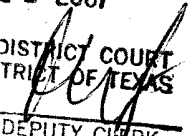


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

MAR 22 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

WESLEYANN EMPTAGE, by and through her
next friend and mother, Raouitee Pamela Puran,
Plaintiff,

-vs-

Case No. A-07-CA-158-SS

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; **JULIE L.
MYERS**, Assistant Secretary, U.S. Immigration
and Customs Enforcement (ICE); **JOHN P.
TORRES**, Director, Office of Detention and
Removal Operations, ICE; **MARC MOORE**, ICE
Field Office Director; **GARY MEAD**, Assistant
Director of Detention and Removal Operations at
ICE; **Simona Colon**, ICE Officer in Charge; and
JOHN POGASH, ICE National Juvenile
Coordinator,

Defendants.

MOHAMMED IBRAHIM, by
and through his next friend and mother,
Deka Warsame,

Plaintiff,

-vs-

Case No. A-07-CA-161-SS

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.

BAHJA IBRAHIM, by
and through her next friend and mother,
Deka Warsame,

Plaintiff,

-vs-

Case No. A-07-CA-162-SS

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.

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**AISHA IBRAHIM, by
and through her next friend and mother,
Deka Warsame,**
Plaintiff,

-vs-

Case No. A-07-CA-163-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**SAULE BUNIKYTE, by
and through his next friend and mother,
Rasa Bunikiene,**
Plaintiff,

-vs-

Case No. A-07-CA-164-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**EGLE BAUBONYTE, by
and through her next friend and mother,
Rasa Bunikiene,**
Plaintiff,

-vs-

Case No. A-07-CA-165-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**SHERONA VERDIEU, by
and through her next friend and mother,
Delourdes Verdieu,**
Plaintiff,

-vs-

Case No. A-07-CA-166-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

**KEVIN YOURDKHANI, by
and through his next friend and mother,
Masomeh Alibegi,**
Plaintiff,

-vs-

Case No. A-07-CA-167-SS

**MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security; et al.,
Defendants.**

ORDER

BE IT REMEMBERED that on the 20th day of March 2007 the Court held a hearing in the above-styled cases. The parties were represented by counsel. The Court considered the minor Plaintiffs' request for a preliminary injunction ordering the immediate release of the minor Plaintiffs and their parents, and ordering access to Plaintiffs and their medical records for Plaintiffs' counsel and experts. The Court now confirms its oral orders with the following:

It is ORDERED that within SEVEN [7] days of the entry of this Order, the parties shall file the following additional briefing and evidence:

Plaintiffs and Defendants shall file affidavits describing each party's attempts to comply with the exhaustion requirements of Paragraph 24 of the *Flores* Settlement.

Plaintiffs and Defendants shall file affidavits detailing what proceedings regarding bond or parole, if any, have been held with regard to each Plaintiff.

Defendants shall file any available evidence relating to the licensing exemption allegedly granted the Hutto facility by the State of Texas.

The parties shall confer and submit a proposed scheduling order for expedited discovery and trial. To the extent the parties cannot agree on this schedule, each party may submit its own proposed scheduling order.

Plaintiffs and Defendants shall file supplemental briefing regarding (1) any contentions that provisions of the *Flores* settlement apply only to unaccompanied minors; (2) the effect of the claimed license exemption on the *Flores* "licensed program" requirements; and (3) the effect of legal proceedings for release, including bond, parole, and habeas corpus proceedings, on Plaintiffs' request for equitable release. Either party may file a response to these arguments within SEVEN [7] days of the entry of these supplemental briefs.

The Court is troubled by the evidence presented at yesterday's hearing, in particular by the evidence that Plaintiffs' access to private consultation with their attorneys is severely limited. Hutto is a detention facility, not a penitentiary. Even in the penitentiary, lawyers can see their clients privately. Whatever the inconvenience may be to ICE, CCA, or any other organization in the alphabet soup responsible for the Hutto facility, this Court find it hard to imagine a legitimate reason for rules giving immigrant detainees fewer rights to counsel than federal felons. Therefore,

IT IS ORDERED that the restrictions on the number of clients an attorney can see per visit and the requirement that children attend their parents' attorney visits be REMOVED immediately.

SIGNED this the 21st day of March 2007.



SAM SPARKS
UNITED STATES DISTRICT JUDGE