UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARTURO MARTINEZ BAÑOS, et al., Plaintiffs-Petitioners, v. ELIZABETH GODFREY, et al., Defendants-Respondents.	CASE NO. C16-1454JLR ORDER ON REMAND

Before the court is the opinion and mandate of the Ninth Circuit Court of Appeals (1) affirming in part, reversing in part, and vacating in part the court's order adopting Chief Magistrate Judge Tsuchida's report and recommendation on the parties' cross-motions for summary judgment; and (2) remanding to this court for further proceedings. (9th Cir. Mem. Op. (Dkt. # 104); 9th Cir. Mandate (Dkt. # 105); *see also* 4/4/18 Order (Dkt. # 83); Judgment (Dkt. # 84); R&R (Dkt. # 77).)

The Ninth Circuit affirmed the court's judgment and permanent injunction insofar as they require Defendants-Respondents Elizabeth Godfrey, Lowell Clark, Thomas D. Homan, James McHenry, William Barr, and Kevin McAleenan (collectively, "the Government") to provide each class member detained for six months or longer with a bond hearing before an immigration judge, in which the burden is on the Government to justify continued detention. (*See* 9th Cir. Mem. Op. at 15-16.) The Ninth Circuit also reversed and vacated with respect to the requirement that the Government provide class members with additional bond hearings every six months; reversed and vacated the partial judgment for the Government on Petitioners'[1] due process claims; and remanded. (*See* 9th Cir. Mem. Op. at 15-16.)

The court ORDERS the parties to file, within 14 days of the filing date of this order, a joint status report proposing how the court should proceed on remand. The parties should attempt to agree in good faith on a unified approach. If they cannot so agree, they may outline their disparate suggestions in the joint status report.

Dated this 12th day of June, 2020.

JAMES L. ROBART
United States District Judge

[1] Petitioners in this matter are Edwin Flores Tejada and German Ventura Hernandez, on behalf of themselves and on behalf of others who are similarly situated (collectively, "Petitioners").