

CLOSED, REMAND, REOPEN

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:02-cv-02304-MJP**

Ali, et al v. Ashcroft, et al  
Assigned to: Judge Marsha J. Pechman  
Demand: \$0  
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 11/13/2002  
Date Terminated: 09/19/2008  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: U.S. Government Defendant

**Petitioner**

**Yusuf Ali Ali**  
*TERMINATED: 04/27/2006*

represented by **Nicholas Peter Gellert**  
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*TERMINATED: 10/31/2008*

**Petitioner**

**Mohamed Aweys**  
*TERMINATED: 04/27/2006*

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**Petitioner**

**Mohamed Hussein Hundiye**  
*TERMINATED: 04/27/2006*

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*TERMINATED: 10/31/2008*

**Petitioner**

**Gama Kalif Mohamud**

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*TERMINATED: 10/31/2008*

**Petitioner**

**Ahmad Noor Yusuf**

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**Petitioner**

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**Petitioner**

**Mr. Khalif Mohamed Duale**  
*TERMINATED: 03/27/2006*

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V.

**Respondent**

**John D Ashcroft**  
*Attorney General*

represented by **Greg D Mack**  
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**Respondent**

**Immigration and Naturalization  
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**Brian C Kipnis**  
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*ATTORNEY TO BE NOTICED*

**Christopher Lee Pickrell**  
 (See above for address)  
 TERMINATED: 05/16/2008

**Rebecca Shapiro Cohen**  
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 ATTORNEY TO BE NOTICED

**Respondent****Robert S Coleman, Jr**

represented by **Greg D Mack**  
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**Christopher Lee Pickrell**  
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 TERMINATED: 05/16/2008

**Rebecca Shapiro Cohen**  
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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/13/2002	<u>1</u>	CONSOLIDATED PETITION FOR 2241 WRIT OF HABEAS CORPUS FOR INDIVIDUALS IN FEDERAL CUSTODY by petitioners Receipt No. 308425 (DM) (Entered: 11/13/2002)
11/13/2002	<u>2</u>	MOTION by petitioners for temporary restraining order (DM) (Entered: 11/13/2002)
11/13/2002	<u>3</u>	DECLARATION of Nicholas Gellert (DM) (Entered: 11/13/2002)
11/13/2002		LODGED ORDER: re: motion for temporary restraining order [2-1] (DM) (Entered: 11/13/2002)
11/13/2002	<u>4</u>	AFFIDAVIT OF SERVICE by petitioner order lodged [0-0], declaration [3-1], motion for temporary restraining order [2-1], habeas corpus petition [1-1] (DM) (Entered: 11/13/2002)
11/14/2002	<u>5</u>	ORDER by Judge Marsha J. Pechman GRANTING motion for temporary restraining order [2-1] until 11/22/02 at 1:30; Order to Show Cause ddl 11/19/02 (cc: counsel, Judge) (DM) (Entered: 11/14/2002)
11/15/2002		LODGED ORDER: stipulated motion and order extending TRO and setting schedule (MD) (Entered: 11/18/2002)
11/15/2002	<u>6</u>	ATTORNEY APPEARANCE for respondent John D Ashcroft, respondent INS, respondent Robert S Coleman Jr by Chris Pickrell (MD) (Entered: 11/18/2002)
11/18/2002	<u>7</u>	STIPULATION and ORDER by Judge Marsha J. Pechman extending TRO and setting schedule. (cc: counsel, Judge) (MD) (Entered: 11/18/2002)
11/26/2002	<u>8</u>	FIRST AMENDED COMPLAINT/CONSOLIDATED PETITION by petitioners for Habeas Corpus for Individuals in Federal Custody – Class Action (MD) (Entered: 11/27/2002)
12/04/2002	<u>9</u>	MOTION by petitioners for temporary restraining order maintaining status quo until ruling by the court on the merits (MD) (Entered: 12/05/2002)

12/04/2002	<u>10</u>	DECLARATION of Thomas L Boeder re motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] (MD) (Entered: 12/05/2002)
12/04/2002	<u>11</u>	DECLARATION of Karol Dezwager Brown re motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] (MD) (Entered: 12/05/2002)
12/04/2002	<u>12</u>	DECLARATION of Michele Garnett McKenzie re motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] (MD) (Entered: 12/05/2002)
12/04/2002		LODGED ORDER: re: motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] (MD) (Entered: 12/05/2002)
12/04/2002	<u>13</u>	AFFIDAVIT OF SERVICE by petitioner of motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] (MD) (Entered: 12/05/2002)
12/05/2002	<u>14</u>	ORDER by Judge Marsha J. Pechman SETTING hearing on petitioners' motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] at 3:00 12/9/02; response due 12/9/02; parties agree to maintain status quo until 12/9/02 hearing on TRO (cc: counsel, Judge, ES) (VK) (Entered: 12/05/2002)
12/06/2002	<u>15</u>	AMENDED ATTORNEY APPEARANCE for respondents by Greg D Mack (MD) (Entered: 12/09/2002)
12/06/2002	<u>16</u>	NOTICE by respondent OF RELATED CASE(s) C01-1614L;C02-832P et al (MD) (Entered: 12/09/2002)
12/09/2002	<u>17</u>	MOTION by respondent INS for leave to file overlength brief: opposition to petitioners' motion for tro NOTED FOR 12/9/02 (MD) (Entered: 12/09/2002)
12/09/2002		LODGED ORDER: re: motion for leave to file overlength brief: opposition to petitioners' motion for tro [17-1] (MD) (Entered: 12/09/2002)
12/09/2002		PROPOSED Respondents' opposition and exhibits re: motion for leave to file overlength brief: opposition to petitioners' motion for tro [17-1] (MD) (Entered: 12/09/2002)
12/09/2002	<u>20</u>	MINUTES: MJP; ; CR: Laurene Kelly; Pla Counsel Thomas Boeder; Def Counsel Mack/Pickrell/Klein. Telephonic Oral argument held on 12/9/02. MJP Grants the TRO and briefing schedule was established. No bond will be required. Respondents' request to stay the effect of the fuling on the TRO was denied. (MD) (Entered: 12/13/2002)
12/10/2002	<u>18</u>	ORDER by Judge Marsha J. Pechman GRANTING petitioner's motion for temporary restraining order maintaining status quo until ruling by the court on the merits [9-1] Oral Argument scheduled for 9:00 1/14/03; response due 12/16/02; petitioners may file opposition by 1/10/03 (cc: counsel, Judge) (LS) (Entered: 12/10/2002)
12/11/2002	<u>19</u>	TRANSCRIPT of proceedings for the following date(s): 12/9/02 (Re: Emergency Motion Hearing) CR initials: L. Kelly (SA) (Entered: 12/13/2002)
12/16/2002	<u>21</u>	NOTICE by respondents of filing INS Administrative Records (MD) (Entered: 12/17/2002)
12/16/2002	<u>22</u>	RESPONSE and Return by respondent to petitioners' first amended consolidated petition for HC for individuals in Fed Custody-Class Action re: complaint [8-1] (MD) (Entered: 12/17/2002)
12/16/2002	<u>23</u>	EXHIBITS re: response [22-1] (MD) (Entered: 12/17/2002)
12/16/2002	<u>24</u>	MOTION by respondent for leave to file overlength return brief in opposition NOTED FOR 12/16/02 (MD) (Entered: 12/17/2002)
12/16/2002		LODGED ORDER: re: motion for leave to file overlength return brief in opposition [24-1] (MD) (Entered: 12/17/2002)

12/16/2002	<u>25</u>	ADMINISTRATIVE RECORD by respondent INS (in expando) (MD) (Entered: 12/17/2002)
12/18/2002	<u>26</u>	ORDER by Judge Marsha J. Pechman GRANTING respondents' motion for leave to file overlength return brief in opposition [24-1] (cc: counsel, Judge) (MD) (Entered: 12/19/2002)
12/24/2002	<u>27</u>	MINUTES: BJR; Pla Counsel Susan Foster/Nick Gellert; Def Counsel Gregory Mack. Telephone conference held on 12/24/02 re: discovery dispute (MD) (Entered: 12/26/2002)
12/30/2002	<u>28</u>	MOTION by petitioner to certify class action NOTED FOR 1/14/03 (VK) (Entered: 12/30/2002)
12/30/2002	<u>29</u>	DECLARATION of Thomas L. Boeder by petitioner re motion to certify class action [28-1] - atty qualifications (VK) (Entered: 12/30/2002)
12/30/2002		LODGED ORDER: re: motion to certify class action [28-1] (VK) (Entered: 12/30/2002)
12/30/2002	<u>30</u>	AFFIDAVIT OF SERVICE by petitioner motion to certify class action [28-1] etc. (VK) (Entered: 12/30/2002)
12/31/2002	<u>31</u>	ERRATA to declaration of Thomas L Boeder [29-1] (MD) (Entered: 01/02/2003)
01/10/2003	<u>32</u>	REPLY and Traverse by petitioners [28-1] (MD) (Entered: 01/13/2003)
01/10/2003	<u>33</u>	DECLARATION of Nicholas P Gellert re: reply [32-1] (MD) (Entered: 01/13/2003)
01/10/2003	<u>34</u>	DECLARATION of Susan E Foster re: reply [32-1] (MD) (Entered: 01/13/2003)
01/10/2003	<u>35</u>	DECLARATION of Joan M Fitzpatrick re: reply [32-1] (MD) (Entered: 01/13/2003)
01/10/2003	<u>36</u>	AFFIDAVIT OF SERVICE by petitioners of reply [32-1] (MD) (Entered: 01/13/2003)
01/13/2003	<u>37</u>	MEMORANDUM by respondent in opposition to petitioners' motion and memorandum in support to certify class action [28-1] (MD) (Entered: 01/14/2003)
01/13/2003	<u>38</u>	SUPPLEMENT by petitioner traverse and reply re motion to certify class action [28-1] (MD) (Entered: 01/14/2003)
01/13/2003	<u>39</u>	DECLARATION (supplemental) of Susan E Foster re: supplemental [38-1] (MD) (Entered: 01/14/2003)
01/13/2003	<u>40</u>	AFFIDAVIT OF SERVICE by petitioner of supplemental [38-1] (MD) (Entered: 01/14/2003)
01/14/2003	<u>41</u>	MINUTES: MJP; Dep Clerk: Eileen; CR: L Kelly; Pla Counsel Thomas Boeder; Def Counsel Gary Mack. In-court hrg held on 1/14/03 re: petitioner's motion for prel inj. GRANTING motion to certify class action [28-1] and motion for prel inj. Court will issue a written opinion by Friday 1/17/03. Petitioners are remanded to custody. (MD) (Entered: 01/15/2003)
01/16/2003	<u>42</u>	TRANSCRIPT of proceedings for the following date(s): 1/14/03 (Re: Court's Ruling) CR initials: L. Kelly (SA) (Entered: 01/16/2003)
01/16/2003	<u>43</u>	TRANSCRIPT of proceedings for the following date(s): 1/14/03 (Re: Oral Argument) CR initials: L. Kelly (SA) (Entered: 01/16/2003)
01/16/2003	<u>45</u>	SUPPLEMENTAL MEMORANDUM by petitioners' re jurisdiction and detention [28-1] (MD) (Entered: 01/21/2003)
01/16/2003	<u>46</u>	RESPONSE by respondent to court's request for briefing on procedural matters regarding detention of petitioners and re: motion to certify class action [28-1] (MD) (Entered: 01/21/2003)
01/17/2003	<u>44</u>	ORDER GRANTING INJUNCTION AND CERTIFYING CLASS by Judge Marsha J. Pechman. The use of a class action is necessary to litigate to open the

		doors of the courthouse for a large number of Somalis whose identity and location the Government refuses to reveal. A permanent injunction shall issue on behalf of the class. The individual Petitioners Ali Hundiye, and Aweys shall be released pursuant to this Court's Order. (cc: counsel, Judge) (CL) (Entered: 01/17/2003)
01/27/2003	<u>47</u>	NOTICE by respondents of petitioners' release as to Ali; Aweys; and Hussein re: order [44-1] (MD) (Entered: 01/28/2003)
02/07/2003	<u>48</u>	NOTICE OF APPEAL (03-35096) by respondent Robert S Coleman Jr, respondent INS, respondent John D Ashcroft from Dist. Court decision [44-1] (cc: CCA, Judge, counsel) (SA) Modified on 02/12/2003 (Entered: 02/10/2003)
02/07/2003		APPEAL FEE NOT RECEIVED: Fee not required, government agency. (SA) (Entered: 02/10/2003)
02/10/2003		APPEAL NOTIFICATION packet sent to CCA (cc: cnsl) (SA) (Entered: 02/10/2003)
02/11/2003		NOTIFICATION by Circuit Court of Appellate Docket Number 03-35096 (SA) (Entered: 02/12/2003)
02/11/2003	<u>49</u>	TIME SCHEDULE ORDER (CCA 03-35096) Appellant notify appellee of trans. ordered 2/18/03; appellee notify appellant of additional trans. 2/27/03; appellant file trans with district court 3/10/03; Court Reporter file trans. 4/9/03; Appellant opening brief due 5/27/03; Appellee brief due 6/25/03; Reply brief due w/in 14 days of service of appellee brief. (SA) (Entered: 02/12/2003)
02/19/2003	<u>53</u>	TRANSCRIPT DESIGNATION and Ordering Form for dates: 12/9/02, 1/14/02 [48-1] filed by Christopher Pickrell. (SA) (Entered: 02/24/2003)
02/20/2003	<u>50</u>	MOTION by petitioner for attorney fees and costs NOTED FOR 3/7/03 (MD) (Entered: 02/21/2003)
02/20/2003	<u>51</u>	DECLARATION of Nicholas P Gellert re motion for attorney fees and costs [50-1] (MD) (Entered: 02/21/2003)
02/20/2003		LODGED ORDER: re: motion for attorney fees and costs [50-1] (MD) (Entered: 02/21/2003)
02/20/2003	<u>52</u>	AFFIDAVIT OF SERVICE by petitioner of motion for attorney fees and costs [50-1] (MD) (Entered: 02/21/2003)
02/22/2003	<u>54</u>	ORDER (CCA 03-35096) Appellants' motion to expedite briefing, oral argument, is GRANTED. Motion to expedite disposition shall be referred to the panel. District Court Clerk is requested to issue Certificate of Record as soon as practicable. Opening brief due 3/21/03; answering brief due 4/21/03; optional reply brief due 14 days from service of answering brief. CCA, Judge, counsel) (SA) (Entered: 02/25/2003)
03/03/2003	<u>55</u>	RESPONSE by respondents IN OPPOSITION to motion for attorney fees and costs [50-1] (LS) (Entered: 03/04/2003)
03/05/2003	<u>56</u>	REPLY by petitioners' re: on fee motion [50-1] (MD) (Entered: 03/06/2003)
05/23/2003		CLERK'S RECORD ON APPEAL transmitted to Circuit (vol. 1-4, exp. 1-3) (SA) (Entered: 05/23/2003)
05/27/2003	<u>57</u>	ORDER by Judge Marsha J. Pechman GRANTING petitioners' motion for attorney fees and costs [50-1] (cc: counsel, Judge) (MD) (Entered: 05/28/2003)
05/28/2003	<u>58</u>	JUDGMENT: by Judge Marsha J. Pechman, It is ordered and adjudged petitioners are awarded costs and fees in the amount of \$129,449.46 (cc: counsel, Judge, Jgm. Book) Entered on: 5/28/03 (MD) (Entered: 05/28/2003)
05/28/2003	<u>59</u>	JUDGMENT: by Judge Marsha J. Pechman, It is ordered and adjudged- pursuant to this Court's order of 1/17/03 a permanent injunction prohibiting removal of Somali nationals to Somalia is entered. Petitioners Aweys, Ali and Hundiye are ordered release. Filing of this judgment was intended to be concurrent with that order. (cc: counsel, Judge, Jgm. Book) Entered on: 5/28/03 (MD) (Entered: 05/28/2003)

		05/28/2003)
06/09/2003	<u>60</u>	MOTION by respondents for reconsideration/alter or amend the Court's 5/28/03 judgment awarding fees and costs to petitioners NOTED FOR 6/27/03 (MD) (Entered: 06/10/2003)
06/09/2003		LODGED ORDER: re: motion for reconsideration/alter or amend the Court's 5/28/03 judgment awarding fees and costs to petitioners [60-1] (MD) (Entered: 06/10/2003)
06/19/2003	<u>61</u>	MINUTE ORDER: by Judge Marsha J. Pechman Court hereby calls for a response pursuant to Local Rule CR7(h)(3). Such response shall be due on 6/23/03 and a reply due on 6/26/03 re: Gov motion to alter or amend judgment. (cc: counsel, Judge) (MD) (Entered: 06/19/2003)
06/23/2003	<u>62</u>	RESPONSE/OPOSITION to Motion filed by Petitioner Yusuf Ali Ali re <u>60</u> Motion for Reconsideration/alter or amend judgment awarding fees and costs to petitioners (MD, ) (Entered: 06/26/2003)
06/26/2003	<u>63</u>	REPLY to Response to Motion filed by Respondent John D Ashcroft re <u>60</u> Motion for Reconsideration/alter or amend judgment (MD, ) (Entered: 07/01/2003)
06/27/2003	<u>64</u>	SURREPLY filed by Petitioner Yusuf Ali Ali re <u>60</u> Motion for Reconsideration (Attachments: # <u>1</u> )(MD, ) (Entered: 07/07/2003)
06/27/2003	<u>65</u>	MOTION to Amend/correct EAJA reply by Respondent John D Ashcroft. Noting Date 7/18/2003. (Attachments: # proposed order (1))(MD, ) (Entered: 07/07/2003)
06/27/2003	<u>66</u>	REPLY to Response to Motion filed by Respondent John D Ashcroft re <u>60</u> Motion for Reconsideration/alter or amend judgment awarding fees and costs to petitioners (MD, ) (Entered: 07/07/2003)
07/11/2003	<u>67</u>	RESPONSE to Motion filed by Petitioner Yusuf Ali Ali re <u>65</u> MOTION to Amend (MD, ) (Entered: 07/17/2003)
07/11/2003	<u>68</u>	CERTIFICATE OF SERVICE re <u>67</u> Response to Motion. (MD, ) (Entered: 07/17/2003)
07/28/2003	<u>69</u>	NOTICE OF APPEAL (03-35620) as to <u>58</u> Judgment, <u>57</u> Order by Respondent John D Ashcroft. (Pickrell, Christopher) Modified on 8/6/2003 (SA, ). (Entered: 07/28/2003)
07/29/2003		Appeal Fees not received: fee in the amount of \$ 0. (receipt # n/a) re <u>69</u> Notice of Appeal filed by John D Ashcroft (SA, ) (Entered: 07/29/2003)
07/29/2003		APPEAL NOTIFICATION packet sent to US Court of Appeals re <u>69</u> Notice of Appeal (SA, ) (Entered: 07/29/2003)
07/30/2003	<u>70</u>	MINUTE ORDER granting <u>65</u> Motion to Amend Reply Brief. by Judge Marsha J. Pechman. (JS) (Entered: 07/30/2003)
07/30/2003	<u>71</u>	ORDER denying <u>60</u> Motion to Alter or Amend Judgment pursuant to FRCP 59(e). by Judge Marsha J. Pechman. (JS) (Entered: 07/30/2003)
07/30/2003		USCA Case Number (03-35620) for <u>69</u> Notice of Appeal filed by John D Ashcroft. (SA, ) (Entered: 08/06/2003)
09/26/2003	<u>73</u>	NOTICE OF APPEAL (03-35791) as to <u>71</u> Order on Motion for Reconsideration by Respondent John D Ashcroft. (Pickrell, Christopher) Modified on 10/3/2003 (SA, ). (Entered: 09/26/2003)
09/30/2003		Appeal Fees NOT received: fee not required for government appellant. (SA, ) (Entered: 09/30/2003)
09/30/2003		APPEAL NOTIFICATION packet sent to US Court of Appeals re <u>73</u> Notice of Appeal (SA, ) (Entered: 09/30/2003)
10/01/2003		USCA Case Number 03-35791 for <u>73</u> Notice of Appeal filed by John D Ashcroft. (SA, ) (Entered: 10/03/2003)



07/26/2004	<u>76</u>	REQUEST by Abdulaziz Abdi Hashi seeking exclusion from Ali class certification (RS, ) (Entered: 07/29/2004)
08/03/2004	<u>77</u>	MINUTE ENTRY for proceedings held before Judge Marsha J. Pechman – Pla Counsel: <i>Nick Gellert</i> ; Def Counsel: <i>Greg Mack</i> ; <b>Telephone Conference</b> held on 8/3/2004. The parties are to submit briefing on 1) whether this Court has jurisdiction to take any action in light of the current posture before the Ninth Circuit, and 2) proposed notice to the class members currently in detention regarding the current status of the case. Briefing should be filed by 8/11. Oral Argument set for 8/24/2004 at 9:00 am, before Hon. Marsha J. Pechman. Class counsel directed to contact the two individuals who have contacted the Court to inform them of the current status.(RG, ) (Entered: 08/03/2004)
08/03/2004		Set/Reset Hearings: Oral Argument/In–court Hearing set for 8/24/2004 09:00 AM before Hon. Marsha J. Pechman. (MD, ) (Entered: 08/04/2004)
08/10/2004	<u>78</u>	MEMORANDUM re <u>77</u> Telephone Conference,, <i>Re: Notice to Detained Class Members</i> by Petitioner Yusuf Ali Ali. (Gellert, Nicholas) (Entered: 08/10/2004)
08/10/2004	<u>79</u>	MEMORANDUM <i>Concerning the Court's Post–Appeal Authority and Proposed Notice to Class Members</i> by Respondents John D Ashcroft, Robert S Coleman Jr, Immigration and Naturalization Service US. (Attachments: # <u>1</u> Exhibit A – part 1# <u>2</u> Exhibit A – part 2# <u>3</u> Exhibit 2– Filed Under Seal)(Pickrell, Christopher) (Entered: 08/10/2004)
08/10/2004	<u>81</u>	DECLARATION of Kevin Magnuson re <u>78</u> Memorandum <i>re: Notice to Detained Class Members</i> by Petitioner Yusuf Ali Ali. (Attachments: # <u>1</u> Exhibit pages 7–16)(Gellert, Nicholas) (Entered: 08/10/2004)
08/10/2004	<u>82</u>	<b>SEALED DOCUMENT</b> <i>Declaration of Nicholas Gellert</i> by Petitioner Yusuf Ali Ali re <u>78</u> Memorandum. (Attachments/exhibits: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> )(Gellert, Nicholas) Modified text on 8/11/2004 (MD, ). (Entered: 08/10/2004)
08/10/2004	<u>83</u>	<b>SEALED DOCUMENT</b> Exhibit 2 by Respondents John D Ashcroft, Robert S Coleman Jr, Immigration and Naturalization Service US re <u>79</u> Memorandum. <i>Originally filed electronically by counsel on 8/10/2004 as Ex Parte/Sealed.</i> (AF, ) (Entered: 08/12/2004)
08/25/2004	<u>84</u>	MINUTE ENTRY for proceedings held before Judge Marsha J. Pechman – Dep Clerk: <i>Eileen Scollard</i> ; CR: <i>Joseph Roth</i> ; Pla Counsel: <i>Nicolas Gellert, et al</i> ; Def Counsel: <i>Greg Mack, et al</i> ; <b>In Court Hearing</b> held on 8/25/04. Discussion re Notice, order on website, receipt mechanism, etc. Court directs counsel to work with Law Clerk, Joseph Shaeffer. (ES) (Entered: 08/25/2004)
09/02/2004	<u>85</u>	REQUEST by Petitioner Yusuf Ali Ali for Entry of Order Regarding Notices re <u>84</u> In Court Hearing,. (Attachments: # <u>1</u> Proposed Order RE Notice of Classwide Injunction# <u>2</u> Exhibit to Proposed Order [pgs 5–19])(Gellert, Nicholas) (Entered: 09/02/2004)
09/02/2004	<u>86</u>	DECLARATION of Nicholas Gellert re <u>85</u> Request <i>for Entry of Order Re Notices</i> by Petitioner Yusuf Ali Ali. (Attachments: # <u>1</u> Exhibit to Declaration of Nicholas Gellert)(Gellert, Nicholas) (Entered: 09/02/2004)
09/08/2004	<u>87</u>	RESPONSE by Respondents John D Ashcroft, Immigration and Naturalization Service US re <u>85</u> Request <i>Respondents' Response to Petitioners' Request for Entry of Order Regarding Notices</i> . (Pickrell, Christopher) (Entered: 09/08/2004)
09/08/2004	<u>88</u>	NOTICE of Appearance (Dahl, Christine) (Entered: 09/08/2004)
09/08/2004	<u>89</u>	MOTION to Exclude <i>Petitioner Garad from Class (Unopposed)</i> by Petitioner Awad Garad. Noting Date 9/9/2004. (Attachments: # <u>1</u> Proposed Order)(Dahl, Christine) (Entered: 09/08/2004)
09/13/2004	<u>90</u>	<b>IMAGE RESTRICTED; Incorrect image attached; Document to be re–filed</b> ORDER for Notice to Class and those Excluded from the Class re <u>85</u> Request filed by Yusuf Ali Ali, <u>86</u> Declaration filed by Yusuf Ali Ali, <u>87</u> Response filed by Immigration and Naturalization Service US, John D Ashcroft by Judge Marsha J. Pechman. (Attachments: # <u>1</u> Certificate of Service # <u>2</u> Notice to those included in Class# <u>3</u> Notice to those Excluded from the class# <u>4</u> Public Summary of Class

		Action to be posted on the web)(RP, ) Modified access and docket text on 9/13/2004 (JEM, ). (Entered: 09/13/2004)
09/13/2004	<u>91</u>	CORRECTED ORDER re <u>85</u> Request filed by Yusuf Ali Ali, <u>86</u> Declaration filed by Yusuf Ali Ali, <u>87</u> Response filed by Immigration and Naturalization Service US, John D Ashcroft by Judge Marsha J. Pechman. (Attachments: # <u>1</u> Notice to Class Members# <u>2</u> Notice to Those Excluded# <u>3</u> Summary of the Class Action for the Public to be Posted on the Web# <u>4</u> Certificate of Service)(RP, ) (Entered: 09/13/2004)
09/13/2004		NOTICE of Docket Text Modification re <u>90</u> Order: IMAGE RESTRICTED; Incorrect image attached; Document to be re-filed. (JEM, ) (Entered: 09/13/2004)
09/21/2004	<u>92</u>	CERTIFICATE OF SERVICE by Petitioner Awad Garad re <u>91</u> Order, ( <i>Proof of Service of Notice to Class Members</i> ). (Dahl, Christine) (Entered: 09/21/2004)
09/27/2004		Set Motion Hearing re <u>89</u> MOTION to Exclude <i>Petitioner Garad from Class (Unopposed)</i> : Motion Hearing set for 9/30/04 at 9:00 a.m. before Hon. Marsha J. Pechman. (ES) (Entered: 09/27/2004)
09/30/2004	<u>93</u>	MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) by Petitioner Awad Garad. Noting Date 10/1/2004.Oral Argument Requested. (Dahl, Christine) (Entered: 09/30/2004)
09/30/2004	<u>94</u>	MINUTE ORDER <u>93</u> regarding MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) filed by Awad Garad by Judge Marsha J. Pechman. (RP, ) (Entered: 09/30/2004)
09/30/2004	<u>95</u>	EXHIBIT <i>in Support of Motion for Release from Indefinite Detention</i> by Petitioner Awad Garad. (Attachments: # <u>1</u> Exhibits 1# <u>2</u> Exhibits 2# <u>3</u> Exhibits 3)(Dahl, Christine) (Entered: 09/30/2004)
09/30/2004		Motion termed in error on 10/07/04 re <u>93</u> MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) NOTED on motion calendar; Noting Date 10/1/2004. (JEM, ) (Entered: 11/17/2004)
10/04/2004	<u>96</u>	MINUTE ORDER recording oral rulings at September 30, 2004 hearing. by Judge Marsha J. Pechman. (RP, ) (Entered: 10/04/2004)
10/04/2004	<u>97</u>	RESPONSE, by Respondents John D Ashcroft, Immigration and Naturalization Service US, to <u>93</u> MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) (Pickrell, Christopher) (Entered: 10/04/2004)
10/04/2004	<u>98</u>	PRAECIPE to attach document (Exhibits) <i>Garad Exhibit Package</i> re <u>97</u> Response to Motion by Respondents John D Ashcroft, Immigration and Naturalization Service US. (Pickrell, Christopher) (Entered: 10/04/2004)
10/06/2004	<u>99</u>	REPLY, filed by Petitioner Awad Garad, TO RESPONSE to <u>93</u> MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) (Attachments: # <u>1</u> Motion to Transfer Case to Western District of Washington)(Dahl, Christine) (Entered: 10/06/2004)
10/06/2004	100	MINUTE ENTRY for proceedings held before Judge Marsha J. Pechman – Dep Clerk: <i>Eileen Scollard</i> ; Pla Counsel: <i>Christine Dahl</i> ; Def Counsel: <i>Greg Mack</i> ; CR: <i>Laurene Kelly</i> ; Time of Hearing: <i>9:00 a.m.</i> ; <b>In Court Hearing</b> held on 9/30/04. Court directs defense counsel to investigate alleged issuance of Somali travel documents & report back with this information and the affidavit to be submitted by Michael Garcia, no later than 10/29/04. (ES) (Entered: 10/06/2004)
10/07/2004	105	MINUTE ENTRY for proceedings held before Judge Marsha J. Pechman by telephone conference call. Dep Clerk: <i>Eileen Scollard</i> ; Pla Counsel: <i>Christine Dahl</i> ; Def Counsel: <i>Greg Mack</i> ; CR: <i>Joseph Roth</i> ; <b>Motion Hearing</b> held on 10/7/2004 re <u>93</u> MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) filed by Awad Garad. Argument by counsel. Court directs Mr. Mack to advise her of status of transfer & to submit proposed restrictions if she were to release him. (ES) (Entered: 10/19/2004)

10/13/2004	<u>101</u>	MOTION for Leave to File <i>a Response to Awad Garad's Reply to Respondents' Opposition to Garad's Motion for Release</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 10/13/2004. (Attachments: # <u>1</u> Proposed Order Granting Respondents' Motion for Leave to File a Response)(Pickrell, Christopher) (Entered: 10/13/2004)
10/13/2004	<u>102</u>	RESPONSE by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr re <u>99</u> Reply by Awad Garad to Respondents' Opposition to Garad's Motion for Release from Custody. (Attachments: # <u>1</u> Exhibit A – Kovensky Declaration# <u>2</u> Exhibit B– Oregon Order)(Pickrell, Christopher) (Entered: 10/13/2004)
10/13/2004	<u>103</u>	MOTION for Extension of Time to File <i>Statement of Reasonable Release Conditions Concerning Awad Garad</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 10/13/2004. (Attachments: # <u>1</u> Proposed Order)(Pickrell, Christopher) (Entered: 10/13/2004)
10/14/2004	<u>104</u>	STATEMENT of Reasonable Release Conditions Regarding Awad Garad by Respondents John D Ashcroft, Immigration and Naturalization Service US. (Attachments: # <u>1</u> Exhibit 1 Custody Decision# <u>2</u> Exhibit 2 Form I-213)(Pickrell, Christopher) (Entered: 10/14/2004)
10/25/2004	<u>112</u>	TRANSCRIPT of proceedings filed for the following date(s): <del>9/20/04</del> 9/30/2004 Morning Session before Judge Marsha J. Pechman, Court Reporter: L. Kelly. (SA, ) Modified text to correct date on 11/9/2004 (AF, ). (Entered: 11/01/2004)
10/26/2004	<u>106</u>	Sealed Email Correspondence between Class Counsel and Counsel for the Government <b>SEALED DOCUMENT</b> . (Attachments: # <u>1</u> Supplement Email between parties# <u>2</u> Supplement Email between the parties# <u>3</u> Supplement Email between the parties# <u>4</u> Supplement Abdirahman bag and baggage notice)(RP, ) (Entered: 10/26/2004)
10/26/2004	<u>107</u>	MINUTE ORDER <u>106</u> noting email correspondence between parties, by Judge Marsha J. Pechman. (RP, ) (Entered: 10/26/2004)
10/28/2004	<u>108</u>	ERRATA RE: ATTACHMENTS TO CR 95 by Petitioner Awad Garad. (Attachments: # <u>1</u> Respondent's Exhibits 8/23/04 Hearing# <u>2</u> Transcript 8/23/04 hearing# <u>3</u> Transcript 9/14/04 hearing)(Dahl, Christine) (Entered: 10/28/2004)
10/28/2004	<u>109</u>	REPLY, filed by Petitioner Awad Garad, IN SUPPORT of <u>93</u> MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) (Dahl, Christine) (Entered: 10/28/2004)
10/29/2004	<u>110</u>	MOTION for Leave to File <i>Declaration of Leonard Kovensky, Deputy Assistant Director, United States Immigration and Customs Enforcement ("ICE")</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 10/29/2004. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Proposed Order)(Pickrell, Christopher) (Entered: 10/29/2004)
10/29/2004	<u>111</u>	REPORT <i>Respondent's Supplemental Report Submitting Conviction and Sentencing Records Regarding Awad Garad</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. (Attachments: # <u>1</u> Exhibit A)(Pickrell, Christopher) (Entered: 10/29/2004)
11/02/2004	<u>113</u>	AFFIDAVIT of Rod Saiki, Investigator, Federal Public Defender's Office filed by Petitioner Awad Garad re <u>93</u> MOTION for Writ ( <i>FOR RELEASE FROM INDEFINITE DETENTION</i> ) (Dahl, Christine) (Entered: 11/02/2004)
11/03/2004	<u>114</u>	NOTICE by Respondents John D Ashcroft, Immigration and Naturalization Service US <i>Respondents' Notice of Temporary Transfer of Awad Garad to Oregon for Hearing Before the United States District Court for the District of Oregon</i> (Pickrell, Christopher) Modified docket text on 11/3/2004 (JEM, ). (Entered: 11/03/2004)
11/03/2004		NOTICE of Docket Text Modification re <u>114</u> Notice by Respondents John D Ashcroft, Immigration and Naturalization Service US <i>Respondents' Notice of Temporary Transfer of Awad Garad to Oregon for Hearing Before the United</i>

		<i>States District Court for the District of Oregon</i> : Per filer's request, docket text was modified to correctly reflect USDC, District of Oregon. (JEM, ) (Entered: 11/03/2004)
11/04/2004	<u>115</u>	TRANSCRIPT of proceedings filed for the following date(s): 8/24/04 before Judge Marsha J Pechman, (re <u>73</u> Notice of Appeal) Court Reporter: J. Roth. (SA, ) (Entered: 11/05/2004)
11/15/2004	<u>116</u>	NOTICE by Respondents John D Ashcroft, Immigration and Naturalization Service US <i>Respondents' Second Notice of Supplemental Report Concerning Awad Garad's Arrest and Conviction Records</i> (Attachments: # <u>1</u> Exhibit A (FILED UNDER SEAL))(Pickrell, Christopher) Modified on 11/15/2004, PER PHONE CALL FROM COUNSEL, SEALED EXHIBIT A (KN, ). (Entered: 11/15/2004)
11/15/2004	<u>117</u>	RESPONSE by Respondents John D Ashcroft, Immigration and Naturalization Service US <i>Respondents' Response to Awad Garad's Reply to Proposed Conditions of Supervision</i> . (Pickrell, Christopher) (Entered: 11/15/2004)
11/15/2004		NOTICE of Docket Text Modification re <u>116</u> Notice-Other, : per phone call from counsel, sealed exhibit A (KN, ) (Entered: 11/15/2004)
11/15/2004	<u>118</u>	CERTIFICATE OF SERVICE by Respondents John D Ashcroft, Immigration and Naturalization Service US re <u>116</u> Notice-Other,. (Pickrell, Christopher) (Entered: 11/15/2004)
11/15/2004	<u>119</u>	NOTICE by Petitioner Awad Garad <i>of Proposed Residence</i> (Dahl, Christine) (Entered: 11/15/2004)
11/17/2004	<u>120</u>	ORDER granting Awad Garad's Motion for Release from Indefinite Detention (Dkt. No. 93) and imposing conditions of release by Judge Marsha J. Pechman.(RP, ) (Entered: 11/17/2004)
11/18/2004	<u>121</u>	MOTION for Reconsideration <i>of the Court's November 16, 2004 Order Granting Awad Garad</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 11/18/2004. (Attachments: # <u>1</u> Exhibits)(Pickrell, Christopher) (Entered: 11/18/2004)
11/19/2004	<u>122</u>	MINUTE ORDER <u>121</u> MOTION for Reconsideration <i>of the Court's November 16, 2004 Order Granting Awad Garad</i> filed by Immigration and Naturalization Service US,, Robert S Coleman, Jr, John D Ashcroft, Responsive Brief due by 11/23/2004. by Judge Marsha J. Pechman. (RP, ) (Entered: 11/19/2004)
11/19/2004	<u>123</u>	ORDER granting <u>110</u> Motion for Leave to File by Judge Marsha J. Pechman.(RP, ) (Entered: 11/19/2004)
11/19/2004	<u>124</u>	ORDER renewing <u>106 91</u> Order on Class Notice, Status Report due by 11/29/2004. by Judge Marsha J. Pechman. (RP, ) (Entered: 11/19/2004)
11/23/2004	<u>125</u>	RESPONSE, by Petitioner Awad Garad, to <u>121</u> MOTION for Reconsideration <i>of the Court's November 16, 2004 Order Granting Awad Garad</i> . (Attachments: # <u>1</u> Exhibit 4 --- Mack Email# <u>2</u> Exhibit 5 --- Miller Mohamud Memo# <u>3</u> Exhibit 6 --- ICE Unveils New Alternative to Detention# <u>4</u> Exhibit 7 --- ISAP Participant Handbook# <u>5</u> Exhibit 8 --- ISAP Exhibits# <u>6</u> Exhibit 9 --- Form Order of Supervision)(Dahl, Christine) (Entered: 11/23/2004)
11/24/2004	<u>126</u>	ORDER <u>121</u> DENYING Respondents' motion for a stay of release. by Judge Marsha J. Pechman.(RP, ) (Entered: 11/24/2004)
11/24/2004	<u>127</u>	<b>SEALED DOCUMENT</b> <i>Class Counsel's Report re Certificates of Service</i> by Petitioner Yusuf Ali Ali re <u>124</u> Order. (Attachments: # <u>1</u> pages 7-34)(Gellert, Nicholas) Modified on 11/26/2004; described attachment (AF, ). (Entered: 11/24/2004)
11/29/2004	<u>128</u>	<b>SEALED DOCUMENT</b> <i>Respondents' Late Notice Providing Certificates of Service in Respondents' Possession and Request to File One Day Out of Time</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. (Attachments: # <u>1</u> Exhibit A)(Pickrell, Christopher) (Entered: 11/29/2004)

01/14/2005	<u>129</u>	NOTICE OF APPEAL (05-35055) as to <u>120</u> Order on Motion Calendar by Respondent John D Ashcroft. (Pickrell, Christopher) Modified on 1/31/2005 (SA, ). (Entered: 01/14/2005)
01/14/2005		Appeal Fees NOT received: Government filed appeal, fee not required re <u>129</u> Notice of Appeal filed by John D Ashcroft, (SA) (Entered: 01/18/2005)
01/18/2005	<u>130</u>	APPEAL NOTIFICATION packet sent to US Court of Appeals re <u>129</u> Notice of Appeal (Attachments: # <u>1</u> Docket)(SA, ) (Entered: 01/18/2005)
01/27/2005	<u>131</u>	TIME SCHEDULE ORDER as to <u>129</u> Notice of Appeal filed by John D Ashcroft, : Appellant shall notify Appellee regarding transcripts by 1/24/05; Appellee to notify Appellant regarding any additional transcripts by 2/3/05; Transcript designation due by 2/14/05; Transcript by court reporter due by 3/16/05; Appellants opening brief due by 5/2/05; Appellees response brief due by 6/1/05; Appellants optional reply brief due within 14 days of service of the response brief. (SA, ) (Entered: 01/31/2005)
01/27/2005		USCA Case Number 05-35055 for <u>129</u> Notice of Appeal filed by John D Ashcroft,. (SA, ) (Entered: 01/31/2005)
04/20/2005	<u>132</u>	MEMORANDUM re <u>91</u> Order, <i>Re: Notice to class members</i> by Petitioner Yusuf Ali Ali. (Attachments: # <u>1</u> Exhibit proposed modification to notice)(Gellert, Nicholas) (Entered: 04/20/2005)
05/03/2005	<u>133</u>	ORDER by Judge Marsha J. Pechman. (Attachments: # <u>1</u> Updated Class Notice)(RP, ) (Entered: 05/03/2005)
07/14/2005	<u>134</u>	ORDER of USCA (05-35055) as to <u>129</u> Notice of Appeal filed by John D Ashcroft, Motion for summary reversal of this appeal is DENIED because the arguments raised are sufficiently substantial to warrant further argument. Opening brief due 8/15/05; answering brief due 9/14/05; optional reply due within 14 days after service of answering brief.(SA, ) (Entered: 07/19/2005)
08/18/2005	<u>135</u>	ORDER of USCA (05-35055) as to <u>129</u> Notice of Appeal filed by John D Ashcroft, The government's unopposed motion for extension of time to file opening brief is GRANTED. Opening brief due 9/22/05; answering brief due 10/24/05; optional reply brief due 14 days after service of answering brief. The government shall monitor the issuance of the certificate of record.(SA) (Entered: 08/23/2005)
10/03/2005	<u>136</u>	MANDATE of USCA (05-35055) as to <u>129</u> Notice of Appeal filed by John D Ashcroft, Appellant's unopposed motion for dismissal of this case is GRANTED. This case is DISMISSED. (SA) (Entered: 10/07/2005)
12/12/2005	<u>137</u>	MOTION to Amend <i>CLASS NOTICE</i> by Petitioners Yusuf Ali Ali, Mohamed Aweys, Awad Garad, Mohamed Hussein Hundiye, Gama Kalif Mohamud, Ahmad Noor Yusuf. Noting Date 12/30/2005. (Attachments: # <u>1</u> Proposed Order)(Gellert, Nicholas) (Entered: 12/12/2005)
12/12/2005	<u>138</u>	DECLARATION of NICHOLAS GELLERT filed by Petitioners Yusuf Ali Ali, Mohamed Aweys, Awad Garad, Mohamed Hussein Hundiye, Gama Kalif Mohamud, Ahmad Noor Yusuf re <u>137</u> MOTION to Amend <i>CLASS NOTICE</i> (Gellert, Nicholas) (Entered: 12/12/2005)
12/20/2005	<u>139</u>	NOTICE by Petitioner Yusuf Ali Ali that the following is RE-NOTED: <u>137</u> MOTION to Amend <i>CLASS NOTICE</i> Noting Date 1/6/2006. (Gellert, Nicholas) (Entered: 12/20/2005)
12/29/2005	<u>140</u>	MOTION for Extension of Time <i>Respondents' Motion to Re-Set Noting Date</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 1/9/2006. (Attachments: # <u>1</u> Proposed Order Order Granting Respondents' Motion to Re-Set Noting Date)(Pickrell, Christopher) (Entered: 12/29/2005)
01/03/2006	<u>141</u>	STATEMENT of Non-Opposition to Motion to Modify Noting Date re <u>140</u> MOTION for Extension of Time <i>Respondents' Motion to Re-Set Noting Date</i> by Petitioner Yusuf Ali Ali. (Gellert, Nicholas) (Entered: 01/03/2006)

01/04/2006	<u>142</u>	ORDER GRANTING RESPONDENTS' MOTION TO RE-NOTING <u>137</u> MOTION to Amend <i>CLASS NOTICE</i> ; RE-Noting Date 1/13/2006. by Judge Marsha J. Pechman. (MD, ) (Entered: 01/04/2006)
01/09/2006	<u>143</u>	RESPONSE, by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr, to <u>137</u> MOTION to Amend <i>CLASS NOTICE</i> . (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Pickrell, Christopher) (Entered: 01/09/2006)
01/12/2006	<u>144</u>	REPLY, filed by Petitioner Yusuf Ali Ali, TO RESPONSE to <u>137</u> MOTION to Amend <i>CLASS NOTICE</i> (Gellert, Nicholas) (Entered: 01/12/2006)
02/17/2006	<u>146</u>	APPLICATION by Petitioners Yusuf Ali Ali, Mohamed Aweys, Awad Garad, Mohamed Hussein Hundiye, Gama Kalif Mohamud, Ahmad Noor Yusuf AND ORDER admitting Michael A Ponzoli for Yusuf Ali Ali and Mohamed Aweys pro hac vice. Receipt # 320853. (MD, ) (Entered: 02/17/2006)
03/02/2006	<u>147</u>	NOTICE of Appearance (Ponzoli, Michael) (Entered: 03/02/2006)
03/02/2006	<u>148</u>	MOTION and Proposed Order of <i>Exclusion from Class</i> by Petitioner Khalif Mohamed Duale. Noting Date 3/17/2006. (Ponzoli, Michael) Modified/Added 'proposed order' on 3/3/2006 (ECS, ). (Entered: 03/02/2006)
03/02/2006	<u>149</u>	DECLARATION of Michael A. Ponzoli filed by Petitioner Khalif Mohamed Duale re <u>148</u> MOTION for Order of <i>Exclusion from Class</i> (Ponzoli, Michael) (Entered: 03/02/2006)
03/03/2006	<u>150</u>	CERTIFICATE OF SERVICE by Petitioner Khalif Mohamed Duale re <u>149</u> Declaration, <u>148</u> MOTION for Order of <i>Exclusion from Class</i> , <u>147</u> Notice of Appearance. (Ponzoli, Michael) (Entered: 03/03/2006)
03/09/2006	<u>151</u>	UNOPPOSED MOTION by Petitioner Omar Abdi Mohamed for an order excluding him from the class . (Attachments: # <u>1</u> Proposed Order to motion to exclude )(MD, ) (Entered: 03/10/2006)
03/13/2006	<u>152</u>	RESPONSE, by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr, to <u>148</u> MOTION for Order of <i>Exclusion from Class</i> . (Pickrell, Christopher) (Entered: 03/13/2006)
03/14/2006	<u>153</u>	ORDER granting <u>151</u> Petitioner Omar Abdi Mohamed's unopposed Motion exclude from class and protections of all relief granted to the class by Judge Marsha J. Pechman.(MD, ) (Entered: 03/15/2006)
03/17/2006	<u>154</u>	MANDATE of USCA (03-35096) as to <u>48</u> Notice of Appeal filed by Immigration and Naturalization Service US, Robert S Coleman, Jr, John D Ashcroft; it is ordered and adjudged by this Court, that the judgment of the said District Court in this cause be REMANDED. (LMK) (Entered: 03/21/2006)
03/27/2006	<u>155</u>	Joint Status Report due by 4/14/2006; by Judge Marsha J. Pechman. (RP, ) (Entered: 03/27/2006)
03/27/2006	<u>156</u>	ORDER granting <u>148</u> Petitioner Khalif Mohamed Duale's Motion to exclude from the class and protections of all relief granted to the class by Judge Marsha J. Pechman.(MD, ) (Entered: 03/27/2006)
04/07/2006	<u>157</u>	MOTION by Qasim A Bashir to opt out of the Ali injunction (motion not noted) . (MD, ) (Entered: 04/10/2006)
04/10/2006		Set/Reset Motion Noting Dates re <u>157</u> MOTION to opt out of the Ali injunction: Response by Government due by 4/17/2006; Replies by Plaintiffs due by 4/21/2006. (RP, ) (Entered: 04/10/2006)
04/14/2006	<u>158</u>	MINUTE ORDER re: <u>155</u> Joint Status Report Order Joint Status Report due by 4/21/2006; by Judge Marsha J. Pechman. (RP, ) (Entered: 04/14/2006)
04/14/2006	<u>159</u>	RESPONSE, by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr, to <u>157</u> MOTION to opt out of the Ali injunction. (Pickrell, Christopher) (Entered: 04/14/2006)

04/17/2006	<u>160</u>	ORDER of USCA (03-35620, 03-35791) as to <u>69</u> Notice of Appeal filed by John D Ashcroft,, <u>73</u> Notice of Appeal filed by John D Ashcroft; Reavley, Tashima, and Paez, Circuit Judges. The Panel will retain jurisdiction of this appeal. (LMK) (Entered: 04/17/2006)
04/21/2006	<u>161</u>	JOINT STATUS REPORT filed by all parties.. (Attachments: # <u>1</u> Final Notice# <u>2</u> Proposed Order)(Pickrell, Christopher) (Entered: 04/21/2006)
04/25/2006	<u>162</u>	ORDER granting <u>157</u> Motion to Opt Out of Class by Judge Marsha J. Pechman.(RP, ) Modified on 4/26/2006 – mailed copy of order to Qasim A Bashir on 4/26/06 (MD, ). (Entered: 04/25/2006)
04/27/2006	<u>163</u>	ORDER – The injunction entered on 1/17/03 is HEREBY VACATED. The nationwide class certified on 1/17/03 is HEREBY DECERTIFIED AS MOOT. The detention claims in the habeas petitions submitted by petitioners Yusuf Ali Ali, Mohamed Aweys and Mohamed Hussein Hundiye are HEREBY DISMISSED WITHOUT PREJUDICE. The Summary of Proceedings and Status of Case (The "Notice") currently posted to the Court's website and the subject of the Court's prior Orders regarding notice to detained class members is hereby modified as indicated in the attachment to this order (the "Final Notice"). The Notice currently posted to the Court's website shall be removed and replaced with the Final Notice. The Final Notice shall remain on the Court's website for the next 90 days. Counsel for Petitioners shall have the Final Notice promptly translated into Somali and shall promptly provide a copy of the translated Final Notice to the Court and counsel for Respondents and within 20 days of the receipt of the translated Final Notice as provided under paragraph 7 above, the Government shall serve both the English and Somali versions of the Final Notice on all persons with final orders of removal to Somalia currently in detention re <u>161</u> Joint Status Report by Judge Marsha J. Pechman. (MD, ) (Entered: 04/27/2006)
04/27/2006	<u>164</u>	MOTION Unopposed motion by petitioner Abdukadir Mohamed Gure for an order excluding him from the class w/proposed order and certificate of service. . (MD, ) (Entered: 04/27/2006)
05/01/2006	<u>165</u>	ORDER/FINAL NOTICE re <u>163</u> Order– Lifted the nationwide injunction and de-certified the class by Judge Marsha J. Pechman. (MD, ) (Entered: 05/01/2006)
05/03/2006	<u>166</u>	MINUTE ORDER re: Attorney list on Docket– correction made by Judge Marsha J. Pechman. (MD, ) (Entered: 05/03/2006)
09/28/2006		CLERK'S RECORD ON APPEAL transmitted to US Court of Appeals re <u>73</u> Notice of Appeal;(CCA Case#03-35791) CASE IS FULL ELECTRONIC. (LMK, ) Modified on 10/5/2006 to correct link to docket #73 Notice of Appeal (SA). (Entered: 09/28/2006)
12/04/2006	<u>167</u>	MINUTE ORDER: Joint Status Report due by 12/18/2006; signed by Docket Clerk M. Duett at the direction of Judge Marsha J. Pechman. (SC, ) (Entered: 12/04/2006)
12/18/2006	<u>168</u>	JOINT STATUS REPORT filed by all parties.. (Gellert, Nicholas) (Entered: 12/18/2006)
01/11/2007	<u>169</u>	MINUTE ORDER re: briefing on "prevailing party" issue: Opening Brief due by 1/19/2007. Responsive Brief due by 2/5/2007. Reply Brief due by 2/12/2007. Signed by Docket Clerk M. Duett at the direction of Judge Marsha J. Pechman. (SC, ) Modified on 1/17/2007 – mailed copy of order to Attorney Rolf Johnson (MD, ). (Entered: 01/11/2007)
01/19/2007	<u>170</u>	MOTION for Attorney Fees <i>on Remand for Determination of Prevailing Party Status with Respect to EAJA Award</i> by Petitioners Gama Kalif Mohamud, Ahmad Noor Yusuf. Noting Date 2/15/2007. (Attachments: # <u>1</u> Exhibit # <u>2</u> Proposed Order)(Gellert, Nicholas) (Entered: 01/19/2007)
01/19/2007	<u>171</u>	DECLARATION of Nicholas P. Gellert in Support of Petitioner's Motion on Remand for Determination of Prevailing Party Status with Respect to EAJA Award filed by Petitioners Gama Kalif Mohamud, Ahmad Noor Yusuf re <u>170</u> MOTION for Attorney Fees <i>on Remand for Determination of Prevailing Party Status with Respect to EAJA Award</i> (Gellert, Nicholas) (Entered: 01/19/2007)

01/26/2007	<u>172</u>	MANDATE of USCA (03-35620, 03-35791) as to <u>69</u> Notice of Appeal filed by John D Ashcroft; it is ordered and adjudged by this Court that the judgment of the said District Court is hereby VACATED AND REMANDED. (LMK, ) (Entered: 01/29/2007)
02/05/2007	<u>173</u>	RESPONSE, by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr, to <u>170</u> MOTION for Attorney Fees <i>on Remand for Determination of Prevailing Party Status with Respect to EAJA Award</i> . (Attachments: # <u>1</u> Exhibit A-C)(Pickrell, Christopher) (Entered: 02/05/2007)
02/05/2007	<u>174</u>	MOTION for Order <i>To Hold in Abeyance Petitioners' Motion for Attorney Fees</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 2/23/2007. (Attachments: # <u>1</u> Exhibit A)(Pickrell, Christopher) (Entered: 02/05/2007)
02/12/2007	<u>175</u>	REPLY, filed by Petitioner Awad Garad, TO RESPONSE to <u>170</u> MOTION for Attorney Fees <i>on Remand for Determination of Prevailing Party Status with Respect to EAJA Award</i> (Gellert, Nicholas) (Entered: 02/12/2007)
02/14/2007	<u>176</u>	MOTION for Leave to File Excess Pages <i>Respondents' Motion for Leave to File Over-Length E.A.J.A. Brief</i> by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Noting Date 2/14/2007. (Attachments: # <u>1</u> Proposed Order)(Pickrell, Christopher) (Entered: 02/14/2007)
03/06/2007	<u>177</u>	ORDER denying <u>174</u> Motion for Order to Hold in Abeyance; signed by Judge Marsha J. Pechman.(SC, ) (Entered: 03/06/2007)
03/30/2007	<u>178</u>	ORDER granting <u>170</u> Motion for Attorney Fees; granting <u>176</u> Motion for Leave to File Excess Pages. Signed by Judge Marsha J. Pechman.(SC, ) (Entered: 03/30/2007)
05/22/2007	<u>179</u>	NOTICE OF APPEAL (07-35422) as to <u>178</u> Order on Motion for Attorney Fees, Order on Motion for Leave to File Excess Pages by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. (Pickrell, Christopher) Modified on 5/29/2007; added CCA case number (LMK, ). (Entered: 05/22/2007)
05/22/2007		Appeal Fees NOT received: FEE NOT REQUIRED re <u>179</u> Notice of Appeal filed by Immigration and Naturalization Service US, John D Ashcroft, Robert S Coleman, Jr (SA, ) (Entered: 05/24/2007)
05/24/2007	<u>180</u>	APPEAL NOTIFICATION packet sent to US Court of Appeals re <u>179</u> Notice of Appeal (Attachments: # <u>1</u> Docket)(SA, ) (Entered: 05/24/2007)
05/25/2007	<u>181</u>	TIME SCHEDULE ORDER (07-35422) as to <u>179</u> Notice of Appeal filed by Immigration and Naturalization Service US, John D Ashcroft, Robert S Coleman, Jr : Appellant shall notify Appellee regarding transcripts by 06/01/07; Appellee to notify Appellant regarding any additional transcripts by 06/11/07; Transcript designation due by 06/21/07; Transcript by court reporter due by 07/23/07; Appellants opening brief due by 09/07/07; Appellees response brief due by 10/09/07; Appellants optional reply brief due within 14 days of service of the response brief. (LMK, ) (Entered: 05/29/2007)
06/18/2007	<u>182</u>	NOTICE of Intent Not to Designate or Order Transcripts for Appeal in CA9 # 07-35422 ; filed by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. (Pickrell, Christopher) (Entered: 06/18/2007)
09/13/2007	<u>183</u>	ORDER of USCA (07-35422) as to <u>179</u> Notice of Appeal, filed by Immigration and Naturalization Service US, John D Ashcroft, Robert S Coleman, Jr; Respondent's motion for extension of time to file opening brief is GRANTED. Opening brief due 10/12/07; answering brief due 11/15/07; optional reply brief due 14 days after service of answering brief. (SA, ) (Entered: 09/14/2007)
05/16/2008	<u>184</u>	NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL on behalf of Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. Rebecca Shapiro Cohen is substituted as counsel for Respondents. Attorney Christopher Lee Pickrell terminated. (Cohen, Rebecca) (Entered: 05/16/2008)



07/01/2008	<u>185</u>	MANDATE of USCA (07-35422) as to <u>179</u> Notice of Appeal, filed by Immigration and Naturalization Service US, John D Ashcroft, Robert S Coleman, Jr, The judgment of this Court, entered 5/9/08, takes effect this date. VACATED; REMANDED. (SA) (Entered: 07/01/2008)
09/19/2008	<u>186</u>	ORDER rescinding sanction previously imposed on US Attorneys Office; signed by Judge Marsha J. Pechman. (SC) (Entered: 09/19/2008)
09/30/2008	<u>187</u>	MOTION for return of funds by Respondents John D Ashcroft, Immigration and Naturalization Service US, Robert S Coleman, Jr. (Attachments: # <u>1</u> Proposed Order) Noting Date 10/17/2008 (Cohen, Rebecca) (Entered: 09/30/2008)
10/21/2008	<u>188</u>	ORDER OF DISTRIBUTION of Funds re: <u>187</u> MOTION for return of funds filed by Immigration and Naturalization Service US, John D Ashcroft, Robert S Coleman, Jr. by Judge Marsha J. Pechman. (MD, copy to Fin'l Dept) (Entered: 10/22/2008)
10/31/2008	<u>189</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Rolf Brye Johnson (Johnson, Rolf) (Entered: 10/31/2008)