

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:00-cv-00434-FB**

Aparicio, et al v. Blakeway, et al
Assigned to: Honorable Fred Biery
Demand: \$0
Case in other court: 00-51133
Fifth circuit, :00- -51133
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/14/2000
Date Terminated: 08/31/2000
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Javier Aparicio
*Individually and on behalf of all persons
similarly situated*

represented by **Barbara Hines**
The University of Texas Law School
Immigration Clinic
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Plaintiff

Judith Rangel

*Individually and on behalf of others
similarly situated*

represented by **Barbara Hines**

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Carmen Ilene Garcia

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Mary A. Kenney

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Richard S. Fischer

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Plaintiff

Eliseo Realzola

*Individually and on behalf of others
similarly situated*

represented by **Barbara Hines**

(See above for address)
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Carmen Ilene Garcia

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Mary A. Kenney

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Richard S. Fischer

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V.

Defendant

Wiley Blakeway
In his official capacity

represented by **John F. Paniszczyn**
 U.S. Attorney's Office
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LEAD ATTORNEY
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Nelda C. Reyna
 Office of Immigration Litigation
 U.S. Department of Justice, Civil Div.
 P.O. Box 878, Ben Franklin Station
 Washington, DC 20044
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Director Kenneth G. Pasquarell
*in his official capacity as District Director
 of the Immigration and Naturalization
 Service for the San Antonio Division*

represented by **John F. Paniszczyn**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nelda C. Reyna
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Immigration and Naturalization Service

represented by **John F. Paniszczyn**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nelda C. Reyna
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 04/14/2000 | | Case assigned to Honorable Fred Biery (sj) (Entered: 04/17/2000) |
| 04/14/2000 | 1 | Complaint filed. Filing Fee: \$ 150.00 Receipt # 162555 (Pages: 18) (sj) (Entered: 04/17/2000) |

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| 04/14/2000 | | Summons issued for Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. (United States Attorney-Bill Blagg and United States Attorney General-Janet Reno) (sj) (Entered: 04/17/2000) |
| 04/14/2000 | 2 | Motion by Javier Aparicio for preliminary injunction (sj) (Entered: 04/17/2000) |
| 04/14/2000 | 3 | Memorandum by Javier Aparicio in support of motion for preliminary injunction [2-1] (sj) (Entered: 04/17/2000) |
| 04/26/2000 | 4 | Motion by Javier Aparicio with memorandum in support for class certification (fe) (Entered: 04/27/2000) |
| 05/10/2000 | 5 | Notice of attorney appearance for Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. by John F. Paniszczyn, Nelda C. Reyna (rg) (Entered: 05/11/2000) |
| 05/10/2000 | 5 | Motion by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. request that court and plaintiff serve two attorneys for the defendants , and to extend time to respond to plaintiff's motion for preliminary injunction pending appeal (rg) (Entered: 05/11/2000) |
| 05/19/2000 | 6 | Order granting motion request that court and plaintiff serve two attorneys for the defendants [5-1], granting motion to extend time to respond to plaintiff's motion for preliminary injunction pending appeal [5-2] (rg) (Entered: 05/22/2000) |
| 05/25/2000 | 7 | Motion by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. for protective order , and/or to quash the deposition of Wiley Blakeway (fe) (Entered: 05/26/2000) |
| 05/31/2000 | 8 | Response by Javier Aparicio motion for protective order [7-1], motion to quash the deposition of Wiley Blakeway [7-2] (rg) (Entered: 06/01/2000) |
| 06/02/2000 | 9 | Order granting motion for protective order [7-1], granting motion to quash the deposition of Wiley Blakeway [7-2] (rg) (Entered: 06/05/2000) |
| 06/02/2000 | 10 | Reply by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. to response to motion for protective order [7-1], motion to quash the deposition of Wiley Blakeway [7-2] (rg) (Entered: 06/05/2000) |
| 06/05/2000 | 11 | First Amended complaint by Javier Aparicio, Judith Rangel, Eliseo Realzola, amending complaint [1-1]) (rg) (Entered: 06/06/2000) |
| 06/06/2000 | 12 | Motion by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. to dismiss plaintiffs' amended complaint (rg) (Entered: 06/07/2000) |
| 06/06/2000 | 12 | Response by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. in opposition to motion for preliminary injunction [2-1] (rg) (Entered: 06/07/2000) |
| 06/13/2000 | 13 | Recommendations for scheduling order by Javier Aparicio, Judith Rangel, Eliseo Realzola (rg) (Entered: 06/14/2000) |
| 06/15/2000 | 14 | Unopposed Motion by Javier Aparicio, Judith Rangel, Eliseo Realzola to extend time to respond to the defendant's motion to dismiss (rg) (Entered: 06/16/2000) |
| 06/15/2000 | 14 | Response by Javier Aparicio, Judith Rangel, Eliseo Realzola in opposition to motion for preliminary injunction [2-1] (rg) (Entered: 06/16/2000) |
| 06/15/2000 | 15 | Notice of filing notice to the court of proof of service of complaint by Javier Aparicio, Judith Rangel, Eliseo Realzola (rg) (Entered: 06/16/2000) |

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| 06/15/2000 | 16 | Return of service executed as to I.N.S. on 4/18/00 by serving James William Blagg, U.S. Attorney; certified mail (rg) (Entered: 06/16/2000) |
| 06/15/2000 | 17 | Return of service executed as to I.N.S. on 4/19/00 by serving the Attorney General Janet Reno, using certified mail (rg) (Entered: 06/16/2000) |
| 06/15/2000 | 18 | Return of service executed as to I.N.S. on 4/20/00 by using certified mail (rg) (Entered: 06/16/2000) |
| 06/15/2000 | 19 | Return of service executed as to Kenneth G. Pasquarell on 4/19/00 by using certified mail (rg) (Entered: 06/16/2000) |
| 06/15/2000 | 20 | Return of service executed as to Wiley Blakeway on 4/19/00 by using certified mail (rg) (Entered: 06/16/2000) |
| 06/20/2000 | 21 | Order granting motion to extend time to respond to the defendant's motion to dismiss on or before 6/27/00 [14-1] (rg) (Entered: 06/21/2000) |
| 06/27/2000 | 22 | Motion by Javier Aparicio, Judith Rangel, Eliseo Realzola to strike paragraphs 18 and 21 of defendants' exhibit 1 (rg) (Entered: 06/28/2000) |
| 06/27/2000 | 23 | Motion by Javier Aparicio, Judith Rangel, Eliseo Realzola for leave to file a response brief in excess of 10 pages (rg) (Entered: 06/28/2000) |
| 07/21/2000 | 24 | Reply by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. to response to motion to dismiss plaintiffs' amended complaint [12-1] (rg) (Entered: 07/24/2000) |
| 07/26/2000 | 25 | Response by Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. motion to strike paragraphs 18 and 21 of defendants' exhibit 1 [22-1] (kc) (Entered: 07/27/2000) |
| 08/02/2000 | 26 | Unopposed Motion by Javier Aparicio, Judith Rangel, Eliseo Realzola for leave to file a reply to defendant's response to plaintiff's motion to strike paragraphs 18 and 21 of defendant's exhibit 1 (rg) (Entered: 08/03/2000) |
| 08/04/2000 | 27 | Order granting plaintiff's motion for leave to file a reply to defendant's response to plaintiff's motion to strike paragraphs 18 and 21 of defendant's exhibit 1 [26-1] (rg) (Entered: 08/07/2000) |
| 08/07/2000 | 28 | Motion by Javier Aparicio, Judith Rangel, Eliseo Realzola for leave to file a surreply to defendants' motion to dismiss (rg) (Entered: 08/08/2000) |
| 08/07/2000 | | Received plaintiff's surreply to defendants' motion to dismiss (rg) (Entered: 08/08/2000) |
| 08/08/2000 | 29 | Reply by Javier Aparicio, Judith Rangel, Eliseo Realzola to response to motion to strike paragraphs 18 and 21 of defendants' exhibit 1 [22-1] (rg) (Entered: 08/09/2000) |
| 08/24/2000 | 30 | Order granting motion for leave to file a response brief in excess of 10 pages [23-1] (rg) (Entered: 08/25/2000) |
| 08/24/2000 | 31 | Order granting motion for leave to file a surreply to defendants' motion to dismiss [28-1] (rg) (Entered: 08/25/2000) |
| 08/24/2000 | 32 | Surreply by Javier Aparicio, Judith Rangel, Eliseo Realzola motion to dismiss plaintiffs' amended complaint [12-1] (rg) (Entered: 08/25/2000) |

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| 08/24/2000 | 37 | Response by Javier Aparicio, Judith Rangel, Eliseo Realzola motion to dismiss plaintiffs' amended complaint [12-1] (lp) (Entered: 11/09/2000) |
| 08/31/2000 | 33 | Order dismissing as moot motion to strike paragraphs 18 and 21 of defendants' exhibit 1 [22-1], granting motion to dismiss plaintiffs' amended complaint [12-1], denying motion for class certification [4-1], denying motion for preliminary injunction [2-1] (rg) (Entered: 09/01/2000) |
| 08/31/2000 | 34 | JUDGMENT for Wiley Blakeway, Kenneth G. Pasquarell, I.N.S. against Javier Aparicio, Judith Rangel, Eliseo Realzola Defendant's motion to dismiss is GRANTED and this cause is DISMISSED. (Pages: 1) (rg) (Entered: 09/01/2000) |
| 08/31/2000 | | Case closed (rg) (Entered: 09/01/2000) |
| 08/31/2000 | 35 | Opposed Motion by Javier Aparicio, Judith Rangel, Eliseo Realzola for leave to file second amended complaint (rg) (Entered: 09/01/2000) |
| 08/31/2000 | | Mooted motion for leave to file second amended complaint [35-1] (rg) (Entered: 10/16/2000) |
| 10/27/2000 | 36 | Notice of appeal by Javier Aparicio, Judith Rangel, Eliseo Realzola (lp) (Entered: 10/30/2000) |
| 10/30/2000 | | USCA appeal fees paid for appeal [36-1] : Appeal Fee: \$ 105.00 Receipt # 165804 (lp) (Entered: 10/30/2000) |
| 10/30/2000 | | Notice of appeal and certified copy of docket to USCA: appeal [36-1] (lp) (Entered: 10/30/2000) |
| 11/09/2000 | | Certified and transmitted record on appeal to U.S. Court of Appeals: appeal [36-1] (lp) (Entered: 11/09/2000) |
| 11/13/2000 | | Return of appeal information sheet received. appeal [36-1] USCA NUMBER: 00-51133 (lp) (Entered: 11/13/2000) |
| 10/15/2002 | 38 | Certified copy of judgment of USCA affirming appeal [36-1] (lp) (Entered: 10/15/2002) |
| 10/28/2002 | | Record on appeal returned from U.S. Court of Appeal : appeal [36-1] (lp) (Entered: 10/28/2002) |

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