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U.S. District Court Eastern District of New York (Brooklyn) CIVIL DOCKET FOR CASE #: 1:93-cv-05523-CPS

Wang, et al v. Reno, et al Date Filed: 12/07/1993

Assigned to: Senior-Judge Charles P. Sifton

Demand: \$0

Date Terminated: 03/25/1997

Jury Demand: Plaintiff

Case in other court: 94-02636 Nature of Suit: 890 Other Statutory

Cause: 8:1105(a) Aliens: Habeas Corpus to Release INS Det Actions

Jurisdiction: U.S. Government

Defendant

Plaintiff

Liu Di Wang represented by Bruno Joseph Bembi

TERMINATED: 09/08/1994 62 Nichols Court

Suite 202 Hempstead, Ny

Hempstead, NY 11550

516-483-7372 Fax: 516-483-4416

Email: brunobembi@hotmail.com

TERMINATED: 09/08/1994

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Shi Yong Lin represented by Bruno Joseph Bembi

TERMINATED: 09/08/1994 (See above for address)

TERMINATED: 09/08/1994

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

You Chun Chen represented by Bruno Joseph Bembi

TERMINATED: 09/08/1994 (See above for address)
TERMINATED: 09/08/1994

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Sheng Mei Liu represented by Bruno Joseph Bembi

TERMINATED: 09/08/1994 (See above for address)
TERMINATED: 09/08/1994

LEAD ATTORNEY

Fu Xing Lian

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Rong Xu

TERMINATED: 09/08/1994

also known as Rong Hsu represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Shan Yuan Li

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Feng Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Fu Guan Cai

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Rui Shu Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address)

TERMINATED: 09/08/1994

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Yu Lan Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

Li Gui Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Plaintiff

Zhuo Qin Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Plaintiff

Xue Ling Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Zhen Zhong Li

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Yu Mei Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Yong Guan Zhang

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Plaintiff

Hok Tun Tung

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

Bi Chan Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Hong Yang

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Plaintiff

Xu Chu Wang

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Kwow Show Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Plaintiff

Zhong Liu

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Plaintiff

Lin Yang

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Zi Huan Pan

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

Zeng Guan Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

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Xue Lin Zheng

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

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Plaintiff

Jian Tai Zhuo

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) TERMINATED: 09/08/1994

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Yun Guan Huang

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

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(See above for address) TERMINATED: 09/08/1994

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Shang Jiao Lu

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) TERMINATED: 09/08/1994

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Plaintiff

Yen Phing Chen

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) TERMINATED: 09/08/1994

LEAD ATTORNEY

Wen Xin Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Yu Yun Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Ze Xi Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Ai Xue Chen

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Su San Lee

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Yi Rong Li

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Zhi Zheng Gao

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Chang Hua Jiang

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(See above for address) *TERMINATED: 09/08/1994*

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Li Hui Cao

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Jian Guan Lin

TERMINATED: 09/08/1994

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Jin Shui Qiu

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Jing Qu Dong

TERMINATED: 09/08/1994

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(See above for address) *TERMINATED: 09/08/1994*

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(See above for address) *TERMINATED: 09/08/1994*

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TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Rui Zhong Wang

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) *TERMINATED: 09/08/1994*

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Rui Kai Wang

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) *TERMINATED: 09/08/1994*

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Chun Chan Wu

TERMINATED: 09/08/1994

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(See above for address) *TERMINATED: 09/08/1994*

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(See above for address) *TERMINATED: 09/08/1994*

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Tian Qun Wu

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Guang Ming Lin

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(See above for address) *TERMINATED: 09/08/1994*

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Zhen Song Xie

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represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Gui Bo Lin

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(See above for address) TERMINATED: 09/08/1994

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(See above for address) TERMINATED: 09/08/1994

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(See above for address) TERMINATED: 09/08/1994

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Bao Yu Li

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Ai Yue Ou

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represented by **Bruno Joseph Bembi**

(See above for address) TERMINATED: 09/08/1994

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Qin Lin

TERMINATED: 09/08/1994

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(See above for address) TERMINATED: 09/08/1994

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Xian Guang Yang

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Qiang Lin

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represented by **Bruno Joseph Bembi**

(See above for address)

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Jian Wei Wu

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

Da Sheng Zheng

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Wan Zhong He

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Jian Long Lin

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Chun Lin Qu

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(See above for address) *TERMINATED: 09/08/1994*

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TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

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Jian Tong Lin

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) *TERMINATED: 09/08/1994*

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Guo Ping Ye

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address) *TERMINATED: 09/08/1994*

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Ming Guang Liu

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(See above for address) *TERMINATED: 09/08/1994*

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(See above for address) *TERMINATED: 09/08/1994*

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Yun Fei Chen

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(See above for address) TERMINATED: 09/08/1994

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represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

LEAD ATTORNEY

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Zhang Kai Yu

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Yan Dan Sun

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

LEAD ATTORNEY

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Plaintiff

Xiu Oin Chen

represented by Bruno Joseph Bembi

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Yau Gwong Liu

TERMINATED: 09/08/1994

also known as You Guang Liu

represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

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Hua Oing Li

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) TERMINATED: 09/08/1994

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Plaintiff

Yu Mei Lin

TERMINATED: 09/08/1994

represented by **Bruno Joseph Bembi**

(See above for address)
TERMINATED: 09/08/1994

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Xue Qing Zhao

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

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Plaintiff

Cheng Xiao Dai

TERMINATED: 09/08/1994

represented by Bruno Joseph Bembi

(See above for address) *TERMINATED: 09/08/1994*

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Janet Reno

in her capacity as Attorney General of the United States, and Immigration and Naturalization Service, an agency of the Department of Justice represented by Scott Dunn

United States Attorneys Office

Civil Division One Pierrepont Plaza

11th Floor

Brooklyn, NY 11201 (718) 254-6029 Fax: 718-254-6081

Email: Scott.Dunn@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Doris Meisner

in her capacity as Commissioner of the Immigration and Naturalization Service represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

David L. Mihollan

in his official capacity as Director of the Executive Office for Immigration Review and Chairman of the Board of Immigration Appeals represented by Scott Dunn

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Defendant

H. Jere Armstrong

in his official capacity as Chief Immigration Judge of the Executive office for Immigration Review

Defendant

Paul Virtue

in his capacity as Acting General Counsel of the US INS

Defendant

J. Scott Blackman

in his capacity as District Director of the US INS District Four, In Philadelphia

Defendant

John B.Z. Kaplinger

in his capacity as District Director of the US INS District Twenty-eight in New Orleans

Defendant

Michael Treminsky

in his capacity as US INS Southern Regional Counsel

Defendant

William S. Slattery

in his official capacity as District Director of the Immigration and Naturalization Service for District Three in New York

Defendant

William J. Carroll

in his official capacity as District Director of District Twenty-Five in Washington D.C.

Defendant

Carol Chasse

in his official capacity as District Director of District Five, in Baltimore

represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

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LEAD ATTORNEY

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represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Jack Penca

in his official capacity as Regional Counsel of the Eastern Regional Office represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Clifton Rogers

in his official capacity as Acting District Director of District Sixteen in Los Angeles represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

William Odencrantz

as US INS Regional Counsel in the Western Regional Office represented by Scott Dunn

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
12/07/1993	1	COMPLAINT filed and no summons(es) issued for Janet Reno, Doris Meisner, David L. Mihollan, H. Jere Armstrong, Paul Virtue, J. Scott Blackman, John B.Z. Kaplinger, Michael Treminsky, William S. Slatter William J. Carroll, Carol Chasse, Jack Penca, Clifton Rogers, William Odencrantz FILING FEE \$ 120.00 RECEIPT # 157669 (Greene, Donna Modified on 12/07/1993 (Entered: 12/07/1993)	
12/07/1993		Magistrate Ross has been selected by random selection to handle any matters that may be referred in this case. (Greene, Donna) (Entered: 12/07/1993)	
12/20/1993	2	ORDER, dated 12/16/93, signed by Judge Charles P. Sifton. "The return date of the writ is adjourned to a date to be fixed at a status conference to be held at the time and place originally fixed for the return and petitione is directed to show cause at that conference why the writ should not be vacated as imprudently granted. So ordered on letter from AUSA Scott Dunn to Judge Sifton dated 12/15/93. (Conte, Daniela) Modified on 01/24/1994 (Entered: 12/20/1993)	
12/20/1993	5	Letter dated 12/20/93 from Bruno Bembi to Judge Sifton, written to explain the reasons why he believes it is appropriate for the Court to continue with the writ of habeas corpus for the above case. w/attachments. (Dobkin, David) (Entered: 12/27/1993)	
12/21/1993	3	Calendar entry: before Judge Sifton on 12/21/93 at 10:00. All parties present. Status conference held. Response to motion due by the government on 2/22/94; any reply is to be filed by 3/4/94; motion to be argued on 3/9/94 at 4:30PM . The motion for class certification will follow the same schedule. (Conte, Daniela) (Entered: 12/23/1993)	
12/27/1993	4	Letter dated 12/15/93 from AUSA Scott Dunn to Judge Sifton, in response to the Writ of Habeas Corpus, stating that the writ should be	

		vacated and petitioner's request for a writ releasing him from confinement be dismissed. (Dobkin, David) (Entered: 12/27/1993)	
01/21/1994		Writ of (Vaughn, Terry) (Entered: 05/31/1994)	
01/21/1994	25	Class Action Writ of Habeas Corpus. (Unsigned by the Court. Rec'd. by the Court 1/24/94.) (Vaughn, Terry) (Entered: 05/31/1994)	
01/24/1994	6	MOTION by counsel for plaintiffs, dated 1/21/94, to supplement pleadings; for class-wide writ of habeas corpus; to add parties . Motion hearing date not set . Exhibits in support attached. (Conte, Daniela) Modified on 01/24/1994 (Entered: 01/24/1994)	
01/24/1994	7	MEMORANDUM by counsel for plaintiffs, dated 1/21/94, in support of their [6-1] motion to supplement pleadings; for class-wide writ of habea corpus; to add parties. (Conte, Daniela) (Entered: 01/24/1994)	
01/24/1994	8	MEMORANDUM by counsel for plaintiffs, dated 1/21/94, "on likeliho of success on the merits in support of habeas corpus petitioners subclass (Conte, Daniela) (Entered: 01/24/1994)	
01/25/1994	9	RETURN OF SERVICE executed as to Janet Reno on 12/8/93. Answe due on 4/8/94. (Conte, Daniela) (Entered: 01/25/1994)	
01/25/1994		RETURN OF SERVICE executed as to Doris Meisner, David L. Mihollan, H. Jere Armstrong, Paul Virtue, J. Scott Blackman, John B. Kaplinger, Michael Treminsky, William S. Slattery on 12/14/93. Answ due on 1/3/94. (Attached to document number 9.) (Conte, Daniela) (Entered: 01/25/1994)	
01/25/1994		RETURN OF SERVICE executed as to William J. Carroll, Carol Chasse, Jack Penca, Clifton Rogers, William Odencrantz on 12/13/93. Answer due on 1/2/94. (Attached to document number 9.) (Conte, Daniela) (Entered: 01/25/1994)	
02/07/1994	10	MOTION by counsel for plaintiffs' for an order granting preliminary injunction . Motion hearing set for 4:30 on 2/21/94 [10-1] motion . Proposed order and Memoeandum in Support attached. (Conte, Daniela) (Entered: 02/07/1994)	
02/07/1994	11	DOCUMENTS in support of plaintiffs' [10-1] motion for an order granting preliminary injunction. (Conte, Daniela) (Entered: 02/07/1994)	
02/08/1994	12	CERTIFICATE OF SERVICE of the writ of habeas corpus on the US Attorney and District Director William Slattery on 12/15/93. (Conte, Daniela) (Entered: 02/08/1994)	
02/15/1994	26	Letter dated Feb. 15, 1994, from Scott Dunn, Asst. U.S. Atty., to Judge Sifton, requesting that defts. be provided until 3/8/94 to respond to the complaint and the numerous motions filed by pltfs. (Vaughn, Terry) (Entered: 05/31/1994)	
02/15/1994		**Added for Janet Reno, Doris Meisner, David L. Mihollan, H. Jere Armstrong, Paul Virtue, J. Scott Blackman, John B.Z. Kaplinger,	

		Michael Treminsky, William S. Slattery, William J. Carroll, Carol Chasse, Jack Penca, Clifton Rogers, William Odencrantz attorney Scott Dunn (Vaughn, Terry) (Entered: 05/31/1994)	
02/16/1994	27	Letter undated from Bruno Bembi to Judge Sifton, to inform the Court that pltf. have no objection to the U.S. Atty.'s request for ext. of time to respond to the complaint and motions. (Vaughn, Terry) (Entered: 05/31/1994)	
02/18/1994	13	ORDER TO SHOW CAUSE: Show Cause Hearing set for 9:30 on 2/22/94 (signed by Judge Charles P. Sifton). The parties are to show cause why the relief requested in dft's 2/15/94 letter should not be granted. c/m (Conte, Daniela) (Entered: 02/18/1994)	
02/22/1994	14	Letter from AUSA Scott Dunn to Judge Sifton dated 2/18/94, Re: in further support of the request for an extension of time to file a response the motion for preliminary injunction. (Conte, Daniela) (Entered: 02/22/1994)	
02/22/1994	15	Calendar entry: before Judge Sifton on 2/22/94 at 9:30. Counsel for all parties present. Dft's application to reset the motion hearing for 3/23/94 for the [10-1] motion for an order granting preliminary injunction is granted. The gov't is to notify pltff's counsel at least 2 weeks in advance of the deposition of any named pltff. (Conte, Daniela) (Entered: 02/24/1994)	
03/08/1994	16	MEMORANDUM of law by Janet Reno, Doris Meisner, David L. Mihollan, H. Jere Armstrong, Paul Virtue, J. Scott Blackman, John Kaplinger, Michael Treminsky, William S. Slattery, William J. Carroll, Carol Chasse, Jack Penca, Clifton Rogers, William Odencrantz in support of deft's motion to dismiss and in opposition to plaintiffs' motions for a preliminary injunction and class certification and to supplement the pleadings and add parties. (Dobkin, David) (Entered: 03/09/1994)	
03/16/1994	17	ORDER, dated 3/11/94 Response to motion set to 3/28/94 to motion to dismiss (signed by Judge Charles P. Sifton) (endorsed on letter dated 3/10/94 from Bruno Bembi to Judge Sifton). (Dobkin, David) (Entered: 03/16/1994)	
03/28/1994	18	MEMORANDUM by counsel for plaintiffs, dated 3/28/94, in opposition to defendants' motion to dismiss and in response to defendants' brief. Supporting documents attached. (Conte, Daniela) (Entered: 03/28/1994)	
04/12/1994	19	Letter from Bruno Bembi to Judge Sifton dated 4/4/94, Re: requesting to include additional Chinese aliens as part of the proposed class. (Conte, Daniela) (Entered: 04/12/1994)	
04/14/1994	20	REPLY MEMORANDUM OF LAW by AUSA Scott Dunn, dated 4/13/94, in further support of defendants' motion to dismiss and in opposition to plaintiffs' motions for a preliminary injunction and class certification and to supplement the pleadings and add parties. (Conte, Daniela) (Entered: 04/14/1994)	

04/14/1994	21	Copy of the Record of Proceedings maintained in the Executive Office for Immigration Review, forwarded by Thomas Bonita III on 4/7/94. (Conte, Daniela) (Entered: 04/14/1994)	
04/25/1994	29	Letter dated April 25, 1994, from Mr. Bembi to Judge Sifton, with attachment, Exhibit 1, which is a list of 21 additional pltfs. who reside i the E.D. of New York and who have immigration court cases pending. (Vaughn, Terry) (Entered: 05/31/1994)	
05/09/1994	23	Calendar entry: Before Judge Sifton on 5/9/94 at 9:30. Counsel for all sides present. Reporter Gene Rudolph. Plaintiffs' motion for a tempora restraining order is denied. Plaintiff's motion for a preliminary injuncti is scheduled for 5/13/94 at 2:00. The Govt is to serve and file its respo by 5/11/94. Any reply is to be served and filed by 5/12/94. (fe) Modifi on 05/16/1994 (Entered: 05/16/1994)	
05/10/1994	22	RESPONSE by counsel for defendants in opposition to plaintiff's moti for an order granting preliminary injunction and the release of plaintiff Yu Lin. Response submitted in the form of a letter from AUSA Scott Dunn to Judge Sifton dated 5/8/94. Enclosures. (Conte, Daniela) (Entered: 05/10/1994)	
05/11/1994	30	MEMORANDUM in opposition to Pltfs.' motion for a temporary restraining order and to compel release of Pltf. Yu Lin. (Vaughn, Terr (Entered: 05/31/1994)	
05/12/1994	31	Brief in support of release of Lin, Yu. (Vaughn, Terry) (Entered: 05/31/1994)	
05/12/1994	32	MEMORANDUM in support of motion for temporary restraining order filed by Bruno Bembi. (Vaughn, Terry) (Entered: 05/31/1994)	
05/12/1994	33	Motion to add parties to the pleadings filed by Mr. Bembi. (Vaughn, Terry) (Entered: 05/31/1994)	
05/12/1994	34	Motion of Pltfs. to supplement pleadings. (Vaughn, Terry) (Entered: 05/31/1994)	
05/12/1994	35	Motion of Pltfs. for temporary restraining order to stay their exclusion of deportation from the U.S. pending the determination on the preliminary injunction (filed 2/21/94). (Vaughn, Terry) (Entered: 05/31/1994)	
05/13/1994	24	Calendar entry: Before Judge Sifton on 5/13/94, Civil Motion. Case called. Plaintiffs motion for a preliminary injuction for class certification and for leave to supplement the pleadings and defendants motion for dismissal are argued. Decision reserved. (Roker, Michelle) (Entered: 05/17/1994)	
05/16/1994	28	Letter dtaed 5/13/94 from Mr. Bembi to the Court, with a list of PRC's who have a final order of exlusion and who are being detained by INS. (Vaughn, Terry) (Entered: 05/31/1994)	
05/31/1994	36		

		Defts.' request for a 2 wk. extension of time to respond to Pltfs.' motion for a preliminary injunction. (Vaughn, Terry) (Entered: 05/31/1994)	
05/31/1994	37	Letter dated 5/5/94 from Mr. Bembi to Judge Sifton, regarding certain pltfs. & whether or not they were granted asylum. (Vaughn, Terry) (Entered: 05/31/1994)	
05/31/1994	38	Copy of a letter dated 5/8/94 from AUSA Scott Dunn to Judge Sifton, i response to Pltfs.' motions for a TRO and to compel INS to release pltf Yu Lin. (Vaughn, Terry) (Entered: 05/31/1994)	
05/31/1994	39	Motion for a Temporary Restraining Order, etc., filed by Mr. Bembi. (Vaughn, Terry) (Entered: 05/31/1994)	
05/31/1994	40	MEMORANDUM in opposition to Pltfs.' mot. for a TRO and to comperelease of Pltf. Yu Lin. (Vaughn, Terry) (Entered: 05/31/1994)	
05/31/1994	41	Unsigned Class Action Order . (Vaughn, Terry) (Entered: 06/01/1994)	
05/31/1994	42	Unsigned Class Action Order To Supplement Pleadings . (Vaughn, Terry) (Entered: 06/01/1994)	
05/31/1994	43	Writ of Habeas Corpus directed to the District Director, William S. Slattery, I&N Service, dated Dec. 14, 1993, directing that Yau Gwong Liu be brought together with a return stating the time & cause of his detention before a judge of this court on Dec. 21, 1993, at 10 a.m., to receive all further directions. (signed by Judge Charles P. Sifton) (Vaughn, Terry) (Entered: 06/01/1994)	
07/07/1994	49	PETITION for writ of habeas corpus filed by Shan Bin Zhou, dated 7/6/94. (Conte, Daniela) Modified on 11/09/1994 (Entered: 11/09/1994)	
07/07/1994	44	Letter from Bruno Joseph Bembi to Judge Sifton of 6/2/94, Re: advisin that Lin Yu was release from INS pursuant to withdrawal of its appeal. Possible claims to damages for unlawful imprisonment are being researched. (Conte, Daniela) (Entered: 07/07/1994)	
07/13/1994	45	Calendar entry: before Judge Sifton on 7/13/94 at 9:30. Counsel for all parties present. Status conference held. Plaintiff's counsel is directed, if he seeks habeas corpus relief for any person not presently a party to this action, to either move for leave to add a party, or file a seperate action. (Conte, Daniela) (Entered: 07/14/1994)	
07/15/1994	46	PROPOSED ORDER to add parties NOT signed by the Judge. (Conte, Daniela) (Entered: 07/15/1994)	
09/08/1994	47	MEMO/ORDER, dated 9/6/94. Defendants' motion to dismiss is granted except as to plaintiffs Chen, Xiu Qin a.k.a Chen, Xie Xing and Zhou, Shan Bin. Plaintiffs motions for a temporary restraining order, a preliminary injunction, class certification and leave to amend the pleadings is denied (signed by Judge Charles P. Sifton). c/m (Conte, Daniela) (Entered: 09/08/1994)	
10/13/1994		Magistrate Gold has been selected by random selection to handle any	

		matters that may be referred in this case. (Vaughn, Terry) (Entered: 10/13/1994)	
11/04/1994	48	NOTICE OF APPEAL by Liu Di Wang. Notice of Appeal and certified copy of docket sent appealing [47-1] order. FEE NOT PAID - attorney notified. Affidavit of service attached. (McGee, Maryann) (Entered: 11/04/1994)	
11/04/1994		Notice of Appeal and certified copy of docket to USCA: [48-1] appeal (McGee, Maryann) (Entered: 11/04/1994)	
11/09/1994	50	EXHIBITS to the petition for a writ of habeas corpus by Shan Bin Zhou (Conte, Daniela) (Entered: 11/09/1994)	
11/14/1994		Filing Fee Paid; FILING FEE \$ 105.00 RECEIPT # 167424 (McGee, Maryann) (Entered: 11/14/1994)	
12/09/1994	51	USCA Scheduling Order: [48-1] appeal Appeal record due by 12/27/94 USCA Number: 94-2636 Appellant's brief due 1/2/95. Appellee's brief due 2/1/95. Argument set for 2/27/95. (McGee, Maryann) (Entered: 12/09/1994)	
02/23/1995	52	MANDATE OF USCA (certified copy) Re: [48-1] appeal. It is stipulated and agreed that this appeal is withdrawn without costs and without attorneys' fees. All parties retain the right to raise on any subsequent appeal following entry of final judgment all issues sought to be raised or this appeal. Certified. 2/17/95. Acknowledgment returned to USCA. Judge notified. USCA#94-2636. (McGee, Maryann) (Entered: 02/23/1995)	
03/25/1997		Case closed as per memo and order dated 9/6/94 document # 47 and as per chmabers. (Dobkin, David) (Entered: 03/25/1997)	

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