

**U.S. District Court
District of New Jersey [LIVE] (Trenton)
CIVIL DOCKET FOR CASE #: 3:12-cv-02806-FLW-DEA**

GAYLE v. ELWOOD et al
Assigned to: Chief Judge Freda L. Wolfson
Referred to: Magistrate Judge Douglas E. Arpert
Case in other court: Third Circuit, 15-01785
Third Circuit, 15-01786
3rd circuit, 19-03241
3rd circuit, 19-03547

Cause: 28:2241 Petition for Writ of Habeas Corpus
(federa

Date Filed: 05/10/2012
Date Terminated: 09/03/2019
Jury Demand: None
Nature of Suit: 463 Habeas Corpus -
Alien Detainee
Jurisdiction: U.S. Government
Defendant

Petitioner

GARFIELD O. GAYLE
TERMINATED: 03/15/2013

represented by **JONATHAN MATTHEW
MANES**
GIBBONS PC
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NEWARK, NJ 07102
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TERMINATED: 11/07/2013
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ATTORNEY TO BE NOTICED

Petitioner

NEVILLE SUKHU

represented by **BENJAMIN YASTER**
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TERMINATED: 12/29/2016

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**JONATHAN MATTHEW
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LAWRENCE S. LUSTBERG

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Petitioner

SHELDON FRANCOIS

TERMINATED: 03/14/2014

represented by **BENJAMIN YASTER**

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LAWRENCE S. LUSTBERG

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V.

Respondent

BRIAN ELWOOD

*in his/her official capacity as
Warden*

represented by **CRAIG WILLIAM KUHN**

U.S. DEPARTMENT OF JUSTICE
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Respondent

**MONMOUTH COUNTY
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Respondent

SCOTT A. WEBER
*in his official capacity as Newark
Field Office Director for Detention
and Removal*

represented by **CRAIG WILLIAM KUHN**
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Respondent

JOHN T. MORTON
*in his official capacity as Acting
Assistant Secretary of U.S.
Immigration and Customs
Enforcement*

represented by **CRAIG WILLIAM KUHN**
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Respondent

JANET NAPOLITANO
in her official capacity as the
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TERMINATED: 12/29/2016

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Respondent

ERIC HOLDER

*in his official capacity as Attorney
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Justice*

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Respondent

JUAN OSUNA
*in his official capacity as Director of
the Executive Office of Immigration
Review*

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TERMINATED: 12/29/2016
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Respondent

JOHN TSOUKARIS
*in his official capacity as Field
Office Director for Enforcement and
Removal Operations, Newark Field
Office of U.S. Immigration and
Customs Enforcement*

represented by **CRAIG WILLIAM KUHN**
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Respondent

CHRISTOPHER SHANAHAN
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Office Director for Enforcement and
Removal Operations, New York
Field Office of U.S. Immigration and
Customs Enforcement*

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Respondent

RAY SIMONSE
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U.S. Immigration and Customs
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*TERMINATED: 12/29/2016
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Respondent

ROBERT BIGGOTT
*in his official capacity as Warden of
the Bergen County Jail*

represented by **CRAIG WILLIAM KUHN**
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Respondent

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the Delaney Hall Detention Facility*

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Respondent

ORLANDO RODRIGUEZ
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Respondent

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Respondent

OSCAR AVILES
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the Hudson County Correctional
Facility*

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Date Filed	#	Docket Text
05/10/2012	<u>1</u>	PETITION for Writ of Habeas Corpus 2241 (Filing fee \$ 5, Receipt number TRE021690.), filed by GARFIELD O. GAYLE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Letter from The Legal Aid Society)(jjc) (Entered: 05/10/2012)
05/10/2012	<u>2</u>	APPLICATION for Issuance of Order to Show Cause for by GARFIELD O. GAYLE. (Attachments: # <u>1</u> Text of Proposed Order)(jjc) (Entered: 05/10/2012)

09/05/2012	<u>3</u>	Letter from Garfield O. Gayle requesting that an Order to Show Cause be issued. (mmh) (Entered: 09/05/2012)
10/19/2012	<u>4</u>	ORDER that the Clerk of the Court shall serve copies of the Petition, this Order, and all other documents docketed in this matter upon Respondents by certified mail, return receipt requested; the Clerk shall forward a copy of the Petition and this Order to the Chief Civil Division, United States Attorney's Office; that, within 30 days after the date of entry of this Order, Respondents shall electronically file a full and complete answer to said Petition. Signed by Judge Freda L. Wolfson on 10/19/2012. (mmh) (Additional attachment(s) added on 10/19/2012: # <u>1</u> Certified Mail Receipts) (mmh). (Entered: 10/19/2012)
10/22/2012	<u>5</u>	Certified Mail Receipt Returned re <u>4</u> Order to Answer; sent to BRIAN ELWOOD. (mmh) (Entered: 10/22/2012)
10/22/2012	<u>6</u>	Certified Mail Receipt Returned re <u>4</u> Order to Answer, sent to MONMOUTH COUNTY CORRECTIONAL FACILITY. (mmh) (Entered: 10/22/2012)
10/24/2012	<u>7</u>	Certified Mail Receipt Returned re <u>4</u> Order to Answer, sent to SCOTT A. WEBER. (mmh) (Entered: 10/24/2012)
11/05/2012	<u>8</u>	Letter from Peter O'Malley, AUSA re <u>4</u> Order to Answer,, (O'MALLEY, PETER) (Entered: 11/05/2012)
11/05/2012	<u>9</u>	Certified Mail Receipt Returned re <u>4</u> Order to Answer, sent to ERIC HOLDER. (mmh) (Entered: 11/05/2012)
11/05/2012	<u>10</u>	Certified Mail Receipt Returned re <u>4</u> Order to Answer, sent to JOHN T. MORTON. (mmh) (Entered: 11/05/2012)
11/05/2012	<u>11</u>	LETTER ORDER granting the Respondent's request for an extension of time to file an answer to the petition; time extended up to and including 12/4/2012. Signed by Judge Freda L. Wolfson on 11/5/2012. (mmh) (Entered: 11/07/2012)
11/15/2012	<u>12</u>	AMENDED COMPLAINT <i>Amended Petition for Writ of Habeas Corpus and Class Action Complaint for Declaratory and Injunctive Relief</i> against BRIAN ELWOOD, ERIC HOLDER, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, JOHN TSOUKARIS, CHRISTOPHER SHANAHAN, RAY SIMONSE, ROBERT BIGGOTT, JOSEPH TRABUCCO, ORLANDO RODRIGUEZ, ROY L. HENDRICKS, OSCAR AVILES, filed by GARFIELD O. GAYLE, NEVILLE SUKHU, SHELDON FRANCOIS.(LUSTBERG, LAWRENCE) (Entered: 11/15/2012)

11/15/2012	<u>13</u>	MOTION to Certify Class by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # <u>1</u> Brief in Support of Motion for Class Certification, # <u>2</u> Declaration of Michael Tan, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Text of Proposed Order, # <u>10</u> Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 11/15/2012)
11/15/2012	<u>14</u>	CERTIFICATE OF SERVICE by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU re <u>13</u> MOTION to Certify Class (<i>corrected</i>) (LUSTBERG, LAWRENCE) (Entered: 11/15/2012)
11/16/2012		Set Deadlines as to <u>13</u> MOTION to Certify Class . Motion set for 12/17/2012 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 11/16/2012)
11/19/2012	<u>15</u>	Certified Mail Receipt Returned sent to Janet Napolitano in re <u>4</u> (eaj) (Entered: 11/19/2012)
11/21/2012	<u>16</u>	ORDER to Answer. Signed by Judge Freda L. Wolfson on 11/20/2012. (mmh) (Entered: 11/21/2012)
11/26/2012	<u>17</u>	NOTICE of Appearance by JENNIFER A. BOWEN on behalf of OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER (BOWEN, JENNIFER) (Entered: 11/26/2012)
11/26/2012	<u>18</u>	Request for Summons to be Issued by NEVILLE SUKHU, GARFIELD O. GAYLE, SHELDON FRANCOIS as to OSCAR AVILES, ROBERT BIGGOTT, ROY L. HENDRICKS, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS. (LUSTBERG, LAWRENCE) (Entered: 11/26/2012)
12/03/2012	<u>19</u>	NOTICE of Appearance by JONATHAN MATTHEW MANES on behalf of SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU (MANES, JONATHAN) (Entered: 12/03/2012)
12/04/2012	<u>20</u>	RESPONSE to Petition for Writ of Habeas Corpus by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ,

		<p>CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER.</p> <p>(Attachments: # 1 Exhibit 1 - Charles Decl., # 2 Exhibit A - Notice to Appear, # 3 Exhibit B - Custody Determination, # 4 Exhibit C - Alien Address, # 5 Exhibit D - Creation of LPR, # 6 Exhibit E - Immigration Hearing, June 2012, # 7 Exhibit F - Immigration Hearing, Aug. 2012, # 8 Exhibit G - Immigration Hearing Oct. 2012, # 9 Exhibit H - IJ Order Oct. 2012, # 10 Exhibit I - Immigration Hearing, Jan. 2013)(BOWEN, JENNIFER) (Entered: 12/04/2012)</p>
12/21/2012	21	<p><i>Response/ ANSWER to Amended Complaint and Request to Dismiss</i> by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER.</p> <p>(Attachments: # 1 Exhibit 1 - Boyd Decl., # 2 Exhibit A - Gayle NTA, # 3 Exhibit B - Gayle I-286, # 4 Exhibit C - Gayle - Alien Address, # 5 Exhibit D - Gayle - LPR Record, # 6 Exhibit E - Gayle - June 2012 Hearing, # 7 Exhibit F - Gayle - Aug. 2012 Hearing, # 8 Exhibit G - Gayle - Oct. 2012 Hearing, # 9 Exhibit H - Gayle - IJ Order, # 10 Exhibit I - Gayle - Jan. 2013 Hearing, # 11 Exhibit J - Francois - NTA, # 12 Exhibit K - Francois - I-286, # 13 Exhibit L - Francois - Alien Address, # 14 Exhibit M - Francois - Oct. 2012 Hearing, # 15 Exhibit N - Francois - Dec. 2012 Hearing, # 16 Exhibit N-1 - Francois - Jan. 2013 Hearing, # 17 Exhibit O - Sukhu - NTA, # 18 Exhibit P - Sukhu - I-286, # 19 Exhibit Q - Sukhu - Alien Address, # 20 Exhibit R - Sukhu - Nov. 2011 Hearing, # 21 Exhibit S - Sukhu - Jan. 2012 Hearing, # 22 Exhibit T - Sukhu - March 2012 Hearing, # 23 Exhibit U - Sukhu - ICE Submission of Evidence, # 24 Exhibit V - Sukhu - Form I-261, # 25 Exhibit W - Sukhu - I-130 Petition, # 26 Exhibit X - Sukhu - April 2012 Hearing, # 27 Exhibit Y - Sukhu - I-797, # 28 Exhibit Z - Sukhu - July 2012 Hearing, # 29 Exhibit AA - Sukhu - Oct. 2012 Hearing, # 30 Exhibit BB- Sukhu - ICE Prehearing Statement, # 31 Exhibit CC - Sukhu - Dec. 2012 Hearing, # 32 Exhibit DD - Sukhu - Mar. 2013 Hearing)(BOWEN, JENNIFER) (Entered: 12/21/2012)</p>
12/21/2012	22	<p>MEMORANDUM in Opposition filed by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A.</p>

		WEBER re 13 MOTION to Certify Class (BOWEN, JENNIFER) (Entered: 12/21/2012)
01/03/2013	23	REPLY to Response re 20 Response to Habeas Petition,,, (Attachments: # 1 Declaration of Molly Lauterback, # 2 Exhibit A - Notice to Appear dated Mar. 24, 2012, # 3 Exhibit B - Application for Cancellation of Removal filed Oct. 15, 2012, # 4 Exhibit C - Letter from UBJCA Local Union 157 dated July 16, 2012, # 5 Exhibit D - Affidavit of Martin Allen dated Oct. 9, 2012, # 6 Exhibit E - Letter from Martin Allen dated Aug. 8, 2012, # 7 Declaration of Garfield Gayle, # 8 Declaration of Antoinette Vanderveer, # 9 Declaration of Isha Gayle, # 10 Declaration of Niagerine Makanju, # 11 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/03/2013)
01/03/2013	24	Letter from Lawrence S. Lustberg re 22 Memorandum in Opposition of Motion, 21 Answer to Amended Complaint,,,,,, (LUSTBERG, LAWRENCE) (Entered: 01/03/2013)
01/07/2013	25	LETTER ORDER granting Petitioners/Plaintiffs request for approval of a schedule for Petitioners/Plaintiffs to file reply briefs on two outstanding matters. Signed by Judge Freda L. Wolfson on 1/7/2013. (mmh) (Entered: 01/08/2013)
01/24/2013	26	Consent MOTION for Leave to Appear Pro Hac Vice <i>of Judy Rabinovitz</i> by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # 1 Certification of Judy Rabinovitz, # 2 Certification of Lawrence S. Lustberg, # 3 Statement pursuant to Local Rule 7.1, # 4 Text of Proposed Order, # 5 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/24/2013)
01/24/2013	27	Consent MOTION for Leave to Appear Pro Hac Vice <i>of Michael Tan</i> by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # 1 Certification of Michael K. T. Tan, # 2 Certification of Lawrence S. Lustberg, # 3 Statement pursuant to Local Civil Rule 7.1, # 4 Text of Proposed Order, # 5 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/24/2013)
01/24/2013	28	Consent MOTION for Leave to Appear Pro Hac Vice <i>of Dror Ladin</i> by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # 1 Certification of Dror Ladin, # 2 Certification of Lawrence S. Lustberg, # 3 Statement pursuant to Local Civil Rule 7.1, # 4 Text of Proposed Order, # 5 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/24/2013)
01/24/2013	29	Consent MOTION for Leave to Appear Pro Hac Vice <i>of Ahilan T. Arulanantham</i> by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # 1 Certification of Ahilan T.

		Arulanantham, # 2 Certification of Lawrence S. Lustberg, # 3 Statement pursuant to Local Civil Rule 7.1, # 4 Text of Proposed Order, # 5 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/24/2013)
01/25/2013		Set Deadlines as to 26 Consent MOTION for Leave to Appear Pro Hac Vice of <i>Judy Rabinovitz</i> . Motion set for 2/19/2013 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 01/25/2013)
01/25/2013		Set Deadlines as to 27 Consent MOTION for Leave to Appear Pro Hac Vice of <i>Michael Tan</i> . Motion set for 2/19/2013 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 01/25/2013)
01/25/2013		Set Deadlines as to 28 Consent MOTION for Leave to Appear Pro Hac Vice of <i>Dror Ladin</i> . Motion set for 2/19/2013 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 01/25/2013)
01/25/2013		Set Deadlines as to 29 Consent MOTION for Leave to Appear Pro Hac Vice of <i>Ahilan T. Arulanantham</i> . Motion set for 2/19/2013 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 01/25/2013)
01/25/2013	30	REPLY BRIEF to Opposition to Motion filed by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU re 13 MOTION to Certify Class (Attachments: # 1 Declaration of Molly Lauterback, # 2 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/25/2013)
01/25/2013	31	RESPONSE re 21 Answer to Amended Complaint,,,,,,. (Attachments: # 1 Declaration of Molly Lauterback, # 2 Exhibit A -Gayle Motion To Terminate, # 3 Exhibit B -Gayle Application for Cancellation of Removal, # 4 Exhibit C -Gayle Brief in Support of Cancellation of Removal, # 5 Exhibit D - Gayle Supplemental Brief in Support of Cancellation of Removal, # 6 Exhibit E - Francois Notice To Appear, # 7 Exhibit F - Francois Application for Cancellation of Removal, # 8 Exhibit G - Francois Application for Asylum and Withholding of Removal, # 9 Exhibit H - Letter from Crystal Souza, FOIA Specialist, # 10 Exhibit I - FOIA 12-129.mdb Excerpt, # 11 Exhibit J - FOIA 12-129.mdb Lookup Tables, # 12 Exhibit K - Fong Deposition Excerpts, # 13 Exhibit L - OIG Report Excerpts, # 14 Exhibit M - Markowitz Excerpts, # 15 Exhibit N - Administrative Office of U.S. Courts Table, # 16 Declaration of Sarah Gillman, # 17 Exhibit A - Sukhu Notice To Appear, # 18 Exhibit B - Sukhu Form I-261, # 19 Exhibit C - Sukhu

		Brief in Support of Motion To Terminate, # 20 Exhibit D - Sukhu Form I-130, # 21 Exhibit E - Sukhu Form I-485, # 22 Exhibit F - Sukhu Form I-601, # 23 Exhibit G -Sukhu Form I-130 Approval Notice, # 24 Declaration of Neville Sukhu, # 25 Declaration of Mathrani Sukhu, # 26 Declaration of Malisa Sukhu, # 27 Declaration of Sheldon Felix Francois, # 28 Declaration of Allister Francois, # 29 Declaration of Andrea Dormeus, # 30 Declaration of Garfield Gayle, # 31 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 01/25/2013)
02/13/2013	32	Letter from Lawrence S. Lustberg requesting oral argument. (LUSTBERG, LAWRENCE) (Entered: 02/13/2013)
03/15/2013	33	OPINION filed. Signed by Judge Freda L. Wolfson on 3/15/2013. (mmh) (Entered: 03/15/2013)
03/15/2013	34	ORDER that Petitioner's Petition for Writ of Habeas Corpus is GRANTED; that an Immigration Judge provide Petitioner with an individualized bond hearing, pursuant to 8 U.S.C. § 1226, within ten (10) days of the date of this Order. Signed by Judge Freda L. Wolfson on 3/15/2013. (mmh) (Entered: 03/15/2013)
03/25/2013	35	Letter from Respondents re 34 Order,. (Attachments: # 1 Exhibit Order of Immigration Judge with Respect to Custody)(BOWEN, JENNIFER) (Entered: 03/25/2013)
04/05/2013		Set Deadlines as to 13 MOTION to Certify Class . Motion set for ORAL ARGUMENT on 5/10/2013 10:00 AM in Trenton - Courtroom 5E before Judge Freda L. Wolfson. (jg,) (Entered: 04/05/2013)
04/05/2013	36	Letter from Defendants re Set/Reset Motion and R&R Deadlines/Hearings. (BOWEN, JENNIFER) (Entered: 04/05/2013)
04/08/2013		Set Deadlines as to 13 MOTION to Certify Class . Motion set for 5/10/2013 01:30 PM in Trenton - Courtroom 5E before Judge Freda L. Wolfson. (jg,) (Entered: 04/08/2013)
05/06/2013	37	ORDER granting 29 Motion for Leave to Appear Pro Hac Vice as to Ahilan T. Arulanantham. Signed by Magistrate Judge Douglas E. Arpert on 5/3/2013. (ej) (Entered: 05/06/2013)
05/06/2013	38	ORDER granting 28 Motion for Leave to Appear Pro Hac Vice as to Dror Ladin. Signed by Magistrate Judge Douglas E. Arpert on 5/3/2013. (ej) (Entered: 05/06/2013)

05/06/2013	39	ORDER granting 27 Motion for Leave to Appear Pro Hac Vice as to Michael Tan. Signed by Magistrate Judge Douglas E. Arpert on 5/3/2013. (ej) (Entered: 05/06/2013)
05/06/2013	40	ORDER granting 26 Motion for Leave to Appear Pro Hac Vice as to Judy Rabinovitz. Signed by Magistrate Judge Douglas E. Arpert on 5/3/2013. (ej) (Entered: 05/06/2013)
05/07/2013	41	Notice of Request by Pro Hac Vice Judy Rabinovitz to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-4994818.) (MANES, JONATHAN) (Entered: 05/07/2013)
05/07/2013	42	Notice of Request by Pro Hac Vice Ahilan T. Arulanantham to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-4994839.) (MANES, JONATHAN) (Entered: 05/07/2013)
05/07/2013	43	Notice of Request by Pro Hac Vice Michael K.T. Tan to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-4994878.) (MANES, JONATHAN) (Entered: 05/07/2013)
05/07/2013	44	Notice of Request by Pro Hac Vice Dror Ladin to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-4994885.) (MANES, JONATHAN) (Entered: 05/07/2013)
05/07/2013	45	Letter from Defendants. (BOWEN, JENNIFER) (Entered: 05/07/2013)
05/08/2013	46	Letter from Plaintiffs. (LUSTBERG, LAWRENCE) (Entered: 05/08/2013)
05/08/2013	47	Letter from Defendants/Respondents re 12 Amended Complaint,. (Attachments: # 1 Declaration Re: Neville Sukhu's Release from ICE Detention, # 2 Certificate of Service)(BOWEN, JENNIFER) (Entered: 05/08/2013)
05/09/2013	48	Letter from Plaintiffs re 46 Letter, 47 Letter. (LUSTBERG, LAWRENCE) (Entered: 05/09/2013)
05/10/2013	49	Minute Entry for proceedings held before Judge Freda L. Wolfson: Motion Hearing held on 5/10/2013 re 13 MOTION to Certify Class filed by GARFIELD O. GAYLE, NEVILLE SUKHU, SHELDON FRANCOIS. Court Ordered Motion is Denied without prejudice. Hearing on application by defendant to dismiss the amended complaint. Court ordered application is denied with supplemental briefing to be submitted by plaintiff by 5-17-13, defendant by 5-31-13. Order to be filed. (Court Reporter/Recorder Vincent Russoniello.) (jg,) (Entered: 05/13/2013)

05/13/2013	<u>50</u>	ORDER that Plaintiff Gayle's and Plaintiff Sukhu's individual habeas claims are DISMISSED as moot; that Defendant's Motion to Dismiss the Amended Complaint is DENIED; that Plaintiffs' Motion to Certify Class is DENIED without prejudice pending an expanded record and/or discovery; that Plaintiffs are granted leave to file a Second Amended Complaint no later than May 17, 2013; that Plaintiff Francois shall submit supplemental briefing regarding his individual claim for habeas relief no later than May 17, 2013, with Defendants' response due no later than May 31, 2013. Signed by Judge Freda L. Wolfson on 5/13/2013. (mmh) (Entered: 05/13/2013)
05/17/2013	<u>51</u>	AMENDED COMPLAINT <i>Second Amended Petition for Writ of Habeas Corpus and Class Action Complaint for Declaratory and Injunctive Relief</i> against OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, filed by NEVILLE SUKHU, GARFIELD O. GAYLE, SHELDON FRANCOIS. (Attachments: # <u>1</u> Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 05/17/2013)
05/17/2013	<u>52</u>	BRIEF <i>in Support of Petitioner Sheldon Francois's Individual Claims for Relief (Supplemental)</i> (Attachments: # <u>1</u> Declaration of Pierce Suen, # <u>2</u> Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 05/17/2013)
05/31/2013	<u>53</u>	MOTION to Dismiss <i>Second Amended Complaint (ECF No. 51) and Response to Supplemental Memorandum (ECF No. 52)</i> by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. Responses due by 6/17/2013 (Attachments: # <u>1</u> Brief, # <u>2</u> Certificate of Service)(BOWEN, JENNIFER) (Entered: 05/31/2013)
06/03/2013		Set Deadlines as to <u>53</u> MOTION to Dismiss <i>Second Amended Complaint (ECF No. 51) and Response to Supplemental Memorandum (ECF No. 52)</i> . Motion set for 7/1/2013 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (jjc) (Entered: 06/03/2013)
06/04/2013	<u>54</u>	Transcript of MOTION HEARING held on 5/10/2013, before Judge FRED A. WOLFSON. Court Reporter/Transcriber Vincent

		Russoniello (609-588-9516). NOTICE REGARDING REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript. Redaction Request due 6/25/2013. Redacted Transcript Deadline set for 7/5/2013. Release of Transcript Restriction set for 9/3/2013. (mmh) (Entered: 06/04/2013)
06/05/2013		Magistrate Judge Douglas E. Arpert added to case at the request of Judge Wolfson's chambers. (dm) (Entered: 06/05/2013)
06/07/2013	55	Letter from Lawrence S. Lustberg regarding Plaintiffs' reply brief. (LUSTBERG, LAWRENCE) (Entered: 06/07/2013)
06/07/2013	56	BRIEF in Opposition filed by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU re 53 MOTION to Dismiss <i>Second Amended Complaint (ECF No. 51)</i> and <i>Response to Supplemental Memorandum (ECF No. 52)</i> Reply Brief in Support of Petitioner Sheldon Francois's Individual Claims for Relief (Attachments: # 1 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 06/07/2013)
06/11/2013	57	Letter from Defendants. (BOWEN, JENNIFER) (Entered: 06/11/2013)
06/11/2013		Set/Reset Hearings: Telephone Status Conference set for 6/20/2013 09:30 AM before Magistrate Judge Douglas E. Arpert. It shall be Plaintiff's responsibility to set up and initiate the call. Kindly mark your calendar accordingly. (ce3) (Entered: 06/11/2013)
06/13/2013	58	LETTER ORDER that Defendants may file a brief in supprt of their motion to dismiss (d.e. 53) in response to Plaintiffs' opposition no later than 6/24/2013. Signed by Judge Freda L. Wolfson on 6/12/2013. (mmh) (Entered: 06/13/2013)
06/20/2013		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 6/20/2013. (ce3) (Entered: 06/20/2013)
06/24/2013	59	REPLY BRIEF to Opposition to Motion filed by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER re 53 MOTION to Dismiss <i>Second Amended Complaint (ECF No. 51)</i> and <i>Response to Supplemental Memorandum (ECF No. 52)</i> (Attachments: # 1 Certificate of Service)(BOWEN, JENNIFER) (Entered: 06/24/2013)

06/28/2013	60	PRETRIAL SCHEDULING ORDER: Telephone Status Conference set for 8/27/2013 02:00 PM before Magistrate Judge Douglas E. Arpert. Fact Discovery due by 12/31/2013. Rule 26 Meeting Report due by 6/27/2013. Telephone Status Conference set for 10/28/2013 10:30 AM before Magistrate Judge Douglas E. Arpert. Telephone Status Conference set for 12/30/2013 10:00 AM before Magistrate Judge Douglas E. Arpert. Signed by Magistrate Judge Douglas E. Arpert on 6/27/2013. (mmh) (Entered: 06/28/2013)
06/28/2013	61	Consent MOTION for Leave to Appear Pro Hac Vice <i>of Sarah Mehta</i> by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # 1 Declaration of Sarah Mehta, # 2 Declaration of Lawrence S. Lustberg, # 3 Statement pursuant to Local Civil Rule 7.1, # 4 Text of Proposed Order, # 5 Certificate of Service)(MANES, JONATHAN) (Entered: 06/28/2013)
07/01/2013		Set Deadlines as to 61 Consent MOTION for Leave to Appear Pro Hac Vice <i>of Sarah Mehta</i> . Motion set for 8/5/2013 before Magistrate Judge Douglas E. Arpert. The motion will be decided on the papers. No appearances required unless notified by the court. (jjc) (Entered: 07/01/2013)
07/12/2013	62	ORDER granting 61 Motion for Leave to Appear Pro Hac Vice as to Sarah Mehta on behalf of Plaintiffs. Signed by Magistrate Judge Douglas E. Arpert on 7/12/2013. (jjc) (Entered: 07/12/2013)
07/15/2013	63	Letter from Plaintiffs regarding Plaintiff Sheldon Francois's immigration proceedings. (LUSTBERG, LAWRENCE) (Entered: 07/15/2013)
07/16/2013	64	NOTICE of Appearance by BENJAMIN YASTER on behalf of SHELDON FRANCOIS, NEVILLE SUKHU, GARFIELD O. GAYLE (YASTER, BENJAMIN) (Entered: 07/16/2013)
07/25/2013	65	LETTER ORDER that counsel for both sides are to submit simultaneous responses to this letter, not exceeding 5 pages each, no later than Tuesday, July 30, by 4pm. Signed by Judge Freda L. Wolfson on 7/25/2013. (mmh) (Entered: 07/25/2013)
07/29/2013	66	NOTICE of Appearance by ELIZABETH J. STEVENS on behalf of OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER (STEVENS, ELIZABETH) (Entered: 07/29/2013)

07/30/2013	67	RESPONSE re 65 Order. (Attachments: # 1 Exhibit A - Harrison Declaration, # 2 Certificate of Service)(BOWEN, JENNIFER) (Entered: 07/30/2013)
07/30/2013	68	RESPONSE re 65 Order. (Attachments: # 1 Certificate of Service)(YASTER, BENJAMIN) (Entered: 07/30/2013)
07/31/2013		CLERK'S QUALITY CONTROL MESSAGE - The 68 Response submitted by Benjamin Yaster on 7/30/2013 contains an improper signature. Only the filing user is permitted to sign electronically filed documents with an s/. PLEASE RESUBMIT THE DOCUMENT WITH A PROPER SCANNED OR ELECTRONIC SIGNATURE. This submission will remain on the docket unless otherwise ordered by the court. (mmh) (Entered: 07/31/2013)
07/31/2013	69	RESPONSE re 65 Order. (Attachments: # 1 Certificate of Service -- corrected)(LUSTBERG, LAWRENCE) (Entered: 07/31/2013)
08/01/2013	70	LETTER ORDER that the Court grants Petitioner leave to file an amended habeas petition to include his <i>Diop</i> claim. Petitioner has 10 days from the date of this Letter Order in which to file his amended petition, and Defendants shall submit their answer no later than 20 days thereafter. Signed by Judge Freda L. Wolfson on 8/1/2013. (mmh) (Entered: 08/01/2013)
08/02/2013	71	Notice of Request by Pro Hac Vice Sarah Mehta to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-5152529.) (YASTER, BENJAMIN) (Entered: 08/02/2013)
08/05/2013	72	AMENDED COMPLAINT <i>Third Amended Petition for Writ of Habeas Corpus and Class Action Complaint for Declaratory and Injunctive Relief</i> against OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, filed by NEVILLE SUKHU, GARFIELD O. GAYLE, SHELDON FRANCOIS. (Attachments: # 1 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 08/05/2013)
08/05/2013	73	Letter from Plaintiffs re 72 Amended Complaint,. (LUSTBERG, LAWRENCE) (Entered: 08/05/2013)
08/06/2013	74	Letter from Defendants/Respondents re: Proposed Stipulated Protective Order Governing Confidential Information. (Attachments: # 1 Text of Proposed Order Stipulated Protective Order Governing Confidential Information, # 2 Certification In Support of Stipulated Protective Order -- L.R. 5.3(b)(2))(BOWEN, JENNIFER) (Entered: 08/06/2013)

08/15/2013	75	MOTION to Dismiss <i>and Response to Plaintiff Francois's Individual Petition for Writ of Habeas Corpus Seeking Relief under Diop v. ICE/Homeland Sec.</i> by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. Responses due by 9/3/2013 (Attachments: # 1 Brief, # 2 Text of Proposed Order, # 3 Certificate of Service)(BOWEN, JENNIFER) (Entered: 08/15/2013)
08/15/2013	76	NOTICE of Appearance by CRAIG WILLIAM KUHN on behalf of All Defendants (KUHN, CRAIG) (Entered: 08/15/2013)
08/16/2013		CLERK'S QUALITY CONTROL MESSAGE - Please be advised, when entering a first appearance in a case, counsel should add their name when prompted. The Clerks office has added CRAIG W. KUHN as representing JANET NAPOLITANO in this case. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (mmh) (Entered: 08/16/2013)
08/16/2013		Set Deadlines as to 75 MOTION to Dismiss <i>and Response to Plaintiff Francois's Individual Petition for Writ of Habeas Corpus Seeking Relief under Diop v. ICE/Homeland Sec.</i> . Motion set for 9/16/2013 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 08/16/2013)
08/19/2013	77	Stipulated Protective Order Governing Confidential Information. Signed by Magistrate Judge Douglas E. Arpert on 8/19/2013. (mmh) (Entered: 08/20/2013)
08/20/2013	78	Substitution of Attorney - Attorney PETER G. O'MALLEY terminated. Attorney DAVID VINCENT BOBER for OSCAR AVILES, DAVID VINCENT BOBER for ROBERT BIGGOTT, DAVID VINCENT BOBER for BRIAN ELWOOD, DAVID VINCENT BOBER for ROY L. HENDRICKS, DAVID VINCENT BOBER for ERIC HOLDER, DAVID VINCENT BOBER for JOHN T. MORTON, DAVID VINCENT BOBER for JANET NAPOLITANO, DAVID VINCENT BOBER for JUAN OSUNA, DAVID VINCENT BOBER for ORLANDO RODRIGUEZ, DAVID VINCENT BOBER for CHRISTOPHER SHANAHAN, DAVID VINCENT BOBER for RAY SIMONSE, DAVID VINCENT BOBER for JOSEPH

		TRABUCCO,DAVID VINCENT BOBER for JOHN TSOUKARIS added.. (Attachments: # 1 Certificate of Service)(BOBER, DAVID) (Entered: 08/20/2013)
08/22/2013	79	Letter from Plaintiffs re 75 MOTION to Dismiss <i>and Response to Plaintiff Francois's Individual Petition for Writ of Habeas Corpus Seeking Relief under Diop v. ICE/Homeland Sec.</i> (LUSTBERG, LAWRENCE) (Entered: 08/22/2013)
08/23/2013	80	OPINION filed. Signed by Judge Freda L. Wolfson on 8/23/2013. (mmh) (Entered: 08/23/2013)
08/23/2013	81	ORDER that Petitioner's Petition for Writ of Habeas Corpus is GRANTED; that an Immigration Judge provide Petitioner with an individualized bond hearing, pursuant to 8 U.S.C. § 1226, within ten (10) days of the date of this Order. Signed by Judge Freda L. Wolfson on 8/23/2013. (mmh) (Entered: 08/23/2013)
08/26/2013		CLERK'S QUALITY CONTROL MESSAGE - Case Closed in Error, Please Disregard. (eaj) (Entered: 08/26/2013)
08/27/2013		ATTENTION COUNSEL: The Telephone Status Conference set for 8/27/2013 02:00 PM before Magistrate Judge Douglas E. Arpert HAS BEEN ADJOURNED. (ce3) (Entered: 08/27/2013)
08/27/2013	82	NOTICE of Hearing: Settlement Conference with trial counsel and clients with full settlement authority set for 9/10/2013 03:00 PM in Trenton - Courtroom 6W before Magistrate Judge Douglas E. Arpert. The proposed settlement memo is due to chambers 48 hours prior to the conference. Please do not e-file.(ce3) (Entered: 08/27/2013)
08/27/2013		ATTENTION COUNSEL: PLEASE DISREGARD DOCKET 82 . IT WAS FILED IN THIS CASE IN ERROR. (ce3,) (Entered: 08/27/2013)
08/29/2013		Set/Reset Hearings: Telephone Status Conference set for 9/3/2013 04:30 PM before Magistrate Judge Douglas E. Arpert. It shall be Plaintiff's responsibility to set up and initiate the call. Kindly mark your calendar accordingly. (ce3) (Entered: 08/29/2013)
09/03/2013	83	Letter from Defendants/Respondents re 81 Order,. (Attachments: # 1 Exhibit 1 - Order of the IJ re: Custody)(BOWEN, JENNIFER) (Entered: 09/03/2013)
09/03/2013		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 9/3/2013. (ce3) (Entered: 09/04/2013)

09/03/2013		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 9/3/2013. (ce3) (Entered: 12/30/2013)
10/09/2013	84	Letter from Plaintiffs regarding Plaintiff Sheldon Francois's cancellation of removal. (Attachments: # 1 Sheldon Francois Cancellation Order)(LUSTBERG, LAWRENCE) (Entered: 10/09/2013)
10/28/2013		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 10/28/2013. (ce3) (Entered: 10/28/2013)
10/31/2013	85	NOTICE by SHELDON FRANCOIS, NEVILLE SUKHU <i>of Withdrawal of Appearance</i> (MANES, JONATHAN) (Entered: 10/31/2013)
11/01/2013		CLERK'S QUALITY CONTROL MESSAGE - The 85 Notice of Withdrawal of Appearance as to Jonathan Manes filed by Jonathan Manes on 10/31/2013 was submitted incorrectly as a Notice. PLEASE RESUBMIT THE Notice of Withdrawal USING Notice to Withdraw from NEF as to Case found under Civil - Other Filings - Notices. This submission will remain on the docket unless otherwise ordered by the court. (mmh) (Entered: 11/01/2013)
11/07/2013	86	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney JONATHAN MATTHEW MANES terminated. (MANES, JONATHAN) (Entered: 11/07/2013)
11/18/2013	87	Substitution of Attorney - Attorney JENNIFER A. BOWEN terminated. Attorney GISELA A. WESTWATER for OSCAR AVILES,GISELA A. WESTWATER for ROBERT BIGGOTT,GISELA A. WESTWATER for BRIAN ELWOOD,GISELA A. WESTWATER for ROY L. HENDRICKS,GISELA A. WESTWATER for ERIC HOLDER,GISELA A. WESTWATER for MONMOUTH COUNTY CORRECTIONAL FACILITY,GISELA A. WESTWATER for JOHN T. MORTON,GISELA A. WESTWATER for JANET NAPOLITANO,GISELA A. WESTWATER for JUAN OSUNA,GISELA A. WESTWATER for ORLANDO RODRIGUEZ,GISELA A. WESTWATER for CHRISTOPHER SHANAHAN,GISELA A. WESTWATER for RAY SIMONSE,GISELA A. WESTWATER for JOSEPH TRABUCCO,GISELA A. WESTWATER for JOHN TSOUKARIS,GISELA A. WESTWATER for SCOTT A. WEBER added.. (WESTWATER, GISELA) (Entered: 11/18/2013)

11/18/2013		CLERK'S QUALITY CONTROL MESSAGE - The 87 Substitution of Attorney submitted by Gisela Westwater on 11/18/2013 did not contain the signature of the withdrawing attorney. PLEASE RESUBMIT THE DOCUMENT WITH THE SIGNATURES OF BOTH THE WITHDRAWING AND SUPERSEDING ATTORNEYS. This submission will remain on the docket unless otherwise ordered by the court. (mmh) (Entered: 11/18/2013)
11/18/2013	88	Substitution of Attorney -. (WESTWATER, GISELA) (Entered: 11/18/2013)
12/05/2013	89	Consent MOTION for Leave to Appear Pro Hac Vice <i>of Eunice Lee</i> by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. (Attachments: # 1 Certification of Eunice Lee, # 2 Certification of Lawrence S. Lustberg, # 3 Statement Pursuant to Local Civil Rule 7.1, # 4 Text of Proposed Order, # 5 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 12/05/2013)
12/05/2013		Set Deadlines as to 89 Consent MOTION for Leave to Appear Pro Hac Vice <i>of Eunice Lee</i> . Motion set for 1/6/2014 before Magistrate Judge Douglas E. Arpert. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 12/05/2013)
12/06/2013	90	Notice to be terminated and withdraw from Notices of Electronic filing as to case. (Attachments: # 1 Statement of withdrawal by Sarah Mehta, Esq.)(LUSTBERG, LAWRENCE) (Entered: 12/06/2013)
12/09/2013	91	ORDER granting 89 Motion for Leave to Appear Pro Hac Vice as to Eunice Lee, Esq. Signed by Magistrate Judge Douglas E. Arpert on 12/9/2013. (mmh) (Entered: 12/09/2013)
12/30/2013		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 12/30/2013. (ce3) (Entered: 12/30/2013)
01/02/2014	92	SCHEDULING ORDER: Telephone Conference set for 3/26/2014 11:00 AM before Magistrate Judge Douglas E. Arpert. Initial Fact Discovery due by 1/17/2014. Signed by Magistrate Judge Douglas E. Arpert on 1/2/2014. (mmh) (Entered: 01/02/2014)
02/21/2014	93	MOTION to Certify Class (<i>Renewed</i>) by SHELDON FRANCOIS, GARFIELD O. GAYLE, NEVILLE SUKHU. Responses due by 3/14/2014 (Attachments: # 1 Brief in Support of Plaintiffs' Renewed Motion for Class Certification, # 2 Declaration of Benjamin Yaster, # 3 Exhibit A - May 10, 2013 oral argument transcript, # 4 Exhibit B - ICE amended interrogatory responses, # 5 Exhibit C - Footnotes

		ICE304-06, # 6 Exhibit D - Sheriff deposition excerpts, # 7 Exhibit E - Simao deposition excerpts, # 8 Exhibit F - Weisel deposition excerpts, # 9 Exhibit G - OPLA written deposition, # 10 Exhibit H, part 1 - OPLA training documents, # 11 Exhibit H, part 2 - OPLA training documents, # 12 Exhibit H, part 3 - OPLA training documents, # 13 Exhibit I - email, Nov. 12, 2013, # 14 Exhibit J - letter, Jan. 17, 2014, # 15 Exhibit K - detainee monthly snapshot chart, # 16 Exhibit L - EOIR amended interrogatory responses, # 17 Exhibit M - Defendants' responses to requests for admission, # 18 Exhibit N - Francois Form I-286, # 19 Exhibit O - Plaintiffs' amended interrogatories to EOIR, # 20 Exhibit P - Email, Nov. 1, 2013, # 21 Text of Proposed Order, # 22 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 02/21/2014)
02/24/2014		Set Deadlines as to 93 MOTION to Certify Class (<i>Renewed</i>). Motion set for 4/7/2014 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 02/24/2014)
02/25/2014		Set/Reset Hearings: The Telephone Conference set for 3/26/2014 11:00 AM before Magistrate Judge Douglas E. Arpert has been adjourned and rescheduled for 4/1/2014 at 9:30AM. (ce3) (Entered: 02/25/2014)
03/14/2014	94	OPINION filed. Signed by Judge Freda L. Wolfson on 3/14/2014. (ej) (Entered: 03/14/2014)
03/14/2014	95	ORDER granting in part and denying in part 75 Motion to Dismiss; Dismissing Plaintiff Francois for lack of standing. Signed by Judge Freda L. Wolfson on 3/14/2014. (ej) (Entered: 03/14/2014)
03/19/2014		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 3/19/2014. (ce3) (Entered: 03/19/2014)
03/25/2014		Set/Reset Hearings: The Telephone Conference set for 4/1/2014 at 9:30AM before Magistrate Judge Douglas E. Arpert has been adjourned and rescheduled for 5/6/2014 at 3:30PM. (ce3) (Entered: 03/25/2014)
05/12/2014	96	Third MOTION to Certify Class by GARFIELD O. GAYLE. Responses due by 6/3/2014 (Attachments: # 1 Brief in Support of Motion for Class Certification, # 2 Text of Proposed Order, # 3 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 05/12/2014)
05/12/2014	97	DECLARATION re 96 Third MOTION to Certify Class by GARFIELD O. GAYLE. (Attachments: # 1 Exhibit A to Lee Decl.,

		# 2 Exhibit B to Lee Decl.)(LUSTBERG, LAWRENCE) (Entered: 05/12/2014)
05/12/2014	98	DECLARATION of Benjamin Yaster re 96 Third MOTION to Certify Class by GARFIELD O. GAYLE. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G-1, # 8 Exhibit G-2, # 9 Exhibit G-3, # 10 Exhibit H, # 11 Exhibit I, # 12 Exhibit J, # 13 Exhibit K, # 14 Exhibit L, # 15 Exhibit M)(LUSTBERG, LAWRENCE) (Entered: 05/12/2014)
05/13/2014		Set Deadlines as to 96 Third MOTION to Certify Class . Motion set for 6/16/2014 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 05/13/2014)
05/20/2014	99	SCHEDULING ORDER. Signed by Magistrate Judge Douglas E. Arpert on 5/19/2014. (mmh) (Entered: 05/20/2014)
06/02/2014	100	NOTICE of Appearance by STEFANIE NOTARINO HENNES on behalf of All Defendants (HENNES, STEFANIE) (Entered: 06/02/2014)
06/02/2014		CLERK'S QUALITY CONTROL MESSAGE - Please be advised, when entering a first appearance in a case, counsel should add their name when prompted. The Clerks office has added Stefanie Notarino Hennes as representing all Respondents in this case. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (mmh) (Entered: 06/02/2014)
06/03/2014	101	BRIEF in Opposition filed by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER re 96 Third MOTION to Certify Class (HENNES, STEFANIE) (Entered: 06/03/2014)
06/03/2014	102	MOTION to Dismiss , MOTION for Summary Judgment by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. Responses due by 7/1/2014 (Attachments: # 1 Brief in Support of Motion,

		<p># 2 Declaration of Joe Simao, # 3 Declaration of Gisela Westwater, # 4 Exhibit 1 - Gayle NTA, # 5 Exhibit 2 - Gayle I-286, # 6 Exhibit 3 - Gayle transcript - 4-10-2012, # 7 Exhibit 4 - Gayle transcript - 6-13-2012, # 8 Exhibit 5 - Gayle transcript - 8-15-2012, # 9 Exhibit 6 - Gayle transcript - 11-30-2012, # 10 Exhibit 7 - Gayle Motion to Terminate, # 11 Exhibit 8 - IJ order on Gayle Motion, # 12 Exhibit 9 - Sukhu NTA, # 13 Exhibit 10 - Sukhu addl charges, # 14 Exhibit 11 - Sukhu I-286, # 15 Exhibit 12 - Sukhu transcript - 11-17-2011, # 16 Exhibit 13 - Sukhu Motion to Terminate, # 17 Exhibit 14 - IJ order on Sukhu Motion, # 18 Exhibit 15 - revised I-286, # 19 Statement of Material Facts, # 20 Text of Proposed Order)(WESTWATER, GISELA) (Entered: 06/03/2014)</p>
06/03/2014	103	<p>DECLARATION re 101 Brief in Opposition to Motion, <i>of Stefanie Notarino Hennes</i> by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. (Attachments: # 1 Ex. A, # 2 Ex. B, # 3 Ex. C, # 4 Ex. D, # 5 Ex. E, # 6 Ex. F, # 7 Ex. G, # 8 Ex. H, # 9 Ex. I, # 10 Ex. J, # 11 Ex. K, # 12 Ex. L, # 13 Ex. M, # 14 Ex. N)(HENNES, STEFANIE) (Entered: 06/03/2014)</p>
06/04/2014		<p>Set Deadlines as to 102 MOTION to Dismiss MOTION for Summary Judgment . Motion set for 7/7/2014 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 06/04/2014)</p>
06/25/2014	104	<p>LETTER ORDER granting Plaintiff's request to extend time to file his reply on the class certification motion to 7/1/2014; the date by which the Government must file its reply brief on its Motion to Dismiss/Motion for Summary Judgment is extended to 8/5/2014. Signed by Magistrate Judge Douglas E. Arpert on 6/25/2014. (mmh) (Entered: 06/25/2014)</p>
07/01/2014	105	<p>MOTION for Summary Judgment by GARFIELD O. GAYLE. (Attachments: # 1 Brief Brief in Support of Motion for Summary Judgment, # 2 Statement Plaintiffs' Statement of Material Facts, # 3 Statement Plaintiffs' Response to Defs Statement of Facts, # 4 Text of Proposed Order Proposed Order, # 5 Declaration Gayle Declaration 1, # 6 Declaration Gayle Declaration 2, # 7 Declaration Sukhu Declaration, # 8 Declaration Gillman Declaration, # 9 Declaration Lee Declaration, # 10 Exhibit Exh. A, # 11 Exhibit Exh. B, # 12 Exhibit Exh. C, # 13 Exhibit Exh. D, # 14 Exhibit Exh. E, # 15 Exhibit Exh. F,</p>

		# 16 Exhibit Exh. G, # 17 Exhibit Exh. H, # 18 Exhibit Exh. I)(LUSTBERG, LAWRENCE) (Entered: 07/02/2014)
07/02/2014	106	RESPONSE in Support filed by GARFIELD O. GAYLE re 96 Third MOTION to Certify Class <i>Second Renewed Motion for Class Certification</i> (LUSTBERG, LAWRENCE) (Entered: 07/02/2014)
07/02/2014		Set Deadlines as to 105 MOTION for Summary Judgment . Motion set for 8/4/2014 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh) (Entered: 07/02/2014)
07/22/2014	107	MEMORANDUM in Opposition filed by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER re 105 MOTION for Summary Judgment (Attachments: # 1 Declaration of Gisela Westwater, # 2 Exhibit Weisel Transcript - Defs.' Ex. 16, # 3 Statement Defs.' Resp. to Pls.' Statement of Material Facts, # 4 Statement Defs.' Supplemental Statement of Material Facts)(WESTWATER, GISELA) (Entered: 07/22/2014)
08/05/2014	108	RESPONSE in Support filed by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER re 102 MOTION to Dismiss MOTION for Summary Judgment (Attachments: # 1 Declaration Shanahan, # 2 Exhibit Ex A to Shanahan Decl, # 3 Declaration 2d Simao, # 4 Exhibit Ex B to Shanahan Decl)(WESTWATER, GISELA) (Entered: 08/05/2014)
08/05/2014	109	REPLY BRIEF to Opposition to Motion filed by GARFIELD O. GAYLE re 105 MOTION for Summary Judgment , 102 MOTION to Dismiss MOTION for Summary Judgment (LUSTBERG, LAWRENCE) (Entered: 08/05/2014)
12/17/2014	110	LETTER ORDER terminating Plaintiffs renewed motion for class certification 96 and relisting the motion to be decided on the same date as the Government's motion for summary judgment 102 . The Court plans to issue an opinion addressing all three motions in January 2015. Signed by Judge Freda L. Wolfson on 12/17/2014. (mmh) (Entered: 12/17/2014)

01/28/2015	<u>111</u>	OPINION filed. Signed by Judge Freda L. Wolfson on 1/28/2015. (mmh) (Entered: 01/28/2015)
01/28/2015	<u>112</u>	ORDER granting in part and denying in part <u>102</u> Motion for Summary Judgment ; granting in part and denying in part <u>105</u> Motion for Summary Judgment. Signed by Judge Freda L. Wolfson on 1/28/2015. (mmh) (Entered: 01/28/2015)
01/29/2015		***Civil Case Terminated. (mmh) (Entered: 01/29/2015)
03/27/2015	<u>113</u>	NOTICE OF APPEAL by GARFIELD GAYLE, NEVILLE SUKHU, and SHELDON FRANCOIS. Filing fee \$ 505, receipt number 0312-6297240. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. Appeal Record due by 3/30/2015. (LUSTBERG, LAWRENCE) Modified on 3/31/2015 (mmh). (Entered: 03/27/2015)
03/27/2015	<u>114</u>	NOTICE OF CROSS APPEAL by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. (KUHN, CRAIG) (Entered: 03/27/2015)
04/08/2015	<u>115</u>	USCA Case Number 15-1785 for <u>113</u> Notice of Appeal (USCA), filed by AHILAN ARULANANTHAM. USCA Case Manager Caitlyn (CJG) (Document Restricted - Court Only) (ca3cjc) (Entered: 04/08/2015)
04/08/2015	<u>116</u>	USCA Case Number 15-1786 for <u>114</u> Notice of Cross Appeal, filed by ROBERT BIGGOTT, ROY L. HENDRICKS, JOHN T. MORTON, JOHN TSOUKARIS, JANET NAPOLITANO, JOSEPH TRABUCCO, CHRISTOPHER SHANAHAN, SCOTT A. WEBER, RAY SIMONSE, MONMOUTH COUNTY CORRECTIONAL FACILITY, OSCAR AVILES, JUAN OSUNA, BRIAN ELWOOD, ORLANDO RODRIGUEZ, ERIC HOLDER. USCA Case Manager Caitlyn (CJG) (Document Restricted - Court Only) (ca3cjc) (Entered: 04/08/2015)
09/22/2016	<u>117</u>	USCA JUDGMENT reversing and vacating orders of the District Court dated March 14, 2014 and January 28, 2015 and remanding the case for further proceedings as to <u>113</u> Notice of Appeal (USCA), filed by AHILAN ARULANANTHAM (ca3cjc) (Entered: 09/22/2016)

11/14/2016	<u>118</u>	MANDATE of USCA as to <u>113</u> Notice of Appeal (USCA), filed by AHILAN ARULANANTHAM (Finance notified) (Attachments: # <u>1</u> USCA Opinion)(ca3cjg) (Entered: 11/14/2016)
11/15/2016		Pursuant to the <u>118</u> MANDATE of the USCA, this judgment and orders of the USDC entered 3/14/2014 and 1/28/2015 are VACATED and the case is REMANDED to the USDC for further proceedings. (mmh) (Entered: 11/15/2016)
11/15/2016		Pursuant to Local Rule 79.4, notice is hereby given of the Appellate ruling filed on 11/14/2016. In the event that the mandate or judgment provides for costs or directs a disposition other than an affirmance, the prevailing party shall prepare and submit an order implementing the mandate or judgment. (mmh) (Entered: 11/15/2016)
11/17/2016		Set/Reset Hearings: Telephone Status Conference set for 12/8/2016 09:30 AM before Magistrate Judge Douglas E. Arpert. Counsel for Plaintiff is responsible for setting up and initiating the call. (ce3) (Entered: 11/17/2016)
12/08/2016		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 12/8/2016. (ce3) (Entered: 12/08/2016)
12/15/2016	<u>119</u>	ORDER REOPENING CASE for further proceedings consistent with the opinion of the Court of Appeals. Signed by Judge Freda L. Wolfson on 12/15/2016. (km) (Entered: 12/15/2016)
12/23/2016	<u>120</u>	Letter from Lawrence S. Lustberg. (LUSTBERG, LAWRENCE) (Entered: 12/23/2016)
12/28/2016	<u>121</u>	NOTICE by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER <i>of Attorney Withdrawal</i> (STEVENS, ELIZABETH) (Entered: 12/28/2016)
12/29/2016		CLERK'S QUALITY CONTROL MESSAGE - The <u>121</u> Notice to Withdraw filed by Elizabeth Stevens on 12/28/2016 was submitted incorrectly as a Notice (Other). PLEASE RESUBMIT THE Notice to Withdraw USING Notice to Withdraw from NEF as to Case found under Civil - Other Filings - Notices. This submission will remain on the docket unless otherwise ordered by the court. (mmh) (Entered: 12/29/2016)

12/29/2016	<u>122</u>	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney ELIZABETH J. STEVENS terminated. (STEVENS, ELIZABETH) (Entered: 12/29/2016)
12/29/2016	<u>123</u>	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney BENJAMIN YASTER terminated. (YASTER, BENJAMIN) (Entered: 12/29/2016)
12/29/2016	<u>124</u>	LETTER ORDER approving the parties discovery plan; setting a telephone status conference for 2/22/2017 at 9:30 AM. Signed by Magistrate Judge Douglas E. Arpert on 12/29/2016. (mmh) (Entered: 12/29/2016)
02/22/2017		Text Minute Entry for proceedings held before Magistrate Judge Douglas E. Arpert: Telephone Conference held on 2/22/2017. (ce3) (Entered: 02/22/2017)
03/17/2017	<u>125</u>	Letter from Lawrence S. Lustberg. (Attachments: # <u>1</u> Exhibit Stipulation as to numerosity)(LUSTBERG, LAWRENCE) (Entered: 03/17/2017)
04/06/2017	<u>126</u>	LETTER ORDER setting briefing schedule for Plaintiffs' renewed motion for class certification. Signed by Magistrate Judge Douglas E. Arpert on 4/6/2017. (mmh) (Entered: 04/06/2017)
04/21/2017	<u>127</u>	Fourth MOTION to Certify Class by GARFIELD O. GAYLE. Responses due by 5/26/2017 (Attachments: # <u>1</u> Brief, # <u>2</u> Certification Lawrence S. Lustberg, # <u>3</u> Exhibit, # <u>4</u> Certificate of Service, # <u>5</u> Text of Proposed Order)(LUSTBERG, LAWRENCE) (Entered: 04/21/2017)
04/21/2017		Set Deadlines as to <u>127</u> Fourth MOTION to Certify Class. Motion set for 6/19/2017 before Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (mmh) (Entered: 04/21/2017)
05/25/2017	<u>128</u>	Consent MOTION for Extension of Time to File Response/Reply as to Set/Reset Motion and R&R Deadlines/Hearings, <u>127</u> Fourth MOTION to Certify Class by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. (Attachments: # <u>1</u> Text of Proposed Order)(WESTWATER, GISELA) (Entered: 05/25/2017)

05/25/2017	129	ORDER granting 128 Motion for Extension of Time to File Response. Defendants' deadline to respond to Plaintiffs' Third Renewed Motion for Class Certification is extended to 5/31/2017. Signed by Magistrate Judge Douglas E. Arpert on 5/25/2017. (mmh) (Entered: 05/25/2017)
05/31/2017	130	BRIEF in Opposition filed by All Defendants re 127 Fourth MOTION to Certify Class (Attachments: # 1 Declaration Second Declaration of Jose Simao)(HENNES, STEFANIE) (Entered: 05/31/2017)
06/14/2017	131	REPLY BRIEF to Opposition to Motion filed by All Plaintiffs re 127 Fourth MOTION to Certify Class (Attachments: # 1 Certificate of Service)(LUSTBERG, LAWRENCE) (Entered: 06/14/2017)
11/15/2017	132	OPINION filed. Signed by Judge Freda L. Wolfson on 11/15/2017. (mmh) (Entered: 11/15/2017)
11/15/2017	133	ORDER granting 127 Motion to Certify Class; that the following class is certified: the right of all persons within the District of New Jersey, now and in the future, who are mandatorily detained pursuant to 8 U.S.C. § 1226(c) to obtain a bond hearing on the basis of a substantial claim to relief that would prevent the entry of a removal order, which includes challenging the constitutionality of the Joseph hearing process, namely, the allocation of the burden of proof and the contemporaneous recording of the hearing; that the representatives for the defined class are plaintiffs Gayle and Sukhu; that the due process claims involving the current version of Form I-286 and its addendum are dismissed because Plaintiffs are not adequate representatives for these class claims, and thus, they lack standing to pursue the claims; that Francois is dismissed from this case. Signed by Judge Freda L. Wolfson on 11/15/2017. (mmh) (Entered: 11/15/2017)
12/14/2017	134	Letter from Plaintiffs regarding Summary Judgment Briefing Schedule. (LUSTBERG, LAWRENCE) (Entered: 12/14/2017)
12/15/2017	135	LETTER ORDER setting briefing schedule re: cross motions for summary judgment. Signed by Judge Freda L. Wolfson on 12/15/2017. (mmh) (Entered: 12/15/2017)
02/26/2018	136	MOTION for Summary Judgment by All Plaintiffs. Responses due by 3/26/2018 (Attachments: # 1 Brief, # 2 Statement of Material Facts, # 3 Text of Proposed Order, # 4 Declaration of Michael Tan, # 5 Exhibit A to Tan Decl., # 6 Exhibit B to Tan Decl., # 7 Exhibit C to Tan Decl., # 8 Exhibit D to Tan Decl., # 9 Exhibit E to Tan Decl., # 10 Exhibit F to Tan Decl., # 11 Exhibit G to Tan Decl., # 12 Exhibit H to Tan Decl., # 13 Exhibit I to Tan Decl., # 14 Exhibit J to Tan Decl., # 15 Exhibit K to Tan Decl., # 16 Exhibit L to Tan Decl., # 17 Exhibit M to Tan Decl., # 18 Exhibit N to Tan Decl., # 19 Exhibit O to Tan

		Decl., # 20 Exhibit P to Tan Decl., # 21 Exhibit Q to Tan Decl., # 22 Declaration of David Hausman, # 23 Exhibit A to Hausman Decl., # 24 Declaration of Georgina Brown, # 25 Exhibit A to Brown Decl., # 26 Exhibit B to Brown Decl., # 27 Exhibit C to Brown Decl.)(LUSTBERG, LAWRENCE) (Entered: 02/26/2018)
02/27/2018		Set Deadlines as to 136 MOTION for Summary Judgment. Motion set for 4/2/2018 before Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (mmh) (Entered: 02/27/2018)
03/20/2018	137	MOTION for Extension of Time to File Response/Reply by All Defendants. (Attachments: # 1 Text of Proposed Order)(WESTWATER, GISELA) (Entered: 03/20/2018)
03/21/2018		Set Deadlines as to 137 MOTION for Extension of Time to File Response/Reply . Motion set for 4/16/2018 before Magistrate Judge Douglas E. Arpert. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (mmh) (Entered: 03/21/2018)
03/22/2018	138	ORDER granting 137 Motion for Extension of Time to File Response/Reply. Defendants' deadline to respond to Plaintiffs' Motion for Summary Judgment is extended to 4/23/2018. Signed by Judge Freda L. Wolfson on 3/22/2018. (mmh) (Entered: 03/22/2018)
04/23/2018	139	Cross MOTION for Summary Judgment by All Defendants. Responses due by 5/14/2018 (Attachments: # 1 Brief in Support of Defendants' Motion for Summary Judgment & Opposing Plaintiffs' Motion for Summary Judgment, # 2 Declaration of Gisela Westwater, # 3 Exhibit 1, # 4 Statement of Material Facts, # 5 Text of Proposed Order)(WESTWATER, GISELA) (Entered: 04/23/2018)
04/24/2018		Set Deadlines as to 139 Cross MOTION for Summary Judgment. Motion set for 5/21/2018 before Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (mmh) (Entered: 04/24/2018)
05/11/2018	140	First MOTION for Extension of Time to File Response/Reply as to 139 Cross MOTION for Summary Judgment , 136 MOTION for

		Summary Judgment by All Plaintiffs. (Attachments: # 1 Certificate of Service, # 2 Text of Proposed Order)(LUSTBERG, LAWRENCE) (Entered: 05/11/2018)
05/14/2018		Set Deadlines as to 140 First MOTION for Extension of Time to File Response/Reply as to 139 Cross MOTION for Summary Judgment , 136 MOTION for Summary Judgment . Motion set for 6/4/2018 before Magistrate Judge Douglas E. Arpert. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (mmh) (Entered: 05/14/2018)
05/14/2018	141	ORDER Plaintiffs shall file and serve their reply in support of their motion for summary judgment and response in opposition to Defendants' cross-motion for summary judgment on or before June 11, 2018. Signed by Judge Freda L. Wolfson on 5/14/2018. (mmh) (Entered: 05/14/2018)
06/11/2018	142	REPLY BRIEF to Opposition to Motion filed by All Plaintiffs re 139 Cross MOTION for Summary Judgment , 136 MOTION for Summary Judgment (Attachments: # 1 Exhibit In re V.C.A (BIA May 8, 2018), # 2 Exhibit Supplemental Declaration of Sarah T. Gillman)(LUSTBERG, LAWRENCE) (Entered: 06/11/2018)
06/15/2018		Reset Deadlines as to 139 Cross MOTION for Summary Judgment , 136 MOTION for Summary Judgment . Motion set for 7/16/2018 before Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (jem) (Entered: 06/15/2018)
06/28/2018	143	First MOTION for Extension of Time to File Response/Reply as to 139 Cross MOTION for Summary Judgment by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA, ORLANDO RODRIGUEZ, CHRISTOPHER SHANAHAN, RAY SIMONSE, JOSEPH TRABUCCO, JOHN TSOUKARIS, SCOTT A. WEBER. (Attachments: # 1 Text of Proposed Order)(KUHN, CRAIG) (Entered: 06/28/2018)
06/29/2018		Set Deadlines as to 143 First MOTION for Extension of Time to File Response/Reply as to 139 Cross MOTION for Summary Judgment . Motion set for 8/6/2018 before Magistrate Judge Douglas E. Arpert. Unless otherwise directed by the Court, this motion will be decided on

		the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (mmh) (Entered: 06/29/2018)
06/29/2018	<u>144</u>	ORDER granting <u>143</u> Motion for Extension of Time to File Reply in support of Cross-Motion for Summary Judgment. Time extended to 7/30/2018. Signed by Judge Freda L. Wolfson on 6/29/2018. (mmh) (Entered: 06/29/2018)
07/30/2018	<u>145</u>	REPLY BRIEF to Opposition to Motion filed by All Defendants re <u>136</u> MOTION for Summary Judgment (HENNES, STEFANIE) (Entered: 07/30/2018)
03/25/2019	146	TEXT ORDER temporarily terminating <u>136</u> Motion for Summary Judgment; temporarily terminating <u>139</u> Motion for Summary Judgment. The parties' motions for summary judgment are terminated pending supplemental submissions, which shall be filed by April 1, 2019. ORDERED by Judge Freda L. Wolfson on 3/25/2019. (Fang, W) (Entered: 03/25/2019)
04/04/2019	<u>147</u>	Letter from Lawrence S. Lustberg, Esq. re 146 Order on Motion for Summary Judgment,,, (LUSTBERG, LAWRENCE) (Entered: 04/04/2019)
04/04/2019	<u>148</u>	Letter from Stefanie N. Hennes re 146 Order on Motion for Summary Judgment,,, (HENNES, STEFANIE) (Entered: 04/04/2019)
08/29/2019	<u>149</u>	Substitution of Attorney - Attorney GISELA A. WESTWATER terminated. Attorney DHRUMAN YOGESH SAMPAT for OSCAR AVILES,DHRUMAN YOGESH SAMPAT for ROBERT BIGGOTT,DHRUMAN YOGESH SAMPAT for BRIAN ELWOOD,DHRUMAN YOGESH SAMPAT for ROY L. HENDRICKS,DHRUMAN YOGESH SAMPAT for ERIC HOLDER,DHRUMAN YOGESH SAMPAT for MONMOUTH COUNTY CORRECTIONAL FACILITY,DHRUMAN YOGESH SAMPAT for JOHN T. MORTON,DHRUMAN YOGESH SAMPAT for JANET NAPOLITANO,DHRUMAN YOGESH SAMPAT for JUAN OSUNA,DHRUMAN YOGESH SAMPAT for ORLANDO RODRIGUEZ,DHRUMAN YOGESH SAMPAT for CHRISTOPHER SHANAHAN,DHRUMAN YOGESH SAMPAT for RAY SIMONSE,DHRUMAN YOGESH SAMPAT for JOSEPH TRABUCCO,DHRUMAN YOGESH SAMPAT for JOHN TSOUKARIS,DHRUMAN YOGESH SAMPAT for SCOTT A. WEBER added.. (SAMPAT, DHRUMAN) (Entered: 08/29/2019)

09/03/2019	<u>150</u>	OPINION filed. Signed by Chief Judge Freda L. Wolfson on 09/03/2019. (jmh) (Entered: 09/03/2019)
09/03/2019	<u>151</u>	ORDER that parties <u>136</u> and <u>139</u> Motions for Summary Judgment are both GRANTED in part and DENIED in part. The Government's Motion is granted, and the Plaintiffs' motion is denied, insofar as the "substantially unlikely" burden imposed on § 1226(c) detainees is constitutional. The motion is GRANTED in favor of the Government as to Plaintiffs' contemporaneous verbatim records claim. Signed by Chief Judge Freda L. Wolfson on 09/03/2019. (jmh) (Entered: 09/03/2019)
09/30/2019	<u>152</u>	NOTICE OF APPEAL as to <u>151</u> Order of Dismissal, by GARFIELD O. GAYLE, NEVILLE SUKHU. Filing fee \$ 505, receipt number 0312-10000300. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (LUSTBERG, LAWRENCE) (Entered: 09/30/2019)
10/03/2019	<u>153</u>	USCA Case Number 19-3241 for <u>152</u> Notice of Appeal (USCA), filed by GARFIELD O. GAYLE, NEVILLE SUKHU. USCA Case Manager Tim McIntyre (Document Restricted - Court Only) (ca3tmm,) (Entered: 10/03/2019)
10/31/2019	<u>154</u>	NOTICE OF APPEAL by OSCAR AVILES, ROBERT BIGGOTT, BRIAN ELWOOD, ROY L. HENDRICKS, ERIC HOLDER, MONMOUTH COUNTY CORRECTIONAL FACILITY, JOHN T. MORTON, JANET NAPOLITANO, JUAN OSUNA. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (SAMPAT, DHRUMAN) (Entered: 10/31/2019)
11/06/2019	<u>155</u>	USCA Case Number 19-3547 for <u>154</u> Notice of Appeal (USCA), filed by ROBERT BIGGOTT, ROY L. HENDRICKS, JOHN T. MORTON, JANET NAPOLITANO, MONMOUTH COUNTY CORRECTIONAL FACILITY, OSCAR AVILES, JUAN OSUNA, BRIAN ELWOOD, ERIC HOLDER. USCA Case Manager Tim McIntyre (Document Restricted - Court Only) (ca3tmm,) (Entered: 11/06/2019)
05/12/2020	<u>156</u>	ORDER of USCA In accordance with the agreement of the parties in the above-captioned case, the matter is hereby dismissed pursuant to Fed. R. App. P. 42(b), without cost to either party. A certified copy of this order is issued in lieu of a formal mandate. (Entered: 05/12/2020)
09/03/2021	<u>157</u>	USCA JUDGMENT ORDERED and ADJUDGED by this Court that the order of the District Court entered on September 3, 2019 be and the same is hereby AFFIRMED in part, REVERSED in part, VACATED

		in part, and the case REMANDED to the District Court with instruction to enter appropriate relief. No costs shall be taxed. (Entered: 09/03/2021)
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