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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-06443-JMF**

Asylum Seeker Advocacy Project et al v. Barr et al
Assigned to: Judge Jesse M. Furman
Cause: 08:1101 Immigration & Nationality Act
(Definitions)

Date Filed: 07/11/2019
Date Terminated: 09/06/2019
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff

Asylum Seeker Advocacy Project

represented by **Ahilan T Arulanantham**
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Plaintiff

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Amy Belsher
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ATTORNEY TO BE NOTICED

Bradley S. Phillips
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ATTORNEY TO BE NOTICED

Christopher Thomas Dunn
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Gregory Phillips
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Robert L. Dell Angelo
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Robert Andrew Hodgson

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Skylar Brooks Grove

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ATTORNEY TO BE NOTICED

Melinda Eades Lemoine

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ATTORNEY TO BE NOTICED

Plaintiff

Immigrant Defenders Law Center

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LEAD ATTORNEY

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Amy Belsher

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Christopher Thomas Dunn

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Gina F. Elliott

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Gregory Phillips

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Plaintiff

Public Counsel

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V.

Defendant

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Defendant

Director James McHenry
*Director, Executive Office for
Immigration Review*

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Byars
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Secretary Kevin McAleenan
Secretary, Homeland Security

represented by **Brandon Matthew Waterman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Byars
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Acting Director Mark Morgan
*Acting Director, U.S. Immigration
and Customs Enforcement*

represented by **Brandon Matthew Waterman**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Byars
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Defendant

Director Thomas R. Decker
*Field Office Director, New York
Field Office, U.S. Immigration and
Customs Enforcement*

represented by **Brandon Matthew Waterman**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael James Byars
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LEAD ATTORNEY
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Date Filed	#	Docket Text
07/11/2019	<u>1</u>	COMPLAINT against William Barr, Thomas Decker, in his official capacity as New York Field Office Director, U.S. Immigration and Customs Enforcement, Kevin K. McAleenan, Acting Secretary of DHS, James McHenry, Mark Morgan. (Filing Fee \$ 400.00, Receipt Number ANYSDC-17227686)Document filed by Immigrant Defenders Law Center, Central American Resource Center Los Angeles, Asylum Seeker Advocacy Project, Public Counsel.(Lemoine, Melinda) (Entered: 07/11/2019)

07/11/2019	<u>2</u>	CIVIL COVER SHEET filed. (Lemoine, Melinda) (Entered: 07/11/2019)
07/11/2019	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to William Barr, Attorney General, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) (Entered: 07/11/2019)
07/11/2019	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to James McHenry, Director of the Executive Office for Immigration Review, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) (Entered: 07/11/2019)
07/11/2019	<u>5</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST PDF ERROR - REQUEST FOR ISSUANCE OF SUMMONS as to Kevin McAleenan, Secretary of Homeland Security, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) Modified on 7/12/2019 (pne). (Entered: 07/11/2019)
07/11/2019	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Mark Morgan, Acting Director, U.S. Immigration and Customs Enforcement, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) (Entered: 07/11/2019)
07/11/2019	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Thomas R. Decker, Field Office Director, New York Field Office, U.S. Immigration and Customs Enforcement, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) (Entered: 07/11/2019)
07/12/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Jesse M. Furman. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District .

		Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 07/12/2019)
07/12/2019		Magistrate Judge Ona T. Wang is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 07/12/2019)
07/12/2019		Case Designated ECF. (pne) (Entered: 07/12/2019)
07/12/2019		***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Melinda Eades Lemoine. The following case opening statistical information was erroneously selected/entered: County code New York; Fee Status code due (due). The following correction(s) have been made to your case entry: the County code has been modified to XX Out of State; the Fee Status code has been modified to pd (paid). (pne) (Entered: 07/12/2019)
07/12/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Melinda Eades Lemoine. The party information for the following party/parties has been modified: Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party text was omitted. (pne) (Entered: 07/12/2019)
07/12/2019	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to James McHenry. (pne) (Entered: 07/12/2019)
07/12/2019	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to Mark Morgan. (pne) (Entered: 07/12/2019)
07/12/2019	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Thomas R. Decker. (pne) (Entered: 07/12/2019)
07/12/2019	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to William Barr. (pne) (Entered: 07/12/2019)

07/12/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Melinda Eades Lemoine to RE-FILE Document No. <u>5</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): defendant name in the 'To' field must appear as it does on the pleading caption (remove middle initial). Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (pne) (Entered: 07/12/2019)
07/12/2019	<u>12</u>	NOTICE OF APPEARANCE by Christopher T Dunn on behalf of Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Dunn, Christopher) (Entered: 07/12/2019)
07/12/2019	<u>13</u>	NOTICE OF APPEARANCE by Amy Belsher on behalf of Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Belsher, Amy) (Entered: 07/12/2019)
07/12/2019	<u>14</u>	NOTICE OF APPEARANCE by Robert Andrew Hodgson on behalf of Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Hodgson, Robert) (Entered: 07/12/2019)
07/12/2019	<u>15</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUESTED - WRONG EVENT TYPE SELECTED FROM MENU - REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Kevin McAleenan, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) Modified on 7/15/2019 (dnh). (Entered: 07/12/2019)
07/15/2019	<u>16</u>	MOTION for Bradley S. Phillips to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number BNYSDC-17244272. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # <u>1</u> Affidavit ISO Motion for Admission PHV, # <u>2</u> Text of Proposed Order for Admission PHV)(Phillips, Bradley) (Entered: 07/15/2019)
07/15/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Bradley S. Phillips

		to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number BNYSDC-17244272. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 07/15/2019)
07/15/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Melinda Eades Lemoine to RE-FILE Document No. <u>15</u> Request for Issuance of Amended Summons,. The filing is deficient for the following reason(s): the wrong event type was used to file the request for issuance of summons; This is not an Amended Summons. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (dnh) (Entered: 07/15/2019)
07/15/2019	<u>17</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Kevin McAleenan, re: <u>1</u> Complaint,. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Lemoine, Melinda) (Entered: 07/15/2019)
07/15/2019	<u>18</u>	MOTION for Gregory Duncan Phillips to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17246983. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # <u>1</u> Affidavit Affidavit of Gregory D. Phillips in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(Phillips, Gregory) (Entered: 07/15/2019)
07/15/2019	<u>19</u>	MOTION for Skylar D. Brooks to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17247445. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # <u>1</u> Affidavit Skylar D. Brooks, # <u>2</u> Text of Proposed Order)(Brooks, Skylar) (Entered: 07/15/2019)
07/16/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>19</u> MOTION for Skylar D. Brooks to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17247445. Motion and supporting papers to be

		reviewed by Clerk's Office staff., <u>18</u> MOTION for Gregory Duncan Phillips to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17246983. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/16/2019)
07/16/2019	20	ORDER granting <u>19</u> Motion for Skylar D. Brooks to Appear Pro Hac Vice; <u>16</u> Motion for Bradley S. Phillips to Appear Pro Hac Vice; and <u>18</u> Motion for Gregory Duncan Phillips to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/16/2019)
07/16/2019	<u>21</u>	MOTION for Gina Elliott to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17251018. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # <u>1</u> Affidavit Affidavit of Gina Elliott in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Order re Motion for Admission Pro Hac Vice)(Elliott, Gina) (Entered: 07/16/2019)
07/16/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>21</u> MOTION for Gina Elliott to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17251018. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/16/2019)
07/16/2019	<u>22</u>	MOTION for Robert L. Dell Angelo to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17251831. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # <u>1</u> Affidavit of Robert L. Dell Angelo in Support of Motion for Pro Hac Vice, # <u>2</u> Order for Admission Pro Hac Vice)(Dell Angelo, Robert) (Entered: 07/16/2019)
07/16/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>22</u> MOTION for Robert L. Dell Angelo to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17251831. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been

		reviewed and there are no deficiencies. (wb) (Entered: 07/16/2019)
07/16/2019	23	ORDER granting 21 Motion for Gina Elliott to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/16/2019)
07/16/2019	24	ORDER granting 22 Motion for Robert L. Dell Angelo to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/16/2019)
07/16/2019	25	ELECTRONIC SUMMONS ISSUED as to Kevin McAleenan. (dnh) (Entered: 07/16/2019)
07/16/2019	26	LETTER MOTION for Conference <i>on July 18, 2019</i> addressed to Judge Jesse M. Furman from Bradley S. Phillips dated July 16, 2019. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel.(Phillips, Bradley) (Entered: 07/16/2019)
07/16/2019	27	NOTICE OF APPEARANCE by Brandon Matthew Waterman on behalf of William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan. (Waterman, Brandon) (Entered: 07/16/2019)
07/16/2019	28	ORDER granting 26 Letter Motion for Conference. Defendants shall file a response to Plaintiffs' letter motion by July 17, 2019, at 5 p.m., and counsel for all parties shall appear for a conference with the Court on July 18, 2019 at 11:00 a.m. in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York. Absent leave of Court obtained by letter-motion filed before the conference, the conference must be attended by the attorney who will serve as principal trial counsel. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/16/2019)
07/17/2019	29	NOTICE OF APPEARANCE by Michael James Byars on behalf of William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan. (Byars, Michael) (Entered: 07/17/2019)
07/17/2019	30	MEMORANDUM OPINION AND ORDER: For these reasons, the Clerk of Court is directed to change the nature of suit code to No. 890, "Other Statutory Actions," thereby lifting the limitations on remote electronic access to the docket imposed by Rule 5.2(c). (Signed by Judge Jesse M. Furman on 7/17/2019) (ne) (Entered: 07/17/2019)

07/17/2019	<u>31</u>	LETTER addressed to Judge Jesse M. Furman from Brandon M. Waterman dated July 17, 2019 re: The defendants' response to the plaintiffs' July 16 letter (ECF No. 26) and opposition to plaintiffs' request for expedited discovery. Document filed by William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan.(Waterman, Brandon) (Entered: 07/17/2019)
07/17/2019	<u>32</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Ahilan T. Arulanantham to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17263895. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Correspondence, # <u>3</u> Proposed Order)(Arulanantham, Ahilan) Modified on 7/18/2019 (wb). (Entered: 07/17/2019)
07/17/2019	<u>33</u>	LETTER MOTION for Conference -- <i>Appearances by Bradley S. Phillips (in person) and Ahilan Arulanantham (telephonically)</i> addressed to Judge Jesse M. Furman from Bradley S. Phillips dated July 17, 2019. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel.(Phillips, Bradley) (Entered: 07/17/2019)
07/17/2019	34	ORDER granting <u>33</u> Letter Motion Seeking Leave for Counsel to Participate by Telephone. Mr. Arulanantham is granted leave to participate in tomorrow's conference by telephone. Prior the conference, co-counsel shall provide the Court's staff with a telephone number at which Mr. Arulanantham can be reached at the time of the conference. The Court anticipates that counsel in the courtroom will do most, if not all, of the speaking. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/17/2019)
07/18/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>32</u> MOTION for Ahilan T. Arulanantham to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17263895. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing

		issued within the past 30 days - attach Proposed Order.. (wb) (Entered: 07/18/2019)
07/18/2019		Minute Entry for proceedings held before Judge Jesse M. Furman: Discovery Conference held on 7/18/2019. Gregory Phillips, Christopher Dunn, Ahilan Arulanantham (via phone), Robert Hodgson present for Plaintiffs. Brandon Waterman and Michael Byars present for Defendants. Court reporter present. -- See transcript. (ab) (Entered: 07/18/2019)
07/18/2019	<u>35</u>	SCHEDULING ORDER: As discussed on the record during the conference held earlier today, Defendants shall file a motion to dismiss the Complaint on jurisdictional grounds no later than July 24, 2019. Any opposition to the motion shall be filed no later than July 30, 2019. Any reply shall be filed no later than August 2, 2019. SO ORDERED. (Motions due by 7/24/2019. Responses due by 7/30/2019. Replies due by 8/2/2019). (Signed by Judge Jesse M. Furman on 7/18/2019) (rjm) (Entered: 07/18/2019)
07/19/2019	<u>36</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Ahilan Thevanesan Arulanantham to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17280999. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center. (Attachments: # <u>1</u> Affidavit Affidavit of Ahilan Arulanantham in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(Arulanantham, Ahilan) Modified on 7/22/2019 (wb). (Entered: 07/19/2019)
07/22/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>36</u> MOTION for Ahilan Thevanesan Arulanantham to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17280999. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (wb) (Entered: 07/22/2019)
07/22/2019	<u>37</u>	MOTION for Ahilan Thevanesan Arulanantham to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Asylum Seeker Advocacy Project,

		Central American Resource Center Los Angeles, Immigrant Defenders Law Center. (Attachments: # 1 Affidavit Affidavit of Ahilan Arulanantham in Support of Motion for Admission Pro Hac Vice, # 2 Text of Proposed Order Order for Admission Pro Hac Vice)(Arulanantham, Ahilan) (Entered: 07/22/2019)
07/22/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 37 MOTION for Ahilan Thevanesan Arulanantham to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/22/2019)
07/22/2019	38	ORDER granting 37 Motion for Ahilan Thevanesan Arulanantham to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/22/2019)
07/24/2019	39	MOTION to Dismiss for Lack of Jurisdiction . Document filed by William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan.(Waterman, Brandon) (Entered: 07/24/2019)
07/24/2019	40	MEMORANDUM OF LAW in Support re: 39 MOTION to Dismiss for Lack of Jurisdiction . . Document filed by William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan. (Waterman, Brandon) (Entered: 07/24/2019)
07/25/2019	41	SUMMONS RETURNED EXECUTED Summons and Complaint, served. All Defendants. Service was made by Certified Mail. Document filed by Immigrant Defenders Law Center, Central American Resource Center Los Angeles, Asylum Seeker Advocacy Project, Public Counsel. (Brooks, Skylar) (Entered: 07/25/2019)
07/30/2019	42	RESPONSE in Opposition to Motion re: 39 MOTION to Dismiss for Lack of Jurisdiction . . Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. (Attachments: # 1 Declaration of Bo Cooper, # 2 Declaration of Shalyn Fluharty, # 3 Declaration of Mariela Jasso, # 4 Declaration of Judy London, # 5 Declaration of Trina A. Realmuto, # 6 Declaration of Swapna Reddy)(Arulanantham, Ahilan) (Entered: 07/30/2019)
07/31/2019	43	TRANSCRIPT of Proceedings re: CONFERENCE held on 7/18/2019 before Judge Jesse M. Furman. Court Reporter/Transcriber: Vincent Bologna, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of

		Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/21/2019. Redacted Transcript Deadline set for 9/3/2019. Release of Transcript Restriction set for 10/29/2019.(McGuirk, Kelly) (Entered: 07/31/2019)
07/31/2019	44	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 7/18/19 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/31/2019)
08/02/2019	45	LETTER MOTION for Leave to File Excess Pages addressed to Judge Jesse M. Furman from Brandon M. Waterman dated August 2, 2019. Document filed by William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan.(Waterman, Brandon) (Entered: 08/02/2019)
08/02/2019	46	ORDER granting 45 Letter Motion for Leave to File Excess Pages. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 08/02/2019)
08/02/2019	47	REPLY MEMORANDUM OF LAW in Support re: 39 MOTION to Dismiss for Lack of Jurisdiction . . Document filed by William Barr, Thomas R. Decker, Kevin McAleenan, James McHenry, Mark Morgan. (Waterman, Brandon) (Entered: 08/02/2019)
09/05/2019	48	MEMORANDUM OPINION AND ORDER: re: 39 MOTION to Dismiss for Lack of Jurisdiction filed by William Barr, Thomas R. Decker, James McHenry, Mark Morgan, Kevin McAleenan. If true (and the Court has assumed that they are true for purposes of this motion), Plaintiffs' allegations are certainly troubling. According to the Complaint, unrepresented immigrant families and children find themselves in "a classic Catch-22 situation": having been deprived of notice and the opportunity to challenge entry of removal orders in the first instance, the only way they can challenge those orders now is by filing written motions to reopen. Opp'n at 1; see Compl. Paragraphs 3-6. But without counsel, English fluency, or an ability to navigate the complex immigration system, they realistically cannot file written motions to reopen to bring those failures [in notice] to light." Opp'n at 1. In light of Sections 1252(a)(5) and (b)(9),however, any remedy for these circumstances lies not in this Court, but elsewhere: in immigration court (by way of a motion to

		reopen), in the Court of Appeals (by way of a petition for review), or in Congress (by way of changing the law). Accordingly, and for the foregoing reasons, Defendants' motion to dismiss for lack of subject-matter jurisdiction is GRANTED and the Complaint is dismissed. The Clerk of Court is directed to terminate ECF No. 39 and to close the case. SO ORDERED. (Signed by Judge Jesse M. Furman on 9/05/2019) (ama) Transmission to Orders and Judgments Clerk for processing. (Entered: 09/05/2019)
09/06/2019	49	CLERK'S JUDGMENT re: 48 Memorandum & Opinion in favor of James McHenry, Kevin McAleenan, Mark Morgan, Thomas R. Decker, William Barr against Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Order dated September 5, 2019, if true (and the Court has assumed that they are true for purposes of this motion), Plaintiffs' allegations are certainly troubling. According to the Complaint, unrepresented immigrant families and children find themselves in "a classic Catch-22 situation": having been deprived of notice and the opportunity to challenge entry of removal orders in the first instance, the only way they can challenge those orders now is by filing written motions to reopen. Opp'n at I; see Comp!. Paragraphs 3-6. But without counsel, English fluency, or an ability to navigate the complex immigration system, they realistically cannot file written motions to reopen to bring those failures [in notice] to light." Opp'n at I. In light of Sections 1252(a)(5) and (b)(9), however, any remedy for these circumstances lies not in this Court, but elsewhere: in immigration court (by way of a motion to reopen), in the Court of Appeals (by way of a petition for review), or in Congress (by way of changing the law). Accordingly, and for the foregoing reasons, Defendants' motion to dismiss for lack of subject-matter jurisdiction is GRANTED and the Complaint is dismissed; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 9/6/2019) (Attachments: # 1 Right to Appeal)(km) (Entered: 09/06/2019)
09/06/2019		Terminate Transcript Deadlines (km) (Entered: 09/06/2019)
11/04/2019	50	NOTICE OF APPEAL from 48 Memorandum & Opinion,,,,,, Document filed by Asylum Seeker Advocacy Project, Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel. Form C and Form D are due within 14 days

		to the Court of Appeals, Second Circuit. (Arulanantham, Ahilan) (Entered: 11/04/2019)
11/04/2019		Appeal Fee Due: for 50 Notice of Appeal, \$505.00 Appeal fee due by 11/18/2019. (nd) (Entered: 11/04/2019)
11/04/2019		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 50 Notice of Appeal. (nd) (Entered: 11/04/2019)
11/04/2019		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 50 Notice of Appeal, filed by Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel, Asylum Seeker Advocacy Project were transmitted to the U.S. Court of Appeals. (nd) (Entered: 11/04/2019)
11/21/2019	51	MANDATE of USCA (Certified Copy) as to 50 Notice of Appeal, filed by Central American Resource Center Los Angeles, Immigrant Defenders Law Center, Public Counsel, Asylum Seeker Advocacy Project. USCA Case Number 19-3659. The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to FRAP 42. The stipulation is hereby "So Ordered".. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 11/21/2019. (nd) (Entered: 11/21/2019)

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