

CLOSED

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:07-cv-00722-SJD-TSH**

Martinez et al v. Secretary, Department of Homeland Security et al	Date Filed: 08/31/2007
Assigned to: Chief Judge Susan J. Dlott	Date Terminated: 09/27/2007
Referred to: Magistrate Judge Timothy S Hogan	Jury Demand: None
Cause: 8:1105(a) Aliens: Habeas Corpus to Release INS Det	Nature of Suit: 530 Habeas Corpus (General)
	Jurisdiction: U.S. Government Defendant

Plaintiff

Ivan Munoz Martinez

Individually and on behalf of 120 John and Jane Does – whose identities are not known at the present time – and who were arrested in Bulter County on 8/28/07 and who are currently being detained at various detention centers in Southern District of Ohio

represented by **Constance M Pillich**
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LEAD ATTORNEY
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LEAD ATTORNEY
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Plaintiff

Esmerelda T Bermudez

Individually and on behalf of 120 John and Jane Does – whose identities are not known at the present time – and who were arrested in Bulter County on 8/28/07 and who are currently being detained at various detention centers in Southern District of Ohio

represented by **Constance M Pillich**
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V.

Intervenor Plaintiff

Koch Foods of Cincinnati LLC

represented by **Martin Stanley Pinales**
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V.

Defendant

Secretary, Department of Homeland Security

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US Attorney
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Defendant

Assistant Secretary, US Department of Homeland Security

represented by **Jan Martin Holtzman**
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LEAD ATTORNEY
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Gerald Francis Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

District Director, ICE
US Citizenship and Immigration Services

represented by **Jan Martin Holtzman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald Francis Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Todd Smith
Immigration and Customs Enforcement,
in his official capacity

represented by **Jan Martin Holtzman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald Francis Kaminski
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard K Jones
in his official capacity

represented by **Jan Martin Holtzman**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Date Filed	#	Docket Text
08/31/2007	<u>1</u>	EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS, WRIT OF MANDAMUS, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND MOTION FOR A STAY OF REMOVAL filed by Plaintiffs Ivan Munoz Martinez and Esmerelda T Bermudez against Defendants Richard K Jones, Secretary, Department of Homeland Security, Assistant Secretary, US Department of Homeland Security, District Director, ICE, and Todd Smith.(Filing fee \$ 350.) (Attachments: # <u>1</u> Civil Cover Sheet) (scot1,) (Entered: 08/31/2007)
08/31/2007		Filing fee: \$ 350, receipt number 435434 (scot1,) (Entered: 08/31/2007)
08/31/2007		Minute Entry for proceedings held before Judge Susan J. Dlott : Hearing held on 8/31/2007. Parties to prepare a notice and distribute notice to any and all of the INS detainees advising them that there are Cincinnati attorneys who will give them free legal assistance (Court Reporter Julie Wolfer (Official).) (wam,) (Entered: 08/31/2007)
08/31/2007	<u>2</u>	Summons Issued as to Richard K Jones. (scot1,) Additional attachment(s) added on 8/31/2007 (scot1,). (Entered: 08/31/2007)
08/31/2007		Notice of Correction re <u>2</u> Summons Issued: Incorrect PDF originally attached by Clerk. Clerk reattached correct PDF. (scot1,) (Entered: 08/31/2007)
08/31/2007	<u>3</u>	Summons Issued as to Ivan Munoz Martinez, Secretary, Department of Homeland Security, Assistant Secretary, US Department of Homeland Security, District Director, ICE, Todd Smith, U.S. Attorney and U.S. Attorney General (scot1,) (Entered: 08/31/2007)
09/07/2007	<u>4</u>	Emergency MOTION to Intervene by Koch Foods of Cincinnati LLC. (Attachments: # <u>1</u> Exhibit A (Complaint)# <u>2</u> Exhibit B (Search Warrant)# <u>3</u> Exhibit C (Newspaper Article)# <u>4</u> Exhibit D (Letter)# <u>5</u> Exhibit D (Letter)) (Crouse, Candace) (Entered: 09/07/2007)
09/07/2007	<u>5</u>	MOTION for Preliminary Injunction by Intervenor Plaintiff Koch Foods of Cincinnati LLC. (Crouse, Candace) (Entered: 09/07/2007)
09/07/2007	<u>6</u>	NOTICE of Appearance by Martin Stanley Pinales Intervenor Plaintiff Koch Foods of Cincinnati LLC (Pinales, Martin) (Entered: 09/07/2007)
09/10/2007	<u>7</u>	MOTION for Hearing by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez. (Attachments: # <u>1</u> Exhibit Ex. 1, Affidavit of Ismael Gonzalez-Ocampo# <u>2</u> Exhibit Ex. 2, List of Free Legal Services Providers# <u>3</u> Exhibit Ex. 3, ICE Transfer Standards# <u>4</u> Exhibit Ex. 4, Notice of Appearance) (Namei, Firooz) (Entered: 09/10/2007)
09/10/2007		Notice of Correction re <u>5</u> MOTION for Preliminary Injunction: Document is a two part motion that also included a Motion for TRO. Attorney to refile same PDF as a Motion for TRO. (scot1,) (Entered: 09/10/2007)
09/10/2007	<u>8</u>	RESPONSE to Motion re <u>5</u> MOTION for Preliminary Injunction <i>Federal Defendants' Memorandum Regarding Standing of Proposed Intervenor to Seek an</i>

		<i>Injunction</i> filed by Defendants Secretary, Department of Homeland Security, Assistant Secretary, US Department of Homeland Security, District Director, ICE, Todd Smith. (Kaminski, Gerald) (Entered: 09/10/2007)
09/10/2007	<u>9</u>	MOTION for Temporary Restraining Order by Intervenor Plaintiff Koch Foods of Cincinnati LLC. (Crouse, Candace) (Entered: 09/10/2007)
09/10/2007	<u>10</u>	Supplemental Memorandum Supporting re <u>5</u> MOTION for Preliminary Injunction, <u>4</u> Emergency MOTION to Intervene by <i>Koch Foods of Cincinnati LLC</i> , <u>9</u> MOTION for Temporary Restraining Order filed by Intervenor Plaintiff Koch Foods of Cincinnati LLC. (Attachments: # <u>1</u> Exhibit A (Pinales Affidavit) # <u>2</u> Exhibit B (Reisen Affidavit)) (Crouse, Candace) (Entered: 09/10/2007)
09/10/2007		Minute Entry for proceedings held before Judge Susan J. Dlott : Motion Hearing held on 9/7/2007 re <u>5</u> MOTION for Preliminary Injunction/TRO filed by Koch Foods of Cincinnati LLC. Matter taken under advisement. (Court Reporter Jodie Perkins (Official).) (wam,) Modified docket text on 9/11/2007 (scot1,). (Entered: 09/10/2007)
09/11/2007		Minute Entry for proceedings held before Judge Susan J. Dlott : Motion Hearing held on 9/10/2007 re <u>7</u> EMERGENCY MOTION for Evidentiary Hearing. (Court Reporter Julie Wolfer (Official).) (wam,) Modified docket text on 9/11/2007 (scot1,). (Entered: 09/11/2007)
09/11/2007	<u>11</u>	MOTION to Take Deposition from Ivan Munoz Martinez and Esmerelda T. Bermudez by Defendant Richard K Jones. (Ferguson, Dan) (Entered: 09/11/2007)
09/11/2007	<u>12</u>	NOTICE of Appearance by Dan Lee Ferguson Defendant Richard K Jones (Ferguson, Dan) (Entered: 09/11/2007)
09/11/2007	<u>13</u>	NOTICE by Defendant Richard K Jones re <u>11</u> MOTION to Take Deposition from Ivan Munoz Martinez and Esmerelda T. Bermudez 9/21/2007 at 10:00p.m. (Ferguson, Dan) (Entered: 09/11/2007)
09/13/2007	<u>14</u>	NOTICE of Hearing on Motion <u>11</u> MOTION to Take Deposition from Ivan Munoz Martinez and Esmerelda T. Bermudez : Motion Hearing set for 9/17/2007 at 2:00 PM in chambers before Judge Susan J. Dlott. (wam,) (Entered: 09/13/2007)
09/13/2007	<u>15</u>	RESPONSE to Motion re <u>7</u> MOTION for Hearing <i>MEMORANDUM OF LAW REGARDING THE APPLICATION OF THE REAL ID ACT OF 2005 TO PLAINTIFF GONZALEZ-OCAMPOS CONSTITUTIONAL CHALLENGE TO HIS STIPULATED ORDER OF REMOVAL</i> filed by Defendants Secretary, Department of Homeland Security, Assistant Secretary, US Department of Homeland Security, District Director, ICE, Todd Smith. (Attachments: # <u>1</u> Exhibit In Removal Proceedings # <u>2</u> Exhibit Stipulated Request for Removal Order) (Kaminski, Gerald) (Entered: 09/13/2007)
09/15/2007	<u>16</u>	PRETRIAL MEMORANDUM by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez. (Namei, Firooz) (Entered: 09/15/2007)
09/15/2007	<u>17</u>	MOTION to Amend/Correct <u>16</u> Pretrial Memorandum by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez. (Namei, Firooz) (Entered: 09/15/2007)
09/17/2007		Minute Entry for proceedings held before Judge Susan J. Dlott : Motion Hearing held on 9/17/2007 re <u>11</u> MOTION to Take Deposition from Ivan Munoz Martinez and Esmerelda T. Bermudez filed by Richard K Jones. (Court Reporter Jodie Perkins (Official).) (wam,) (Entered: 09/17/2007)
09/18/2007	<u>18</u>	ORDER granting <u>17</u> Motion to supplement memorandum with Sixth Circuit decision. Signed by Judge Susan J. Dlott on 9/18/07. (wam,) (Entered: 09/18/2007)
09/19/2007	19	[FORMER DOC. 19] NOTICE of Appearance by Constance M Pillich Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez (Pillich, Constance) Modified on 9/20/2007 to remove PDF (mg1,). (Entered: 09/19/2007)
09/19/2007	20	[FORMER DOC. 20] NOTICE of Voluntary Dismissal by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez (Pillich, Constance) Modified on 9/20/2007 to remove PDF (mg1,). (Entered: 09/19/2007)

09/20/2007		Notice of Correction re [FORMER DOC. 19] Notice of Appearance and [FORMER DOC. 20] Notice of Voluntary Dismissal: Documents were unsigned. Attorney to refile with signed PDFs. (mg1,) (Entered: 09/20/2007)
09/20/2007	<u>21</u>	NOTICE of Appearance by Constance M Pillich Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez (Pillich, Constance) (Entered: 09/20/2007)
09/20/2007	22	[FORMER DOC. 22] NOTICE of Voluntary Dismissal by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez (Pillich, Constance) Modified to remove PDF on 9/21/2007 (scot1,). (Entered: 09/20/2007)
09/21/2007		Notice of Correction re [FORMER DOC. 22] Notice of Voluntary Dismissal: PDF was unsigned. Attorney to refile. (scot1,) (Entered: 09/21/2007)
09/21/2007	<u>23</u>	NOTICE of Voluntary Dismissal by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez (Pillich, Constance) (Entered: 09/21/2007)
10/19/2007	<u>24</u>	MOTION to Dismiss by Plaintiffs Ivan Munoz Martinez, Esmerelda T Bermudez.Responses due by 10/19/2007 (Namei, Firooz) (Entered: 10/19/2007)
10/22/2007	<u>25</u>	RESPONSE to Motion re <u>24</u> MOTION to Dismiss <i>Federal Defendants' Notice of Non-Opposition to Plaintiffs' Motion to Dismiss this Lawsuit Without Prejudice</i> filed by Defendants Secretary, Department of Homeland Security, Assistant Secretary, US Department of Homeland Security, District Director, ICE, Todd Smith. (Kaminski, Gerald) (Entered: 10/22/2007)
10/26/2007	<u>26</u>	NOTICE by Defendant Richard K Jones of <i>Non-Opposition of Motion to Dismiss</i> (Ferguson, Dan) (Entered: 10/26/2007)
10/29/2007	<u>27</u>	TRANSCRIPT of Proceedings (Hearing) held on August 31, 2007 before Judge Susan J. Dlott. Court Reporter: Julie Wolfer (Official). NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully. For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. (scot1,) (Entered: 10/29/2007)
10/29/2007	<u>28</u>	TRANSCRIPT of Proceedings (Motions Hearing) held on September 10, 2007 before Judge Susan J. Dlott. Court Reporter: Julie Wolfer (Official). NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully. For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. (scot1,) (Entered: 10/29/2007)
10/29/2007	<u>29</u>	ORDER granting <u>24</u> Motion to Dismiss without prejudice. Signed by Judge Susan J. Dlott on 10/26/07. (wam1,) (Entered: 10/29/2007)