

1991 WL 330943

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United States District Court, S.D. Florida.

HAITIAN REFUGEE CENTER, INC., et al,
Plaintiffs,

v.

James BAKER, III, et al, Defendants.

No. 91-2635-CIV-ATKINS. | Dec. 23, 1991.

Opinion

ORDER SUPPLEMENTING DECEMBER 20, 1991 ORDER GRANTING LIMITED PRELIMINARY INJUNCTIVE RELIEF

ATKINS, Senior District Judge.

*1 THIS CAUSE comes before the court on plaintiffs' December 23, 1991 Emergency Motion for Entry of Supplemental Order supplementing this court's December 20, 1991 Order Granting Limited Preliminary Injunctive Relief. Upon consideration of the Emergency Motion, this court's December 3, 1991 Order Granting Preliminary Injunctive Relief and Supporting Memorandum Opinion (except to the extent based upon Article 33 claims in the Amended Complaint), this court's December 20, 1991 Order Granting Limited Preliminary Injunctive Relief, and the findings and conclusions set forth in each of them, it is

ORDERED AND ADJUDGED that plaintiffs' December

23, 1991 Emergency Motion for Entry of Supplemental Order is *granted*. Accordingly, it is further

ORDERED AND ADJUDGED that plaintiffs' prior request for injunctive relief based on the Administrative Procedure Act (APA) is *granted* as follows: defendants are hereby enjoined from forcefully repatriating the individual plaintiffs or class members in their custody either until the merits of the underlying action are resolved or until defendants implement and follow procedures, such as those contained in the INS Guidelines, adequate to ensure that Haitians with bona fide political asylum claims are not forced to return to Haiti in violation of law.¹ Finally, it is

ORDERED AND ADJUDGED that the injunctive relief set forth in the preceding paragraph is *stayed* and *suspended* pending appeal, pursuant to Rule 62(c), Federal Rules of Civil Procedure.

¹ The court notes that this paragraph provides for relief that a majority of the Eleventh Circuit Court of Appeals voted to stay in the Circuit Court's December 19, 1991 stay order. By the express terms of this court's December 17 and 18, 1991 orders, however, that relief was effective only pending the 10:00 a.m. hearing on Friday, December 20, 1991. Accordingly, it appears that the APA-based injunction—entered by this court on December 17, clarified by this court on December 18, suspended by the Eleventh Circuit on December 19, and further clarified by this court on December 20—was moot as of the end of the hearing on Friday, December 20, 1991.