

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:17-cv-00721-EAW

Abdi v. Duke, et al.
Assigned to: Hon. Elizabeth A. Wolford
Cause: 28:2241 Petition for Writ of Habeas Corpus
(federa

Date Filed: 07/28/2017
Jury Demand: None
Nature of Suit: 463 Habeas Corpus -
Alien Detainee
Jurisdiction: U.S. Government
Defendant

Petitioner

Hanad Abdi

represented by **Aadhithi Padmanabhan**
New York Civil Liberties Union
Foundation
125 Broad Street
19th Floor
New York, NY 10004
212 607-3343
Fax: 212 607-3318
Email: aadhithi@gmail.com
TERMINATED: 05/22/2019

Antony Philip Falconer Gemmell
New York Civil Liberties Union
Foundation
125 Broad Street
19th Floor
New York, NY 10004
212-607-3320
Fax: 212-607-3318
Email: agemmell@nyclu.org
ATTORNEY TO BE NOTICED

Christopher T. Dunn
NY Civil Liberties Union
125 Broad Street
17th Floor
New York, NY 10004
212-344-3005
Fax: 212-344-3329
Email: cdunn@nyclu.org
ATTORNEY TO BE NOTICED

Deepa Alagesan

International Refugee Assistance
Project

One Battery Park Plaza

4th Floor

New York, NY 10004

516-838-7044

Email: dalagesan@refugeerights.org

ATTORNEY TO BE NOTICED

Heidi Lynne Levine

Sidley Austin LLP

787 Seventh Avenue

New York, NY 10019

212-839-7366

Fax: 212-839-5599

Email: hlevine@sidley.com

ATTORNEY TO BE NOTICED

Kathryn S. Austin

International Refugee Assistance
Project

One Battery Park Plaza

4th Floor

New York, NY 10004

Email: kaustin@refugeerights.org

ATTORNEY TO BE NOTICED

Mariko Hirose

International Refugee Assistance
Project

One Battery Park Plaza

4th Floor

New York, NY 10004

516-701-4620

Email: mhirose@refugeerights.org

ATTORNEY TO BE NOTICED

Michael D. Mann

Sidley Austin LLP

787 Seventh Avenue

New York, NY 10019

212 839-5837

Fax: 212 839-5599

Email: mdmann@sidley.com

ATTORNEY TO BE NOTICED

Paige Austin

New York Civil Liberties Union
Foundation
125 Broad Street
19th Floor
New York, NY 10004
212 607-3300
Fax: 212 607-3318
Email:
paige.austin@maketheroadny.org
TERMINATED: 02/13/2019

Robert Andrew Hodgson

New York Civil Liberties Union
Foundation
125 Broad Street
19th Floor
New York, NY 10004
212 607-3317
Fax: 212 607-3318
Email: rhodgson@nyclu.org
ATTORNEY TO BE NOTICED

Victoria Marie Roeck

New York Civil Liberties Union
Foundation
125 Broad Street
19th Floor
New York, NY 10004
212-607-3368
Email: vroeck@me.com
TERMINATED: 07/24/2020

Petitioner

Johan Barrios Ramos

represented by **Aadhithi Padmanabhan**
(See above for address)
TERMINATED: 05/22/2019

Antony Philip Falconer Gemmell

(See above for address)
ATTORNEY TO BE NOTICED

Deepa Alagesan

(See above for address)
ATTORNEY TO BE NOTICED

Heidi Lynne Levine
(See above for address)
ATTORNEY TO BE NOTICED

Kathryn S. Austin
(See above for address)
ATTORNEY TO BE NOTICED

Mariko Hirose
(See above for address)
ATTORNEY TO BE NOTICED

Michael D. Mann
(See above for address)
ATTORNEY TO BE NOTICED

Paige Austin
(See above for address)
TERMINATED: 02/13/2019

Robert Andrew Hodgson
(See above for address)
ATTORNEY TO BE NOTICED

Victoria Marie Roeck
(See above for address)
TERMINATED: 07/24/2020

V.

Defendant

John Kelly
*Secretary of U.S. Department of
Homeland Security*
TERMINATED: 08/10/2017

represented by **Stacey Ilene Young**
U.S. Department of Justice
P.O. Box 868
Washington, DC 20044
202-305-7171
Fax: 202-305-7000
Email: stacey.young@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tashiba Monique Peoples
U.S. Department of Justice
Office of Immigration Litigation-

District Court Section
P.O. Box 868
Ben Franklin Station
Washington, DC 20044
202-598-8717
Fax: 202-305-7000
Email: Monique.Peoples@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

Thomas Brophy
*Acting Director of Buffalo Field
Office of Immigration and Customs
Enforcement*

represented by **Kevin Charles Hirst**
U. S. Department of Justice - Civil
Division
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
202-353-8536
Email: kevin.c.hirst@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey Ilene Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Max Weintraub
U. S. Department of Justice - Civil
Division
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
202-305-7551
Fax: 202-305-7000
Email: jacob.weintraub@usdoj.gov
ATTORNEY TO BE NOTICED

Nicole N. Murley
U.S. Department of Justice
450 5th Street, NW
Washington, DC 20530
202-616-0473
Fax: 202-305-7000
Email: nicole.murley@usdoj.gov
ATTORNEY TO BE NOTICED

Tashiba Monique Peoples

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jeffrey Searls
*Acting Administrator of the Buffalo
Federal Detention Facility*

represented by **Kevin Charles Hirst**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey Ilene Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Max Weintraub
(See above for address)
ATTORNEY TO BE NOTICED

Nicole N. Murley
(See above for address)
ATTORNEY TO BE NOTICED

Tashiba Monique Peoples
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jefferson Sessions
*Attorney General of the United
States*

represented by **Kevin Charles Hirst**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey Ilene Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Max Weintraub
(See above for address)
ATTORNEY TO BE NOTICED

Nicole N. Murley
(See above for address)
ATTORNEY TO BE NOTICED

Tashiba Monique Peoples
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Elaine C Duke
Acting, Secretary of the U.S.
Department of Homeland Security

represented by **Kevin Charles Hirst**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey Ilene Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Max Weintraub
(See above for address)
ATTORNEY TO BE NOTICED

Nicole N. Murley
(See above for address)
ATTORNEY TO BE NOTICED

Tashiba Monique Peoples
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/28/2017	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5 receipt number 0209-2846185.), filed by Hanad Abdi. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Memorandum in Support of Petition, # <u>3</u> Affidavit of Petitioner Hanad Abdi with Supporting Exhibits, # <u>4</u> Affidavit of Siana McLean with Supporting Exhibits, # <u>5</u> Affidavit of Aadhithi Padmanabhan with Supporting Exhibits, # <u>6</u> Affidavit of Desiree Lurf)(Padmanabhan, Aadhithi) (Entered: 07/28/2017)
07/31/2017		Case Assigned to Hon. Elizabeth A. Wolford. Notification to Chambers of on-line civil case opening. (NRE) (Entered: 07/31/2017)
07/31/2017		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is

		available for download at http://www.uscourts.gov/services-forms/forms . (NRE) (Entered: 07/31/2017)
07/31/2017	2	MOTION to Expedite <i>Hearing on Petition for Writ of Habeas Corpus</i> by Hanad Abdi. (Attachments: # 1 Memorandum in Support of Motion to Expedite, # 2 Affidavit of Robert Hodgson in Support of Motion to Expedite with Supporting Exhibits, # 3 Text of Proposed Order)(Padmanabhan, Aadhithi) (Entered: 07/31/2017)
08/01/2017	3	TEXT ORDER re 2 Motion to Expedite. On or before Wednesday, August 2, 2017, Petitioner shall serve the Petition, the Motion to Expedite, and this Text Order on Respondents, with a copy sent by electronic mail to Mary Pat Fleming, Assistant United States Attorney, Western District of New York, 138 Delaware Avenue, Buffalo, New York 14202 (mary.pat.fleming@usdoj.gov). Respondents shall file papers outlining their position with respect to the Motion to Expedite, and any proposed alternative schedule in the event the Motion to Expedite is granted, on or before Thursday, August 3, 2017, at which time the matter will be deemed submitted. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/1/17. (JPL) (Entered: 08/01/2017)
08/02/2017	4	AFFIDAVIT of Service for Petition, Motion to Expedite, Text Order <i>in Compliance with Court Order (Docket No. 3)</i> served on John Kelly, Thomas Brophy, Jeffrey Searls, Jefferson Sessions, United States Attorney's Office for Western District of New York, Mary Pat Fleming on 8/1/2017, filed by Hanad Abdi. (Padmanabhan, Aadhithi) (Entered: 08/02/2017)
08/03/2017	5	STIPULATION re 3 Text Order, Set Deadlines,,,, by Thomas Brophy, John Kelly, Jeffrey Searls, Jefferson Sessions. (Young, Stacey) (Entered: 08/03/2017)
08/03/2017	6	TEXT ORDER re 5 Stipulation. A telephone status conference is hereby set for August 4, 2017, at 11:00 AM. Counsel will be sent call-in instructions by email. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/3/17. (JPL) (Entered: 08/03/2017)
08/04/2017	7	NOTICE of Appearance by Stacey Ilene Young on behalf of All Defendants (Young, Stacey) (Entered: 08/04/2017)
08/04/2017	8	TEXT ORDER. Pursuant to 5 Stipulation, Respondents shall respond to the Petition by August 14, 2017. Petitioner shall file any reply by August 18, 2017. A Motion Hearing (oral argument) is hereby set for September 7, 2017, at 10:00 AM in <u>U.S. Courthouse, 100 State Street, Rochester NY 14614</u> before Hon. Elizabeth A. Wolford. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/4/17. (JPL) (Entered: 08/04/2017)

08/04/2017	9	Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: Aadhithi Padmanabhan, Esq.,pl. Mariko Hirose, Esq./pl./Robert Hogson, Esq./pl. and Stacey Young, Esq./def. Telephone Status Conference held on 8/4/2017. Text order issued. (Court Reporter Karen Bush.) (LMD) (Entered: 08/04/2017)
08/07/2017	10	TEXT ORDER. The Motion Hearing presently scheduled for September 7, 2017, at 10:00 AM is hereby adjourned to September 15, 2017, at 3:00 PM in <u>U.S. Courthouse, 100 State Street, Rochester NY 14614</u> before Hon. Elizabeth A. Wolford. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/7/17. (JPL) (Entered: 08/07/2017)
08/10/2017	11	TEXT ORDER. The Clerk of Court is directed to amend the docket to substitute Elaine C. Duke, Acting Secretary of the U.S. Department of Homeland Security, for Defendant John Kelly, Secretary of U.S. Department of Homeland Security, pursuant to Fed. R. Civ. P. 25(d). SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/10/17. (JPL) -CLERK TO FOLLOW UP- (Entered: 08/10/2017)
08/10/2017	12	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of STATUS CONFERENCE held on 8/4/17, before Judge Wolford. Court Reporter/Transcriber Karen J. Bush, Telephone number 585-613-4312. 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 8/31/2017. Redacted Transcript Deadline set for 9/11/2017. Release of Transcript Restriction set for 11/8/2017. (SG) (Entered: 08/10/2017)
08/11/2017	13	STIPULATION re 8 Text Order, Set Hearings,, <i>to Stay Briefing Schedule</i> by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Young, Stacey) (Entered: 08/11/2017)
08/21/2017	14	NOTICE of Appearance by Tashiba Monique Peoples on behalf of All Defendants (Peoples, Tashiba) (Entered: 08/21/2017)
08/21/2017	15	STATUS REPORT <i>ON BEHALF OF THE PARTIES</i> by Hanad Abdi. (Hodgson, Robert) (Entered: 08/21/2017)
08/21/2017	16	TEXT ORDER re 15 Status Report. Pursuant to the joint request in the status report, the briefing deadlines previously set by the Court remain stayed. The parties shall provide the Court with a further status update on or before 8/28/17. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/21/17. (JPL) (Entered: 08/21/2017)

08/21/2017	<u>17</u>	AMENDED COMPLAINT <i>First Amended Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief</i> against All Defendants, filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # <u>1</u> Affidavit of Johan Barrios Ramos, # <u>2</u> Affidavit of Desiree Lurf with supporting exhibits (1 of 2), # <u>3</u> Exhibit supporting exhibits of Desiree Lurf Declaration (2 of 2), # <u>4</u> Affidavit of Hanad Abdi with supporting exhibits, # <u>5</u> Affidavit of Siana McLean with supporting exhibits, # <u>6</u> Affidavit of Robert Hodgson, # <u>7</u> Affidavit of Aadhithi Padmanabhan with supporting exhibits)(Padmanabhan, Aadhithi) (Entered: 08/21/2017)
08/24/2017	<u>18</u>	NOTICE of Appearance by Paige Austin on behalf of Hanad Abdi, Johan Barrios Ramos (Austin, Paige) (Entered: 08/24/2017)
08/25/2017	<u>19</u>	MOTION to Certify Class by Hanad Abdi, Johan Barrios Ramos. (Attachments: # <u>1</u> Memorandum in Support of Motion for Class Certification, # <u>2</u> Affidavit of Christopher Dunn with supporting exhibits, # <u>3</u> Affidavit of Paige Austin with supporting exhibits, # <u>4</u> Affidavit of Robert Hodgson, # <u>5</u> Affidavit of Hanad Abdi (Supplemental), # <u>6</u> Affidavit of Siana McLean (Supplemental), # <u>7</u> Affidavit of Desiree Lurf (Supplemental), # <u>8</u> Affidavit of Anne Doebler, # <u>9</u> Affidavit of Matthew Borowski)(Padmanabhan, Aadhithi) (Entered: 08/25/2017)
08/28/2017	20	TEXT ORDER re <u>19</u> Motion to Certify Class. Responses due 9/15/17. Replies due 9/22/17. Upon receipt of all papers, the Court will determine whether oral argument is necessary, and, if so, will inform the parties of the date and time of such oral argument. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/28/17. (JPL) (Entered: 08/28/2017)
08/28/2017	<u>21</u>	STATUS REPORT <i>ON BEHALF OF THE PARTIES</i> by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 08/28/2017)
08/29/2017	22	TEXT ORDER re <u>21</u> Status Report. The parties shall provide the Court with a further status update on or before 9/5/17. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 8/29/17. (JPL) (Entered: 08/29/2017)
09/05/2017	<u>23</u>	STATUS REPORT <i>ON BEHALF OF THE PARTIES</i> by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 09/05/2017)
09/06/2017	<u>24</u>	ORDER granting parties request to provide the court with a further status update due September 8, 2017. Signed by Hon. Elizabeth A. Wolford on 09/06/2017. (LMD) (Entered: 09/06/2017)
09/08/2017	<u>25</u>	STATUS REPORT <i>ON BEHALF OF THE PARTIES</i> by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 09/08/2017)

09/11/2017	26	TEXT ORDER. It is not clear from the parties' status update filed at Docket No. 25, whether the relief requested in the motion filed at Docket No. 2 has been mooted. In view of the staying of the briefing schedule previously set forth by the Court with respect to the motion filed at Docket No. 2, the Motion Hearing set for September 15, 2017, is hereby adjourned without date. The parties shall advise the Court on or before September 15, 2017, whether the petitioner continues to pursue the relief requested in the motion filed at Docket No. 2, and, if so, a mutually agreeable proposed schedule for the briefing of the same shall be proposed. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/11/2017. (EMS) (Entered: 09/11/2017)
09/12/2017	27	MOTION to Dismiss by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. Responses due by 9/26/2017. (Attachments: # 1 Memorandum in Support, # 2 Declaration)(Young, Stacey) (Entered: 09/12/2017)
09/13/2017	28	TEXT ORDER regarding 27 Motion to Dismiss. Responses are due on or before 10/4/2017. Replies are due on or before 10/11/2017. Upon receipt of all papers, the Court will determine if oral argument is necessary, and, if so, inform the parties of the date and time. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/13/17. (ZML) (Entered: 09/13/2017)
09/13/2017		Set/Reset Deadlines as to 27 MOTION to Dismiss . Responses due by 10/4/2017. Replies due by 10/11/2017. (ZML) (Entered: 09/13/2017)
09/13/2017	29	LETTER Providing Status Update by Hanad Abdi, Johan Barrios Ramos.(Hodgson, Robert) Modified on 9/15/2017 to correct title pursuant to 30 Text Order (NRE). (Entered: 09/13/2017)
09/14/2017	30	TEXT ORDER. Pursuant to the letter from Petitioner's counsel dated September 13, 2017 29 , the Motion to Expedite Hearing on Petition for Writ of Habeas Corpus 2 should be designated as withdrawn. Petitioner's counsel has also designated that letter as a motion seeking expedited discovery. The letter does not comply with Local Rule of Civil Procedure 7 and should not be designated as a motion. The Clerk of Court is directed to redesignate the letter as simply providing a status update. If any party seeks affirmative relief from the Court, compliance with this Court's Local Rules and the Federal Rules of Civil Procedure is required, including filing a notice of motion setting forth the relief requested, a memorandum of law, and any affidavit in support of the motion. In addition, if a party seeks to have a motion determined on an expedited basis, a separate motion for an expedited hearing is required. At this time, the Court does not intend to conduct a telephone conference to discuss scheduling because scheduling orders have been

		issued for any pending motions. In addition, the parties are reminded that, while the Court encourages cooperation between the parties and efforts to come to an agreement on a mutually acceptable schedule with respect to any pending motion in this case, it is the Court that sets the schedule - not the parties - and therefore, scheduling deadlines issued by the Court cannot be changed by agreement between the parties without the Court's approval. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/14/17. (ZML) -CLERK TO FOLLOW UP- (Entered: 09/14/2017)
09/15/2017		E-Filing Notification: regarding 29 MOTION for Discovery. The Clerk's Office changed the title pursuant to 30 Text Order. No further action required. (NRE) (Entered: 09/15/2017)
09/15/2017	31	MOTION for Discovery by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Affidavit of Aadhithi Padmanabhan, # 2 Memorandum in Support)(Padmanabhan, Aadhithi) (Entered: 09/15/2017)
09/15/2017	32	MOTION to Expedite <i>Consideration of Motion for Expedited Discovery</i> by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Motion for Expedited Discovery, # 2 Declaration of Aadhithi Padmanabhan, # 3 Memorandum in Support, # 4 Text of Proposed Order)(Padmanabhan, Aadhithi) (Entered: 09/15/2017)
09/15/2017	33	MOTION to Stay re 19 MOTION to Certify Class by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions.(Young, Stacey) (Entered: 09/15/2017)
09/18/2017	34	TEXT ORDER regarding 32 Motion to Expedite Consideration of Motion to Expedite Discovery. Opposition papers are due on or before 9/19/17 at 12:00 PM. The Court will resolve the motion on the papers and without oral argument. SO ORDERED. Signed Hon. Elizabeth A. Wolford on 9/18/17. (ZML) (Entered: 09/18/2017)
09/18/2017	35	TEXT ORDER regarding 33 Motion to Stay Motion to Certify Class. Response is due on or before 9/29/17. The Court will resolve the motion on the papers and without oral argument. Respondents have failed to comply with Local Rule 7(a)(1) by failing to include a notice of motion. Compliance with the Court's Local Rules will be required going forward. The schedule set forth at Docket 20 concerning the 19 Motion to Certify the Class will be held in abeyance until further order of the Court. SO ORDERED. Signed Hon. Elizabeth A. Wolford on 9/18/17. (ZML) (Entered: 09/18/2017)

09/19/2017	36	RESPONSE in Opposition re 32 MOTION to Expedite <i>Consideration of Motion for Expedited Discovery</i> filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Affidavit of T. Monique Peoples)(Peoples, Tashiba) (Entered: 09/19/2017)
09/19/2017	37	TEXT ORDER. Currently pending before the Court is a 32 Motion to Expedite Consideration of Motion for Expedited Discovery, wherein Petitioners seek to expedite the briefing and this Courts consideration of their 31 Motion for Discovery. Petitioners represent that the documents they seek in discovery will be used to support an anticipated Motion for Preliminary Injunction that will be filed no later than September 25, 2017. Also pending before the Court is Respondents 27 Motion to Dismiss wherein, among other arguments, Respondents contend that this Court lacks subject matter jurisdiction. As a result, a threshold issue that this Court will have to determine before considering the granting of any relief to Petitioners - whether it be in the form of discovery or preliminary injunctive relief - is whether the Court has jurisdiction to consider the claims. Having considered the respective arguments by the parties, and the procedural posture of this case, the Court grants the 32 Motion to Expedite, in part, to the extent that the Court will set a briefing schedule for Petitioners 31 Motion for Discovery and consider the issues set forth therein on a more expedited basis than it might otherwise, but the motion is otherwise denied, including to the extent that Petitioners seek a determination on the 31 Motion for Discovery prior to the Court resolving the 27 Motion to Dismiss. Accordingly, papers in response to the 31 Motion for Discovery are hereby due on or before October 2, 2017. Upon receipt of all papers, the court will determine if oral argument is necessary, and if so, inform the parties of the date and time. SO ORDERED. Signed Hon. Elizabeth A. Wolford on 9/19/17. (ZML) (Entered: 09/19/2017)
09/25/2017	38	First MOTION for Preliminary Injunction by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Memorandum in Support, # 2 Exhibit First Amended Petition, # 3 Declaration of Paige Austin with Exhibits A-L, # 4 Declaration of Johan Barrios Ramos, # 5 Declaration of Hanad Abdi with Exhibits A-E, # 6 Declaration of Abdirashid Ahmed Musa with Exhibit A, # 7 Declaration of Muktar Muse Mohamed with Exhibit A, # 8 Declaration of Koffi Sewoul with Exhibit A, # 9 Declaration of Joseph Baptiste with Exhibit A, # 10 Declaration of Dieusaveur Flezinord with Exhibit A, # 11 Declaration of Saikou Touray with Exhibit A, # 12 Declaration of Salad Suraw Abdi, # 13 Declaration of Muhamed Hirsi with Exhibit A,

		# 14 Declaration of Ahmed Mohamed Ahmed, # 15 Declaration of Abdirahman Nor with Exhibit A, # 16 Declaration of Dayron Hernandez with Exhibit A, # 17 Declaration of Michelle Shames with Exhibit A, # 18 Declaration of Siana McLean with Exhibits A-B, # 19 Declaration of Desiree Lurf with Exhibits A-F (part 1 of 2), # 20 Declaration of Desiree Lurf with Exhibits A-F (part 2 of 2), # 21 Declaration of Matthew Borowski, # 22 Declaration of Matthew Borowski Supp. with Exhibits A-C, # 23 Declaration of Anne Doeblner, # 24 Exhibit Proposed Witness and Exhibit List, # 25 Text of Proposed Order)(Austin, Paige) (Entered: 09/25/2017)
09/25/2017	39	First MOTION to Expedite by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Text of Proposed Order granting motion to expedite consideration of Preliminary Injunction, # 2 Exhibit Notice of Motion for Preliminary Injunction, # 3 Exhibit Memorandum of Law in Support of Preliminary Injunction, # 4 Exhibit First Amended Petition, # 5 Exhibit Austin Declaration, # 6 Exhibit Barrios Ramos Declaration, # 7 Exhibit H. Abdi Declaration, # 8 Exhibit Musa Declaration, # 9 Exhibit Mohamed Declaration, # 10 Exhibit Sewoul Declaration, # 11 Exhibit Baptiste Declaration, # 12 Exhibit Flezinord Declaration, # 13 Exhibit Touray Declaration, # 14 Exhibit S. Abdi Declaration, # 15 Exhibit Hirsi Declaration, # 16 Exhibit Ahmed Declaration, # 17 Exhibit Nor Declaration, # 18 Exhibit Hernandez Declaration, # 19 Exhibit Shames Declaration, # 20 Exhibit McLean Declaration, # 21 Exhibit Lurf Declaration (part 1 of 2), # 22 Exhibit Lurf Declaration (part 2 of 2), # 23 Exhibit Borowski Declaration, # 24 Exhibit Supplemental Borowski Declaration, # 25 Exhibit Doeblner Declaration, # 26 Exhibit Proposed Witness and Exhibit List, # 27 Exhibit Proposed Preliminary Injunction Order)(Austin, Paige) (Entered: 09/26/2017)
09/26/2017	40	TEXT ORDER regarding 38 Motion for Preliminary Injunction. As the Court previously indicated by Text Order (Dkt. 37), it will need to resolve the pending 27 Motion to Dismiss before considering the grant of any relief to Petitioners. The Court will therefore set a briefing schedule for the 38 Motion for Preliminary Injunction that will take into account the previously set briefing schedule for the 27 Motion to Dismiss, as well as the Court's ability in view of its schedule to resolve the pending issues in this case in as expeditious manner as possible. Therefore, responses to the 38 Motion for Preliminary Injunction are due on or before 10/10/17. Replies are due on or before 10/17/17. Oral argument on the 38 Motion for Preliminary Injunction and the 27 Motion to Dismiss will be held on 10/27/17 at 2:00 PM in U.S. Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. In view of the foregoing, the 39 Motion to Expedite in the manner specifically requested by Petitioners is denied.

		SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/26/17. (ZML). (Entered: 09/26/2017)
09/26/2017		CALENDAR EVENT. Set/Reset Deadlines as to 38 First MOTION for Preliminary Injunction , 27 MOTION to Dismiss . Motion Hearing set for 10/27/2017 02:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (ZML) (Entered: 09/26/2017)
09/27/2017	41	MOTION to Stay re 38 First MOTION for Preliminary Injunction <i>or, Alternatively, to Extend Briefing Deadlines and Hearing Date</i> by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Memorandum in Support)(Peoples, Tashiba) (Entered: 09/27/2017)
09/27/2017	42	RESPONSE in Opposition re 33 MOTION to Stay re 19 MOTION to Certify Class filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Affidavit of Robert Hodgson in support of the petitioners' response to the Government's motion to hold class certification briefing in abeyance)(Hodgson, Robert) (Entered: 09/27/2017)
09/27/2017	43	TEXT ORDER regarding 41 Motion to Stay 38 Motion for Preliminary Injunction. Response is due on or before 9/29/17. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/27/17. (ZML) (Entered: 09/27/2017)
09/29/2017	44	MEMORANDUM in Opposition re 41 MOTION to Stay re 38 First MOTION for Preliminary Injunction <i>or, Alternatively, to Extend Briefing Deadlines and Hearing Date</i> filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Affidavit in Support of Petitioners' Opposition to Respondents' Motion to Hold Preliminary Injunction Briefing and Hearing in Abeyance)(Austin, Paige) (Entered: 09/29/2017)
09/29/2017	45	TEXT ORDER regarding 41 Motion to Stay Motion for Preliminary Injunction. The 41 Motion to Stay the Motion for Preliminary Injunction is denied. The 41 alternative Motion to Extend Briefing Deadlines and Hearing Date is granted in part, and denied in part. Response to the 38 Motion for Preliminary Injunction is due on or before 10/20/17. Reply is due on or before 10/26/17. Oral argument will remain scheduled for 10/27/17 at 2:00 PM in U.S. Courthouse, 100 State Street, Rochester, NY 14614 before Hon. Elizabeth A. Wolford. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/29/17. (ZML) (Entered: 09/29/2017)

09/29/2017		CALENDAR EVENT. Set/Reset Deadlines as to 38 First MOTION for Preliminary Injunction . Responses due by 10/20/2017. Replies due by 10/26/2017. (ZML) (Entered: 09/29/2017)
10/02/2017	46	RESPONSE in Opposition re 31 MOTION for Discovery filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration Peoples Declaration)(Peoples, Tashiba) (Entered: 10/02/2017)
10/03/2017	47	NOTICE of Appearance by J. Max Weintraub on behalf of All Defendants (Weintraub, J.) (Entered: 10/03/2017)
10/04/2017	48	MEMORANDUM in Opposition re 27 MOTION to Dismiss filed by Hanad Abdi, Johan Barrios Ramos. (Hirose, Mariko) (Entered: 10/04/2017)
10/11/2017	49	REPLY to Response to Motion re 27 MOTION to Dismiss filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Peoples, Tashiba) (Entered: 10/11/2017)
10/20/2017	50	RESPONSE in Opposition re 38 First MOTION for Preliminary Injunction filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration Ball Declaration, # 2 Declaration Brophy Declaration, # 3 Declaration Ensminger Declaration, # 4 Declaration McCartan Declaration, # 5 Declaration Muehlig Declaration)(Peoples, Tashiba) (Entered: 10/20/2017)
10/26/2017	51	REPLY to Response to Motion re 38 First MOTION for Preliminary Injunction filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Affidavit Austin Declaration and Exhibits)(Dunn, Christopher) (Entered: 10/26/2017)
10/27/2017	53	Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: Mariko Hirose, Esq./pl.; Christopher Dunn, Esq./pl.; Aadhithi Padmanabhan, Esq./pl.; Robert Hogson, Esq./pl.; Austin Paige, Esq./pl.; Deepa Alagesan, Esq./pl., Scout Katovich, Law Graduate/pl.; Monique Peoples, USDOJ for def. and Kathryn Smith, AUSA. Motion Hearing held on 10/27/2017 re 38 First MOTION for Preliminary Injunction filed by Johan Barrios Ramos, Hanad Abdi, 27 MOTION to Dismiss filed by Elaine C Duke, John Kelly, Jefferson Sessions, Thomas Brophy, Jeffrey Searls. Court reserves decision. (Court Reporter KB.) (LMD) (Entered: 11/01/2017)
10/30/2017	52	TEXT ORDER denying 33 Motion to Stay Motion to Certify Class. The briefing on on the 19 Motion to Certify Class is no longer held in abeyance. Response is due on or before 11/13/17. Reply is due on or

		before 11/17/17. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 10/30/17. (ZML) (Entered: 10/30/2017)
11/13/2017	54	DECISION AND ORDER denying Petitioners' 31 Motion for Discovery without prejudice. Signed by Hon. Elizabeth A. Wolford on 11/13/2017. (NRE) (Entered: 11/13/2017)
11/13/2017	55	RESPONSE in Opposition re 19 MOTION to Certify Class filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Exhibit A)(Weintraub, J.) (Entered: 11/13/2017)
11/17/2017	56	DECISION AND ORDER denying 27 Motion to Dismiss; granting 38 Motion for Preliminary Injunction. Signed by Hon. Elizabeth A. Wolford on 11/17/2017. (LMD) (Entered: 11/17/2017)
11/17/2017	57	REPLY to Response to Motion re 19 MOTION to Certify Class filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 11/17/2017)
11/20/2017	58	TEXT ORDER regarding 19 Motion to Certify Class. Oral argument will be held on the 19 Motion to Certify Class on 12/7/17 at 10 AM at U.S. Courthouse, 100 State Street, Rochester, NY 14614 before Hon. Elizabeth A. Wolford. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 11/20/17. (ZML) (Entered: 11/20/2017)
11/27/2017	59	NOTICE of Appearance by Deepa Alagesan on behalf of Hanad Abdi, Johan Barrios Ramos (Alagesan, Deepa) (Entered: 11/27/2017)
12/07/2017	60	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 10/27/2017, before Judge Elizabeth A. Wolford. Court Reporter/Transcriber Karen J. Bush, Telephone number 585-613-4312. 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 12/28/2017. Redacted Transcript Deadline set for 1/8/2018. Release of Transcript Restriction set for 3/7/2018. (NRE) (Entered: 12/07/2017)
12/07/2017	61	DECLARATION of Johan Barrios Ramos filed by Johan Barrios Ramos. (NRE) (Entered: 12/08/2017)
12/07/2017	62	Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: Aadhithi Padmanabhan, Esq/pl; Christopher Dunn, Esq./pl.; Robert Hodgson, Esq./pl Tashiba Monique Peoples, Esq.def.; Kathryn Smith, AUSA. Motion Hearing held on 12/7/2017 re 19 MOTION to Certify Class filed by Johan Barrios Ramos, Hanad

		Abdi. Court reserves decision. (Court Reporter KB.) (LMD) (Entered: 12/13/2017)
12/14/2017	63	STATUS REPORT by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration of Jack Bennett, # 2 Declaration of Darius Reeves, # 3 Exhibit IJ Order)(Peoples, Tashiba) (Entered: 12/14/2017)
12/15/2017	64	REPLY/RESPONSE to re 63 Status Report filed by Hanad Abdi, Johan Barrios Ramos. (Hodgson, Robert) (Entered: 12/15/2017)
12/18/2017	65	STATUS REPORT by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration of Carol Bridge)(Peoples, Tashiba) (Entered: 12/18/2017)
12/19/2017	66	DECISION AND ORDER granting 19 Motion to Certify Class and the class and subclass are defined as follows: Class: All arriving asylum-seekers who have passed a credible fear interview and who are or will be detained at the Buffalo Federal Detention Facility and who have not been granted parole. Subclass: All arriving asylum-seekers who are or will be detained at the Buffalo Federal Detention Facility, have passed a credible fear interview, and have been detained for more than six months without a bond hearing before an immigration judge. Further, that pursuant to Fed. R. Civ. P. 23(c)(1)(B), the New York Civil Liberties Foundation and the International Refugee Assistance Project are hereby appointed as class counsel; Further, that the November 17, 2017, Decision and Order is hereby modified insofar as the preliminary injunction now applies to members of the certified class and subclass, rather than members of the putative class. Signed by Hon. Elizabeth A. Wolford on 12/19/2017. (LMD) (Entered: 12/19/2017)
01/08/2018	67	MOTION Motion for Clarification of Preliminary Injunction re 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Memorandum in Support of Motion for Clarification of Preliminary Injunction, # 2 Declaration of Kathryn Meyer, # 3 Declaration of Scout Katovich, # 4 Text of Proposed Order)(Padmanabhan, Aadhithi) (Entered: 01/08/2018)

01/08/2018	68	MOTION to Expedite <i>Consideration of Motion for Clarification of Preliminary Injunction</i> by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit Motion for Clarification of Preliminary Injunction, # 3 Exhibit Memorandum of Law in Support of Motion for Clarification of Preliminary Injunction, # 4 Exhibit Declaration of Kathryn Meyer, # 5 Exhibit Declaration of Scout Katovich, # 6 Exhibit Proposed Order for Motion for Clarification of Preliminary Injunction)(Padmanabhan, Aadhithi) (Entered: 01/08/2018)
01/09/2018	69	TEXT ORDER re 68 MOTION to Expedite <i>Consideration of Motion for Clarification of Preliminary Injunction</i>. The Court intends to expedite the handling of Petitioners' 67 Motion for Clarification of Preliminary Injunction. Petitioners have proposed the deadline for Respondents to file any opposition papers as January 16, 2018, with any reply to be filed by January 19, 2018. By 5 PM today, Respondents shall advise as to their position with respect to this proposed schedule, and any proposed alternative schedule. In addition, the Court intends to schedule a hearing on this motion as soon as practicable after the briefing is completed. Counsel for both parties must advise the Court by 5 PM today of any dates within the next several weeks where they are unavailable to appear in either Rochester or Buffalo. The communications requested by this Text Order may be submitted to the Court by letter. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 1/9/18. (PFC) (Entered: 01/09/2018)
01/09/2018	70	NOTICE of Appearance by Nicole N. Murley on behalf of All Defendants (Murley, Nicole) (Entered: 01/09/2018)
01/09/2018	71	REPLY/RESPONSE to re 69 Text Order,,, <i>Letter Informing Court of Petitioners' Counsel's Availability for a Hearing</i> filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 01/09/2018)
01/09/2018	72	REPLY/RESPONSE to re 69 Text Order,,, filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Young, Stacey) (Entered: 01/09/2018)
01/09/2018	73	TEXT ORDER regarding 67 Motion for Clarification of Preliminary Injunction and 68 Motion to Expedite. The 68 Motion to Expedite is granted, in part. The Government's response to the 67 Motion for Clarification is due on or before 1/22/18. Petitioners' reply is due on or before 1/25/18 at 10 AM. Oral argument is set for 1/26/18 at 1 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before

		Hon. Elizabeth A. Wolford. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 1/9/18. (ZML) (Entered: 01/09/2018)
01/09/2018		CALENDAR EVENT: Set/Reset Deadlines as to 67 MOTION Motion for Clarification of Preliminary Injunction re 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction. Responses due by 1/22/2018. Replies due by 1/25/2018. Motion Hearing set for 1/26/2018 01:00 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Elizabeth A. Wolford. (ZML) (Entered: 01/09/2018)
01/11/2018	74	INTERLOCUTORY APPEAL as to 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. Appeal Record due by 1/25/2018. (Peoples, Tashiba) Modified on 1/12/2018 to correct type of appeal (NRE). (Entered: 01/11/2018)
01/12/2018		E-Filing Notification: regarding 74 NOTICE OF APPEAL; Incorrect event used to electronically file document. For future reference, use Interlocutory Appeal event. No action required. (NRE) (Entered: 01/12/2018)
01/17/2018	75	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 12/7/2017, before Judge Elizabeth A. Wolford. Court Reporter/Transcriber Karen J. Bush, Telephone number 585-613-4312. 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 2/7/2018. Redacted Transcript Deadline set for 2/20/2018. Release of Transcript Restriction set for 4/17/2018. (KM) (Entered: 01/17/2018)
01/22/2018	76	RESPONSE in Opposition re 67 MOTION Motion for Clarification of Preliminary Injunction re 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration, # 2 Exhibit)(Young, Stacey) (Entered: 01/22/2018)
01/23/2018	77	TEXT ORDER. Due to a conflict with the Court's criminal calendar, the 73 oral argument scheduled for January 26, 2018, at 1:00 P.M., is adjourned to January 26, 2018, at 2:00 P.M., and will be held at the U.S. Courthouse, 2 Niagara Square, Buffalo, N.Y., before the Hon. Elizabeth A. Wolford. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 1/23/2018. (Please note: The time is the only change to one hour later. The date of January 26, 2018, remains as originally scheduled.) (PFC) (Entered: 01/23/2018)

01/25/2018	78	REPLY/RESPONSE to re 76 Response in Opposition to Motion, 67 MOTION Motion for Clarification of Preliminary Injunction re 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction (<i>Reply in Support of Motion for Clarification</i>) filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Declaration of Paige Austin in Support of the Petitioners' Motion for Clarification)(Hodgson, Robert) (Entered: 01/25/2018)
01/26/2018	79	Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Motion Hearing held on 1/26/2018 re 67 MOTION Motion for Clarification of Preliminary Injunction re 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction filed by Johan Barrios Ramos, Hanad Abdi. Decision reserved. Appearances: Petitioner-Aadhithi Padmanabham, Deepa Alagesan, Christopher Dunn, Respondent-Nicole Murley, Stacey Young. (Court Reporter Karen Bush.) (SDW) (Entered: 01/26/2018)
01/29/2018	80	CLERKS CERTIFICATE filed and electronically sent to Court of Appeals (Attachments: # 1 Index)(NRE) (Entered: 01/29/2018)
02/04/2018	81	MOTION to Seal Document by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions.(Young, Stacey) (Entered: 02/04/2018)
02/08/2018	82	STIPULATED PROTECTIVE ORDER. Signed by Hon. Elizabeth A. Wolford on 2/8/2018. (NRE) (Entered: 02/08/2018)
02/09/2018	83	DECISION AND ORDER granting 67 Motion for clarification. The Court clarifies that the November 17, 2017, Decision requires that once an IJ has determined that a detainee shall be released on bond, he or she must consider the financial circumstances of each subclass member and alternative conditions of release in setting the amount of bond. Accordingly, IT IS HEREBY ORDERED that for all subclass members provided a bond hearing pursuant to the Court's November 17, 2017, Decision, the IJ, when setting the terms of any subclass member's release at a bond hearing, must consider alternative conditions of release and the individual's ability to pay; and it is further ORDERED that for those subclass members who have already received a bond hearing pursuant to the November 17, 2017, Decision who remained detained notwithstanding an IJ's determination that release on bond would be appropriate, bond hearings must be recalendared and the

		record reopened for the IJ to consider alternative conditions of release and the individual's ability to pay; and it is further ORDERED that counsel for Respondents shall notify Class Counsel of the date and location of each bond hearing set pursuant to this Decision and Order at leave five days in advance of the hearing. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 02/09/2018. (LMD) Modified on 2/9/2018 (ZML). (Main Document 83 replaced on 2/9/2018) (LMD). (Entered: 02/09/2018)
02/15/2018	84	NOTICE OF INTERLOCUTORY APPEAL as to 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, 83 Order on Motion for Miscellaneous Relief,,,,, by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. Appeal Record due by 3/1/2018. (Peoples, Tashiba) (Entered: 02/15/2018)
02/20/2018	85	RESPONSE to Motion re 81 MOTION to Seal Document filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 02/20/2018)
03/02/2018	86	CLERKS CERTIFICATE filed and electronically sent to Court of Appeals (Attachments: # 1 Supplemental/Amended Index to Record on Appeal)(NRE) (Entered: 03/02/2018)
04/13/2018	87	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 1/26/2018, before Judge Elizabeth A. Wolford. Court Reporter/Transcriber Karen J. Bush, Telephone number 585-613-4312. 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 5/4/2018. Redacted Transcript Deadline set for 5/14/2018. Release of Transcript Restriction set for 7/12/2018. (NRE) (Entered: 04/13/2018)
05/30/2018	88	TEXT ORDER dismissing 81 Motion to Seal Document. The Government's attorney has informed the Court that the Government no longer wishes to pursue the relief requested in its 81 Motion to Seal Document. Accordingly, the Government's motion to seal is dismissed. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/30/2018. (PFC) (Entered: 05/30/2018)
05/30/2018	89	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions (<i>Related to Decision and Order on Motion for Clarification (ECF No. 83)</i>). (Attachments: # 1 Exhibit Bond hearing transcript 1 of

		5, # 2 Exhibit Bond hearing transcript 2 of 5, # 3 Exhibit Bond hearing transcript 3 of 5, # 4 Exhibit Bond hearing transcript 4 of 5, # 5 Exhibit Bond hearing transcript 5 of 5)(Padmanabhan, Aadhithi) (Entered: 05/30/2018)
10/30/2018	90	MANDATE of USCA as to 74 Notice of Interlocutory Appeal, 84 Notice of Interlocutory Appeal, filed by Elaine C Duke, John Kelly, Jefferson Sessions, Thomas Brophy, Jeffrey Searls; ORDERED that the appeal is REMANDED to the district court for further consideration. (NRE) (Entered: 10/30/2018)
10/31/2018	91	MOTION to Vacate 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, 83 Order on Motion for Miscellaneous Relief,,,,, by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Memorandum in Support)(Peoples, Tashiba) (Entered: 10/31/2018)
11/02/2018	92	MOTION Requesting Status Conference by Hanad Abdi, Johan Barrios Ramos.(Padmanabhan, Aadhithi) (Entered: 11/02/2018)
11/02/2018	93	TEXT ORDER denying without prejudice 92 Motion Requesting Status Conference. Petitioners have filed a motion requesting that the Court hold a status conference to determine an appropriate process by which to address the issues now before it upon remand by the United States Court of Appeals for the Second Circuit. (Dkt. 92; <i>see</i> Dkt. 90). While the Court agrees that formulating an orderly process is appropriate, due to the Court's criminal docket, it does not presently have time to schedule a status conference. However, in lieu of a status conference, the Court hereby orders that counsel confer and submit a joint proposal to address a briefing schedule and a proposed oral argument date for the pending 91 motion to vacate and any other related applications for relief <u>by Wednesday November 7, 2018</u> . If counsel are unable to agree upon a joint proposal, each side must submit its own competing proposal by November 7, 2018. Upon review of the parties' filings, the Court will issue an appropriate briefing schedule and will set a date for oral argument. Briefing on Respondents' 91 motion to vacate is held in abeyance until further order of the Court. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 11/02/2018. (PFC) (Entered: 11/02/2018)
11/07/2018	94	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>with the petitioners' proposed schedule for remand proceedings</i> . (Padmanabhan, Aadhithi) (Entered: 11/07/2018)

11/07/2018	95	REPLY/RESPONSE to re 93 Order on Motion for Miscellaneous Relief,,,,, filed by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Peoples, Tashiba) (Entered: 11/07/2018)
11/08/2018	96	TEXT ORDER. The Court has reviewed the parties' submissions 94 95 in response to the Court's Text Order 93 . After considering the issues and the parties' respective positions, the Court is not inclined to hold briefing in abeyance with respect to any properly-filed motion. This does not mean that the Court will deny Petitioners' anticipated motion for limited discovery, nor does it mean that Petitioners cannot oppose the pending Motion to Vacate on the ground that discovery is needed to adequately address the motion. If the Court ultimately determines that limited discovery is warranted, it may very well defer rendering a decision on any pending substantive motion and permit the parties to supplement their filings. But at this stage, the Court is not in a position to determine whether, indeed, it will permit limited discovery—particularly where no such motion has been filed. While Respondents advance setting a briefing schedule in accordance with this Court's Local Rules, the briefing deadlines set forth in the Court's Local Rules apply only in the absence of a Court Order, and as a matter of practice this Court sets its own briefing schedules. Accordingly, the Court hereby sets the following briefing schedule for the Motion to Vacate 91 . <u>Petitioners' papers in opposition are due on or before December 7, 2018, and any reply papers are due on or before December 21, 2018. The Court intends to schedule oral argument to address this motion, and a date and time for oral argument will be subsequently scheduled.</u> Upon the filing of any further motion as referenced in the parties' submissions, including any motion for discovery or motion to decertify the class, the Court will set a briefing schedule with respect to that motion. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 11/08/2018. (PFC) (Entered: 11/08/2018)
12/03/2018	97	NOTICE of Appearance by Heidi Lynne Levine on behalf of Hanad Abdi, Johan Barrios Ramos (Levine, Heidi) (Entered: 12/03/2018)
12/03/2018	98	NOTICE of Appearance by Michael D. Mann on behalf of Hanad Abdi, Johan Barrios Ramos (Mann, Michael) (Entered: 12/03/2018)
12/07/2018	99	RESPONSE in Opposition re 91 MOTION to Vacate 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, 83 Order on Motion for Miscellaneous Relief,,,,, filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Declaration of David Hausman, # 2 Declaration of Hon. Carol King, # 3 Declaration

		of Nicholas J. Phillips, # 4 Declaration of Joseph Baptiste, # 5 Declaration of Ingrid Sydenstricker, # 6 Declaration of Victoria Roeck, # 7 Declaration of Amanda Blau)(Padmanabhan, Aadhithi) (Entered: 12/07/2018)
12/07/2018	100	DECLARATION re 99 Response in Opposition to Motion,, filed by Hanad Abdi, Johan Barrios Ramos filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 12/07/2018)
12/10/2018	101	DECLARATION signed by Joseph Baptiste re 99 Response in Opposition to Motion,, filed by Hanad Abdi, Johan Barrios Ramos (<i>Amended ECF No. 99-4 to include Certificate of Translation</i>) filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 12/10/2018)
12/13/2018	102	MOTION to Decertify the Bond Subclass by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Memorandum in Support)(Peoples, Tashiba) (Entered: 12/13/2018)
12/14/2018	103	TEXT ORDER re 102 Motion to Decertify the Bond Subclass. Responses are due on or before January 10, 2019. Replies are due on or before January 17, 2019. Upon receipt of all papers, the Court will determine whether oral argument is necessary, and if so, inform the parties of the date and time. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 12/14/18. (PFC) (Entered: 12/14/2018)
12/21/2018	104	REPLY to Response to Motion re 91 MOTION to Vacate 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, 83 Order on Motion for Miscellaneous Relief,,,,, filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Young, Stacey) (Entered: 12/21/2018)
12/24/2018	105	MOTION for a Sur-Reply re 91 MOTION to Vacate 56 Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, 83 Order on Motion for Miscellaneous Relief,,,,, by Hanad Abdi, Johan Barrios Ramos.(Hirose, Mariko) (Entered: 12/24/2018)
12/26/2018	106	MOTION to Stay by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Memorandum in Support)(Young, Stacey) (Entered: 12/26/2018)
12/27/2018	107	TEXT ORDER re 106 Motion to Stay. Respondents request that the Court stay all deadlines currently pending in this action in light of the lapse in the Department of Justice's appropriations due to the partial government shutdown. Although Respondents indicate that Petitioners take no position on this motion, the Court requests that Petitioners file a response on or before Friday, January 4, 2019. In the meantime, all

		other deadlines are held in abeyance pending resolution of this motion, and if necessary, new deadlines will be set once the motion to stay has been resolved. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 12/27/2018. (PFC) (Entered: 12/27/2018)
01/03/2019	108	REPLY/RESPONSE to re 107 Text Order,, <i>on Respondents Motion for a Stay</i> filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 01/03/2019)
01/04/2019	109	TEXT ORDER granting 106 Motion to Stay. Respondents have filed a motion requesting the Court to stay all deadlines currently pending in this action in light of the lapse in the Department of Justice's appropriations due to the partial government shutdown. Petitioners have filed a 108 response indicating that they do not oppose Respondents' motion. However, Petitioners wish to "reserve the right to petition the Court to lift the stay in the event that issues arise with the implementation of the preliminary injunction that require the Court's intervention." (Dkt. 108 at 1). Petitioners also "suggest that once the government's funding resumes, it notify the Court of its position on the petitioners' motion for a sur-reply within one business day of the end of the shutdown." (<i>Id.</i>). Based upon a consideration of the parties' respective submissions, it is hereby ordered as follows: (1) Respondents' 106 motion is granted and all deadlines currently pending in this action are stayed. Respondents shall notify the Court as soon as Congress has appropriated funds for the Department of Justice so that counsel for Respondents are able to resume their normal work activities; (2) Nothing contained herein shall prevent Petitioners from seeking to lift the stay at any time or otherwise to seek the Court's intervention; and (3) Upon receiving notification as set forth in paragraph 1, or at such earlier time as directed by the Court, the Court will issue a scheduling order after receiving input from the parties wherein it shall set deadlines for various submissions, including a deadline for Respondents to respond to Petitioners' 105 motion for a sur-reply. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 1/4/19. (PFC) (Entered: 01/04/2019)
01/29/2019	110	NOTICE of Appearance by Kevin Charles Hirst on behalf of All Defendants (Hirst, Kevin) (Entered: 01/29/2019)
01/29/2019	111	NOTICE by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions <i>of Restored Appropriations</i> (Hirst, Kevin) (Entered: 01/29/2019)
01/29/2019	112	TEXT ORDER. On January 4, 2019, the Court granted Respondents' motion to stay all deadlines pending in this action in light of the lapse

		in the Department of Justice's appropriations due to the partial government shutdown. (Dkt. 109). The Court also required Respondents to notify the Court as soon as Congress had appropriated funds for the Department of Justice. The Court indicated that it would issue a scheduling order setting deadlines for the pending motions in this matter after receiving input from the parties. Respondents have filed a 111 notice alerting the Court that Congress has appropriated funds for the Department of Justice as of January 25, 2019, and its attorneys have resumed their usual civil litigation functions as of January 28, 2019. Accordingly, the Clerk of Court is directed to lift the stay in this action, and the Court hereby orders counsel to confer and submit a joint proposal—or, if counsel are unable to agree, individual proposals—by Monday, February 4, 2019, to address a further briefing schedule in this case. Counsel must also indicate their availability for oral argument after April 1, 2019. Upon review of the parties' filings, the Court will issue an appropriate briefing schedule and will set a date for oral argument. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 1/29/2019. (PFC) -CLERK TO FOLLOW UP- (Entered: 01/29/2019)
02/04/2019	113	REPLY/RESPONSE to re 112 Text Order,,,,, <i>Joint Letter Proposing Briefing and Oral Argument Schedule</i> filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 02/04/2019)
02/04/2019	114	TEXT ORDER. On January 29, 2019, the Court 112 ordered counsel for both sides to submit a proposed briefing schedule for the pending motions in this case, and to apprise the Court of their availability for oral argument. On February 4, 2019, the parties submitted a 113 proposed joint briefing schedule to address these motions as well as several proposed oral argument dates that are amenable to both sides. The Court largely adopts the parties' proposed briefing schedule. Accordingly, Respondents may submit opposition papers to Petitioners' 105 motion for a sur-reply on or before February 8, 2019. Petitioners may submit opposition papers to Respondents' 102 motion for decertification on or before March 1, 2019. Respondents' reply papers in further support of their motion for decertification are due on or before March 22, 2019. If the Court grants Petitioners leave to file a sur-reply, the Court will issue a further text order setting a deadline for Petitioners to file their sur-reply at that time. A Motion Hearing (oral argument) is set for May 15, 2019, at 2:00 PM in U.S. Courthouse, 100 State Street, Rochester NY 14614 before the undersigned. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 2/4/19. (PFC) (Entered: 02/04/2019)

02/08/2019	<u>115</u>	RESPONSE in Opposition re <u>105</u> MOTION for a Sur-Reply re <u>91</u> MOTION to Vacate <u>56</u> Order on Motion to Dismiss, Order on Motion for Preliminary Injunction, <u>83</u> Order on Motion for Miscellaneous Relief,,,,, filed by Johan Barrios Ramos, Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Young, Stacey) (Entered: 02/08/2019)
02/13/2019	<u>116</u>	MOTION to Withdraw as Attorney <i>For Petitioners</i> by Hanad Abdi, Johan Barrios Ramos.(Austin, Paige) (Entered: 02/13/2019)
02/13/2019	117	TEXT ORDER granting <u>116</u> Motion to Withdraw as Attorney. Attorney Paige Austin is terminated. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 2/13/19. (PFC) -CLERK TO FOLLOW UP- (Entered: 02/13/2019)
02/13/2019	118	TEXT ORDER denying <u>105</u> Motion for a Sur-Reply. After reviewing the parties' submissions, the Court does not see the need for an additional five-page sur-reply. Both sides have already provided comprehensive briefing on Respondents' <u>91</u> motion to vacate, and the Court has scheduled a motion hearing to further address that motion and Respondents' <u>102</u> motion to decertify. Additional briefing is also forthcoming on the <u>102</u> motion to decertify. The Court expects that it will be fully apprised of the parties' respective positions after a thorough consideration of the parties' written briefs and oral arguments. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 2/13/19. (PFC) (Entered: 02/13/2019)
03/01/2019	<u>119</u>	NOTICE of Change of Address by Mariko Hirose (Hirose, Mariko) (Entered: 03/01/2019)
03/01/2019	<u>120</u>	NOTICE of Change of Address by Deepa Alagesan (Alagesan, Deepa) (Entered: 03/01/2019)
03/01/2019	<u>121</u>	RESPONSE in Opposition re <u>102</u> MOTION to Decertify the Bond Subclass filed by Hanad Abdi, Johan Barrios Ramos. (Padmanabhan, Aadhithi) (Entered: 03/01/2019)
03/18/2019	<u>122</u>	MOTION Motion to Enforce Preliminary Injunction and Class Reporting Order by Hanad Abdi, Johan Barrios Ramos. (Attachments: # <u>1</u> Memorandum in Support of Motion to Enforce, # <u>2</u> Declaration of Aadhithi Padmanabhan, # <u>3</u> Declaration of Ingrid Sydenstricker, # <u>4</u> Declaration of Carla Prez, # <u>5</u> Declaration of Margret Lindstrom, # <u>6</u> Declaration of Joseph Moravec, # <u>7</u> Text of Proposed Order)(Padmanabhan, Aadhithi) (Entered: 03/18/2019)

03/19/2019	123	TEXT ORDER re 122 Motion to Enforce Preliminary Injunction and Class Reporting Order. Responses are due on or before April 9, 2019. Replies are due on or before April 16, 2019. If upon receipt of all the papers, the Court determines that oral argument is necessary, it will take place during the previously scheduled motion hearing set for May 15, 2019, at 2:00 PM, and the parties should plan for oral argument on that date. However, nothing in this Text Order should be construed as precluding the Court from resolving the motion on the papers in advance of May 15, 2019, if the Court deems it appropriate based upon its review of all the papers. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 3/19/19. (PFC) (Entered: 03/19/2019)
03/21/2019	124	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>informing the Court of March 19 Supreme Court decision in Nielsen v. Preap.</i> (Hodgson, Robert) (Entered: 03/21/2019)
03/22/2019	125	REPLY to Response to Motion re 102 MOTION to Decertify the Bond Subclass filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Peoples, Tashiba) (Entered: 03/22/2019)
04/09/2019	126	NOTICE of Appearance by Antony Philip Falconer Gemmell on behalf of Hanad Abdi, Johan Barrios Ramos (Gemmell, Antony) (Entered: 04/09/2019)
04/09/2019	127	RESPONSE in Opposition re 122 MOTION Motion to Enforce Preliminary Injunction and Class Reporting Order filed by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration, # 2 Declaration)(Young, Stacey) (Entered: 04/09/2019)
04/16/2019	128	REPLY to Response to Motion re 122 MOTION Motion to Enforce Preliminary Injunction and Class Reporting Order filed by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Declaration of Victoria Roeck, # 2 Declaration of Margret Lindstrom)(Padmanabhan, Aadhithi) (Entered: 04/16/2019)
04/30/2019	129	DECISION AND ORDER granting in part 122 Petitioners' Motion to Enforce Preliminary Injunction and Class Reporting Order by Hanad Abdi, Johan Barrios Ramos to the extent that Respondents are hereby ordered to produce a witness or witnesses for deposition within thirty (30) days of this Court's Decision and Order who has personal knowledge of the methodology being used by Respondents to identify and report class members and who can testify concerning any changes made or that will be made by Respondents to address the recurring errors in the identification of class members. The Court otherwise reserves decision on the remaining aspects of the motion and all parties

		shall plan on addressing these issues at the upcoming oral argument scheduled for May 15, 2019. Signed by Hon. Elizabeth A. Wolford on 4/30/2019. (DPS) (Entered: 04/30/2019)
04/30/2019	130	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>informing the Court of April 25 Second Circuit decision in Ragbir v. Homan.</i> (Hirose, Mariko) (Entered: 04/30/2019)
05/01/2019	131	NOTICE of Appearance by Victoria Marie Roeck on behalf of Hanad Abdi, Johan Barrios Ramos (Roeck, Victoria) (Entered: 05/01/2019)
05/03/2019	132	TEXT ORDER. Due to a conflict with a criminal jury trial, the Motion Hearing (oral argument) set for May 15, 2019, at 2:00 P.M., is hereby rescheduled. The Motion Hearing (oral argument) will now take place on <u>Wednesday, May 29, 2019, at 3:45 P.M. in US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350</u> before the undersigned. PLEASE NOTE THE LOCATION CHANGE TO THE BUFFALO COURTHOUSE. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/3/19. (PFC) (Entered: 05/03/2019)
05/03/2019	133	Letter filed by Jeffrey Searls, Elaine C Duke, Thomas Brophy, Jefferson Sessions as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>regarding Ragbir v. Homan.</i> (Peoples, Tashiba) (Entered: 05/03/2019)
05/14/2019	134	MOTION to Adjourn Oral Argument by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Memorandum in Support, # 2 Declaration of Mariko Hirose, # 3 Declaration of Ingrid Sydenstricker, # 4 Text of Proposed Order)(Hirose, Mariko) (Entered: 05/14/2019)
05/15/2019	135	TEXT ORDER re 134 Motion to Adjourn Oral Argument. Opposition papers, if any, are due on or before May 17, 2019. Upon receipt of all papers, the motion will be deemed submitted. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/15/19. (PFC) (Entered: 05/15/2019)
05/17/2019	136	MEMORANDUM in Opposition re 134 MOTION to Adjourn Oral Argument filed by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Peoples, Tashiba) (Entered: 05/17/2019)
05/17/2019	137	TEXT ORDER granting in part 134 Motion to Adjourn Oral Argument. Petitioners request that the Court adjourn the motion hearing currently set for May 29, 2019, because Petitioners' attorneys who had been preparing for oral argument will be unavailable. Petitioners request for oral argument to be adjourned until after July 8, 2019. Respondents argue that Petitioners have not established good cause for their requested adjournment, and that Respondents would be prejudiced if

		the Court entertained any further adjournment of the oral argument date. However, the primary reasons for the delay up to this point have been the partial government shutdown and the Court's criminal calendar. Petitioners have not engaged in dilatory tactics to stall the Court's consideration of the pending motions, and it is likely that oral argument would have already taken place had the Court not had to reschedule briefing deadlines and the initial oral argument date in light of the government shutdown. The Court considers Petitioners' general request for an adjournment to be reasonable, and thus, the Court grants Petitioners' 134 motion to adjourn oral argument. Nonetheless, adjourning oral argument to a date after July 8, 2019, is not warranted under the circumstances. Petitioners and Respondents have suggested alternative dates for oral argument that would be amenable to both sides. In balancing Petitioners' need for additional time to prepare and Respondents' concern for delaying the resolution of the pending motions, the Court hereby adjourns oral argument to <u>June 10, 2019, at 12:30 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before the undersigned.</u> The motion hearing will be held at the federal courthouse in Buffalo because the undersigned will be there on trial in a criminal case. If for some reason that changes, the parties will be so advised. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/17/19. (PFC) (Entered: 05/17/2019)
05/21/2019	138	MOTION to Withdraw as Attorney by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Declaration of Aadhithi Padmanabhan)(Padmanabhan, Aadhithi) (Entered: 05/21/2019)
05/22/2019	139	TEXT ORDER granting 138 Motion to Withdraw as Attorney. Attorney Aadhithi Padmanabhan is terminated. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/22/19. (PFC) -CLERK TO FOLLOW UP- (Entered: 05/22/2019)
06/06/2019	140	STATUS REPORT by Hanad Abdi, Johan Barrios Ramos. (Roeck, Victoria) (Entered: 06/06/2019)
06/10/2019	141	Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: Mariko Hirose, Esq., Robert A. Hodgson, Esq., Christopher T. Dunn, Esq. and Victoria M. Roeck, Esq. on behalf of Petitioners; Kevin C. Hirst, Esq. and Stacey I. Young, Esq. on behalf of Respondents. Oral Argument held on 6/10/2019 regarding pending motions 91 , 102 , and 122 . Court reserves decision with regard to 91 and 102 . The Court advises that the Preliminary Injunction is still in place and orders a verbal directive that government counsel confer with petitioners' counsel. Petitioners are to advise the Court by

		6/14/2019 as to any outstanding issues. The government will have one week to respond, after which time the Court will issue a decision with regard to remaining aspects of motion 122 . (Court Reporter Karen Bush.) (DPS) (Entered: 06/10/2019)
06/14/2019	142	REPLY/RESPONSE to re 141 Oral Argument,,, <i>Regarding Outstanding Issues on Petitioners' Motion to Enforce</i> filed by Hanad Abdi, Johan Barrios Ramos. (Roeck, Victoria) (Entered: 06/14/2019)
06/21/2019	143	STATUS REPORT by Thomas Brophy, Elaine C Duke, Jeffrey Searls, Jefferson Sessions. (Attachments: # 1 Declaration Declaration of Christopher Hess, # 2 Declaration Declaration of Jeffrey Searls)(Hirst, Kevin) (Entered: 06/21/2019)
06/27/2019	144	AMENDED DOCUMENT by Thomas Brophy, Elaine C Duke, John Kelly, Jeffrey Searls, Jefferson Sessions. Amendment to 143 Status Report . (Attachments: # 1 Declaration Declaration of Christopher Hess, # 2 Declaration Declaration of Jeffrey Searls, # 3 Declaration Declaration of Emily Barry-Murphy)(Hirst, Kevin) (Entered: 06/27/2019)
06/28/2019	145	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>informing the Court of decisions unavailable on Westlaw</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Hirose, Mariko) (Entered: 06/28/2019)
07/02/2019	146	Letter filed by Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions . (Hirst, Kevin) (Entered: 07/02/2019)
07/25/2019	147	NOTICE of Appearance by Kathryn S. Austin on behalf of Hanad Abdi, Johan Barrios Ramos (Austin, Kathryn) (Entered: 07/25/2019)
08/05/2019	148	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Proceedings held on 6/10/2019, before Judge Elizabeth A. Wolford. Court Reporter/Transcriber Karen J. Bush, Contact Info (585) 613-4312. 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 8/26/2019. Redacted Transcript Deadline set for 9/5/2019. Release of Transcript Restriction set for 11/4/2019. (KM) (Entered: 08/05/2019)
08/09/2019	149	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson

		Sessions <i>informing the Court of Clerveaux v. Searls</i> . (Attachments: # 1 Exhibit A)(Hirose, Mariko) (Entered: 08/09/2019)
08/13/2019	150	Letter filed by Jeffrey Searls, Elaine C Duke, Thomas Brophy, Jefferson Sessions as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>regarding Clerveaux v. Searls</i> . (Peoples, Tashiba) (Entered: 08/13/2019)
09/24/2019	151	DECISION AND ORDER granting 102 Motion to Decertify Subclass; denying as moot 91 Motion to Vacate Preliminary Injunction; denying as moot 122 Motion to Enforce Preliminary Injunction. Signed by Hon. Elizabeth A. Wolford on 09/24/2019. (CDH) (Entered: 09/24/2019)
09/26/2019	152	TEXT ORDER. Pursuant to Federal Rule of Civil Procedure 25(d), the Clerk of Court is directed to substitute Kevin McAleenan, Acting Secretary of the U.S. Department of Homeland Security for the named Defendant Elaine C. Duke; and William Barr, Attorney General of the United States for the named Defendant Jefferson Sessions. "An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party." Fed. R. Civ. P. 25(d). SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 9/26/2019. (KAC) -CLERK TO FOLLOW UP- (Entered: 09/26/2019)
07/10/2020	153	TEXT ORDER. The parties are instructed to submit a joint status report as to whether there are outstanding claims that require resolution by the Court or whether the case should be closed. The status report must be filed on or before July 31, 2020. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on July 10, 2020. (JT) (Entered: 07/10/2020)
07/24/2020	154	MOTION to Withdraw as Attorney by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Declaration of Victoria Roeck)(Roeck, Victoria) (Entered: 07/24/2020)
07/24/2020	155	TEXT ORDER granting 154 Motion to Withdraw as Attorney. The Clerk of Court shall terminate Victoria Roeck as counsel of record for Petitioner. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on July 24, 2020. (JT) -CLERK TO FOLLOW UP- (Entered: 07/24/2020)
07/31/2020	156	STATUS REPORT <i>The Parties' Joint Status Report submitted pursuant to the Court's July 10 text order (ECF153)</i> by Hanad Abdi, Johan Barrios Ramos. (Hodgson, Robert) (Entered: 07/31/2020)

07/31/2020	157	TEXT ORDER. Counsel for the parties indicate that they are in the process of meeting and conferring regarding a potential settlement that would resolve the case in its entirety. (Dkt. 156 at 1). Accordingly, the parties are hereby ordered to file a further status update on or before August 21, 2020, as to the status of their negotiations. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on July 31, 2020. (JT) (Entered: 07/31/2020)
08/21/2020	158	STATUS REPORT <i>Joint Status Update Regarding Ongoing Negotiations</i> by Hanad Abdi, Johan Barrios Ramos. (Hodgson, Robert) (Entered: 08/21/2020)
08/21/2020	159	TEXT ORDER. Counsel for the parties indicate that they need additional time to review the proposed terms of settlement and to obtain approval for any agreement reached. (Dkt. 158 at 2). Accordingly, the parties are hereby ordered to file a further status update on or before September 11, 2020, as to the status of their negotiations. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on August 21, 2020. (JT) (Entered: 08/21/2020)
09/11/2020	160	STATUS REPORT <i>Parties' Joint Status Update</i> by Hanad Abdi, Johan Barrios Ramos. (Hodgson, Robert) (Entered: 09/11/2020)
09/24/2020	161	TEXT ORDER. Counsel for the parties now indicate that they no longer intend to reach a settlement. Counsel also indicate that they need additional time to continue their negotiations regarding stipulations that would streamline discovery or render it unnecessary. (Dkt. 160). Accordingly, the parties are hereby ordered to file a further status update on or before October 2, 2020, which may include a joint proposed schedule or each party's respective proposed schedule. Should the parties agree that discovery is necessary, the matter will be then referred to a Magistrate Judge. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on September 24, 2020. (JT) (Entered: 09/24/2020)
10/02/2020	162	STATUS REPORT <i>Joint Status Update</i> by Hanad Abdi, Johan Barrios Ramos. (Hodgson, Robert) (Entered: 10/02/2020)
10/02/2020	163	TEXT ORDER re 162 Status Report. The Court grants the parties' request that they be permitted to continue negotiations as to the necessary scope of discovery. The parties shall provide a status update regarding such negotiations to the Court by no later than October 23, 2020. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 10/02/2020. (CDH) (Entered: 10/02/2020)
10/23/2020	164	STATUS REPORT <i>AND JOINT STIPULATION</i> by Hanad Abdi, Johan Barrios Ramos. (Attachments: # 1 Exhibit EXHIBIT A: Joint

		Stipulation of Facts Regarding Summary Judgment Briefing)(Hodgson, Robert) (Entered: 10/23/2020)
11/17/2020	165	Letter filed by Hanad Abdi, Johan Barrios Ramos as to Jeffrey Searls, Elaine C Duke, Thomas Brophy, John Kelly, Jefferson Sessions <i>Joint Letter Regarding Amended Proposed Deadlines</i> . (Hodgson, Robert) (Entered: 11/17/2020)
11/18/2020	166	TEXT ORDER. Pursuant to the parties' joint proposal (<i>see</i> Dkt. 165), the Court sets the following deadlines: Petitioners shall file their motion for summary judgment by no later than January 28, 2021. Respondents shall file their combined opposition to Petitioners' summary judgment motion and cross-motion for summary judgment by no later than February 25, 2021. Petitioners shall file their combined opposition to Respondents' motion for summary judgment and reply in further support of their motion for summary judgment by no later than March 18, 2021. Respondents shall file their reply in further support of their cross-motion for summary judgment by no later than April 1, 2021. There shall be a 25-page limit for supporting and opposing memoranda and a 10-page limit for Respondents' reply. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 11/18/2020. (CDH) (Entered: 11/18/2020)

PACER Service Center			
Transaction Receipt			
12/23/2020 17:18:58			
PACER Login:	CRClearinghouse:2563377:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:17-cv-00721-EAW
Billable Pages:	23	Cost:	2.30