

1 KAREN P. HEWITT
 United States Attorney
 2 THOMAS C. STAHL
 Assistant United States Attorney
 3 Chief, Civil Division
 CINDY M. CIPRIANI
 4 Assistant United States Attorney
 5 California Bar Number: 144402
 880 Front Street, Room 6293
 6 San Diego, California 92101
 Telephone:(619) 557-7390
 7 E-Mail: Cindy.Cipriani@usdoj.gov

8 PETER D. KEISLER
 United States Department of Justice
 9 Assistant Attorney General, Civil Division
 VICTOR M. LAWRENCE, DC 449052
 10 Senior Litigation Counsel
 Office of Immigration Litigation
 11 SAMUEL P. GO, NYSBN 4234852
 Trial Attorney
 12 P.O. Box 878, Ben Franklin Station
 13 Washington, D.C. 20044
 Telephone: (202) 353-9923
 14 Fax Number: (202) 233-0397
 15 Email: samuel.go@usdoj.gov

16 Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

18 ISAAC KIGONDU KINITI, et al.,)
)
 19 Plaintiffs,)
)
 20 v.)
)
 21 JULIE L. MYERS, et al.,)
)
 22 Defendants.)

Case No. 3:05-cv-1013-DMS-PCL

1. **DEFENDANTS’ NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFFS’ SECOND AMENDED COMPLAINT;**
2. **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS’ MOTION TO DISMISS;**
3. **DECLARATION OF TIMOTHY L. PERRY IN SUPPORT;**
4. **[PROPOSED] ORDER**

Hearing Date: June 15, 2007
 Time: 1:30 PM
 Courtroom: 10

NOTICE OF MOTION AND MOTION TO DISMISS¹

PLEASE TAKE NOTICE that on June 15, 2007, at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 10 of the above-entitled Court, located at 880 Front Street, San Diego, California, defendants Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement (ICE); John P. Torres, Director, Office of Detention and Removal Operations, ICE; Ron Smith, former Director, San Diego Field Officer, ICE; Anthony Cerone, Officer-in-Charge at San Diego Correctional Facility (SDCF), ICE; will and hereby do move this Court for an order dismissing the Second Amended Complaint for Declaratory and Injunctive Relief filed by plaintiffs Isaac Kigondu Kiniti, et al. (“plaintiffs”), pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction by this Court.

This motion is based upon this Notice of Motion and Motion to Dismiss, the Memorandum of Points and Authorities filed herewith, the Declaration of Timothy L. Perry, the pleadings, records and papers filed herein, and such other and further oral and documentary evidence and legal memoranda as may be presented at or prior to the hearing on this Motion to Dismiss.

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¹ This motion to dismiss is filed on behalf of the Federal Defendants. The United States does not represent defendants Corrections Corporation of America (CCA), Joe Easterling, or Charles Howard in this matter.

1 DATED: May 4, 2007

2 Respectfully submitted,

3
4 For Defendants:

5 KAREN P. HEWITT
6 United States Attorney
7 THOMAS C. STAHL
8 Assistant U.S. Attorney
9 Chief, Civil Division
10 CINDY M. CIPRIANI
11 Assistant U.S. Attorney

12 PETER D. KEISLER
13 Assistant Attorney General Civil Division
14 DAVID J. KLINE
15 Principal Deputy Director
16 VICTOR M. LAWRENCE
17 Senior Litigation Counsel

18 s/ Samuel P. Go
19 SAMUEL P. GO
20 Trial Attorney
21 U.S. Department of Justice Civil Division
22 Office of Immigration Litigation
23 P.O. Box 878,
24 Ben Franklin Station
25 Washington, D.C. 20044
26 (202) 353-9923
27
28

CERTIFICATE OF SERVICE

The undersigned certifies that on this 4th day of May 2007 a true and correct copy of the foregoing Defendants' Notice of Motion and Motion to Dismiss was served by ECF Filing on all counsel of record, along with all exhibits, and through agreement of the parties, has been e-mailed to the following counsel of record:

Gouri Bhat, Esq.
American Civil Liberties Union Foundation
National Prison Project
915 15th Street, NW
7th Floor
Washington, DC 20005-2112
Gbhat@npp-aclu.org

Anthony Michael Stiegler
Cooley Godward Kronish
4401 Eastgate Mall
San Diego, CA 92121-9109
stiegleram@cooley.com

David Fathi
American Civil Liberties Union Foundation
National Prison Project
915 15th Street, NW
7th Floor
Washington, DC 20005-2112
dfathi@npp-aclu.org

John David Blair-Loy
ACLU of San Diego and Imperial Counties
P.O. Box 87131
San Diego, CA 92138
dblairloy@aclusandiego.org

Mary Kathryn Kelley
Cooley Godward Kronish
4401 Eastgate Mall
San Diego, CA 92121-9109
mkkelley@cooley.com

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27
28

Tom-Tsvi M. Jawetz
American Civil Liberties Union Foundation
National Prison Project
915 15th Street, NW
7th Floor
Washington, DC 20005-2112
tjawetz@npp-aclu.org

Christopher G. Stuart
Jones Shelton and Hochuli
2901 North Central Avenue
Suite 800
Phoenix, AZ 85012
cstuart@jshfirm.com

Daniel P. Struck
Jones Shelton and Hochuli
2901 North Central Avenue
Suite 800
Phoenix, AZ 85012
dstruck@jshfirm.com

Russell R. Yurk
Jones Shelton and Hochuli
2901 North Central Avenue
Suite 800
Phoenix, AZ 85012
ryurk@jshfirm.com

Rachel Love Halvorson
Jones Shelton and Hochuli
2901 North Central Avenue
Suite 800
Phoenix, AZ 85012
rhalvorson@jshfirm.com

David B. Monks
Klinedinst PC
501 West Broadway
Suite 600
San Diego, CA 92101-3544
dmonks@klinedinstlaw.com

Micaela P. Shelton
Klinedinst PC
501 West Broadway

Suite 600
San Diego, CA 92101-3544
mshelton@klinedinstlaw.com

/s/ Samuel P. Go

U.S. Department of Justice

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