

(MLGx), CLOSED, DISCOVERY

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF
CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:09-cv-08564-RGK-MLG**

Luis Francisco Torres Barragan et al v. Eric H. Holder, Jr. et al
Assigned to: Judge R. Gary Klausner
Referred to: Magistrate Judge Marc L. Goldman
Case in other court: 9th CCA, 10-55768
Cause: 28:1361 Petition for Writ of Mandamus

Date Filed: 11/20/2009
Date Terminated: 04/30/2010
Jury Demand: None
Nature of Suit: 465 Other Immigration
Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Luis Francisco Torre Barragan

represented by **Gary H Manulkin**
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Plaintiff

Patrick Clark

represented by **Gary H Manulkin**
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V.

Defendant

Eric H Holder, Jr.
*United States Attorney General,
Department of Justice*

represented by **Jesi J Carlson**
United States Department of Justice
Office of Immigration Litigation – Civil
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Defendant

Janet Napolitano
Secretary of the Department of Homeland Security

represented by **Jesi J Carlson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Aytes
Acting Director United States Citizenship Immigration Services

represented by **Jesi J Carlson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jane Arellano
Los Angeles District Office Director, United States Citizenship and Immigration Services

represented by **Jesi J Carlson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/20/2009	<u>1</u>	COMPLAINT AND PETITION FOR WRIT OF MANDAMUS against defendants Jane Arellano, Eric H Holder, Jr, Janet Napolitano, Michael Aytes; (Filing fee \$350 PAID); filed by plaintiffs Luis Francisco Torre Barragan, Patrick Clark.(esa) (ds). (Entered: 11/25/2009)
11/20/2009		60 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to defendants Jane Arellano, Eric H Holder, Jr, Janet Napolitano, Michael Aytes. (esa) (Entered: 11/25/2009)
11/20/2009	<u>2</u>	CERTIFICATION AND NOTICE OF INTERESTED PARTIES filed by plaintiffs Luis Francisco Torre Barragan, Patrick Clark. (esa) (ds). (Entered: 11/25/2009)
12/16/2009	<u>3</u>	STANDING ORDER by Judge R. Gary Klausner, (sce) (Entered: 12/16/2009)
12/28/2009	<u>4</u>	NOTICE of Appearance filed by attorney Jesi J Carlson on behalf of Defendants Jane Arellano, Eric H Holder, Jr, Janet Napolitano, Michael Aytes (Carlson, Jesi) (Entered: 12/28/2009)
01/15/2010	<u>5</u>	STANDING ORDER by Judge R. Gary Klausner, (sce) (Entered: 01/26/2010)
01/29/2010	<u>6</u>	FIRST STIPULATION Extending Time to Answer the complaint as to Jane Arellano answer now due 3/5/2010; Eric H Holder, Jr answer now due 3/5/2010; Janet Napolitano answer now due 3/5/2010; Michael Aytes answer now due 3/5/2010, filed by Defendants Jane Arellano; Eric H Holder, Jr; Janet Napolitano; Michael Aytes.(Carlson, Jesi) (Entered: 01/29/2010)
03/05/2010	<u>7</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendants Jane Arellano, Michael Aytes, Eric H Holder, Jr, Janet Napolitano. Motion set for hearing on 4/19/2010 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # <u>1</u> Exhibit A, B &C, # <u>2</u> Proposed Order)(Carlson, Jesi) (Entered: 03/05/2010)
03/19/2010	<u>8</u>	NOTICE OF MOTION AND Counter MOTION to Withdraw Reference, First MOTION for Summary Judgment (Motion set for hearing on 4/19/2010 at 09:00 AM before Judge R. Gary Klausner.), Counter MOTION to Dismiss Case <i>Opposition to Motion to Dismiss</i> (Motion set for hearing on 4/19/2010 at 09:00 AM before Judge R. Gary Klausner.) filed by Plaintiffs Luis Francisco Torre Barragan. (Attachments: # <u>1</u> Memorandum Points and Authorities, # <u>2</u> Memorandum Proposed Uncontroverted Facts, # <u>3</u> Proposed Order Proposed Order)(Tanner, Reyna) (Entered: 03/19/2010)
03/22/2010	<u>9</u>	ORDER by Judge R. Gary Klausner: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: Counter MOTION to Withdraw Reference First MOTION for Summary Judgment Counter MOTION to Dismiss Case <i>Opposition to Motion to Dismiss</i> <u>8</u> , for the following reasons: Local Rule 11–8 Memorandum/brief exceeding 10 pages shall contain table of contents. Opposition to Motion to

		Dismiss and Motion for Summary Judgment must be filed separately.; (shb) (Entered: 03/22/2010)
03/23/2010	<u>10</u>	OPPOSITION to MOTION to Dismiss Case <u>7</u> <i>Memorandum of Points and Authorities in Support of Opposition to Defendants' Motion to Dismiss</i> filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Tanner, Reyna) (Entered: 03/23/2010)
03/24/2010	<u>11</u>	NOTICE OF MOTION AND MOTION for Summary Judgment <i>Memorandum of Points and Authorities</i> filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. Motion set for hearing on 4/26/2010 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # <u>1</u> Exhibit I-130 Petition Filing, # <u>2</u> Proposed Order Granting Plaintiffs' Motion for Summary Judgment, # <u>3</u> Memorandum Statement of Uncontroverted Facts and Conclusions of Law)(Tanner, Reyna) (Entered: 03/24/2010)
03/29/2010	<u>12</u>	[MOTION WITHDRAWN] – EX PARTE APPLICATION to Reschedule Hold Plaintiffs' Motion for Summary Judgment in Abeyance Pending Outcome of Defendants' Motion to Dismiss or in the alternative, reschedule hearing date for Plaintiffs' Motion for Summary Judgment filed by Defendants Jane Arellano, Michael Aytes, Eric H Holder, Jr, Janet Napolitano. (Attachments: # <u>1</u> Exhibit A-C, # <u>2</u> Proposed Order)(Carlson, Jesi) Modified on 3/31/2010 (shb). (Entered: 03/29/2010)
03/30/2010	<u>13</u>	Notice of Withdrawal of Ex Parte Application to Reset, <u>12</u> filed by Defendants Jane Arellano, Michael Aytes, Eric H Holder, Jr, Janet Napolitano. (Carlson, Jesi) (Entered: 03/30/2010)
03/31/2010	<u>14</u>	Joint STIPULATION to Reschedule Hearings on April 19, 2010 and April 26, 2010 to June 21, 2010, Joint STIPULATION for Hearing filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. (Attachments: # <u>1</u> Proposed Order)(Tanner, Reyna) (Entered: 03/31/2010)
03/31/2010	<u>15</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge R. Gary Klausner: This matter is set for a scheduling conference on June 14, 2010 at 9:00 a.m. The Conference will be held pursuant to F.R.Civ. P. 16(b). (See Order for further details) (yl) (Entered: 03/31/2010)
04/01/2010	<u>16</u>	NOTICE OF MOTION re MOTION for Summary Judgment <i>Memorandum of Points and Authorities</i> <u>11</u> filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. Motion set for hearing on 6/21/2010 at 09:00 AM before Judge R. Gary Klausner. (Tanner, Reyna) (Entered: 04/01/2010)
04/02/2010	<u>17</u>	NOTICE OF MOTION AND MOTION to Withdraw MOTION for Summary Judgment <i>Memorandum of Points and Authorities</i> <u>11</u> filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. Motion set for hearing on 4/26/2010 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # <u>1</u> Exhibit)(Tanner, Reyna) (Entered: 04/02/2010)
04/02/2010	<u>18</u>	NOTICE OF MOTION AND MOTION for Summary Judgment <i>Memorandum of Points and Authorities</i> filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. Motion set for hearing on 6/21/2010 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # <u>1</u> Exhibit Form I-130 Petition and Supporting Documents, # <u>2</u> Memorandum Statment of Uncontroverted Facts, # <u>3</u> Proposed Order Granting Plaintiffs' Motion for Summary Judgment)(Tanner, Reyna) (Entered: 04/02/2010)
04/05/2010	<u>19</u>	ORDER by Judge R. Gary Klausner: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: MOTION for Summary Judgment <i>Memorandum of Points and Authorities</i> <u>18</u> , for the following reasons: Motion is already on file at docket entry 11.; (shb) (Entered: 04/05/2010)
04/05/2010	<u>20</u>	ORDER by Judge R. Gary Klausner, re: Stipulation/Request for Rescheduling Hearing Dates on Motion to Dismiss and Motion for Summary Judgment (DE 14);Motion to Withdraw Motion for Summary Judgment (DE 17). The parties have filed a stipulation to vacate the hearing dates for Defendants Motion toDismiss and

		Plaintiffs Motion for Summary Judgment. Plaintiffs counsel states that he will not be able to attend the hearing for either Motion for personal reasons. This Court takes under submission and off the motion calendar Defendants Motion to Dismiss, which has already been briefed, and parties neednot attend a court hearing for that Motion. Therefore, there is no need to reschedule the Motion to Dismiss hearing date. The Request to Reschedule is accordingly DENIED in part. With respect to the Motion for Summary Judgment, the Court GRANTS in part the Request for Rescheduling and sets the Motion for Summary Judgment for June 21, 2010, as the parties have requested (Defendants Opposition is due on May 28, 2010). Accordingly, Plaintiffs Motion to Withdraw Motion for Summary Judgment is DENIED as moot. (shb) (Entered: 04/05/2010)
04/05/2010	<u>21</u>	REPLY In Support of MOTION to Dismiss Case <u>7</u> filed by Defendants Jane Arellano, Michael Aytes, Eric H Holder, Jr, Janet Napolitano. (Carlson, Jesi) (Entered: 04/05/2010)
04/14/2010	<u>22</u>	MINUTES (IN CHAMBERS): DEFENDANTS MOTION TO DISMISS (DE 7) by Judge R. Gary Klausner: The Court hereby advises counsel that the above-referenced motion, noticed for hearing on April 19, 2010, has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The Court will issue a ruling after full consideration of properly submitted pleadings.IT IS SO ORDERED. (yl) (Entered: 04/14/2010)
04/15/2010	<u>23</u>	NOTICE OF SERVICE filed by Plaintiffs Luis Francisco Torre Barragan, Patrick Clark, re Order, Set Deadlines/Hearings <u>15 Plaintiffs' Notice of Scheduling Conference</u> served on April 15, 2010. (Attachments: # <u>1</u> Exhibit Court Order Setting Scheduling Coference, Doc. 15)(Tanner, Reyna) (Entered: 04/15/2010)
04/30/2010	<u>24</u>	(IN CHAMBERS) ORDER by Judge R. Gary Klausner: granting <u>7</u> Motion to Dismiss Case (MD JS-6. Case Terminated) (shb) (Entered: 04/30/2010)
05/13/2010	<u>25</u>	NOTICE OF APPEAL to the 9th CCA filed by Plaintiffs/Petitioners Luis Francisco Torre Barragan, Patrick Clark. Appeal of Order on Motion to Dismiss Case <u>24</u> . (Filing Fee NOT PAID.) (Tanner, Reyna) (Entered: 05/13/2010)
05/17/2010	<u>26</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 10-55768, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> as to Plaintiffs Luis Francisco Torre Barragan, Patrick Clark. (cbr) (Entered: 05/17/2010)
05/20/2010	<u>27</u>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: n/a; Court Reporter: n/a; Court of Appeals Case Number: 10-55768; Re: <u>25</u> (Tanner, Reyna) (Entered: 05/20/2010)
05/21/2010	<u>28</u>	CERTIFICATE OF RECORD Transmitted to USCA re Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan ; Court of Appeals Case Number: 10-55768. (dmap) (Entered: 05/21/2010)
06/23/2010	<u>29</u>	APPEAL FEE PAID: re Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> as to Plaintiffs Luis Francisco Torre Barragan, Patrick Clark; Receipt Number: 148682, Paid in the amount of \$455. (lr) (Entered: 06/23/2010)
07/27/2010	<u>30</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. This case is under consideration for inclusion in the Mediation Program. Within 14 days of the date of this order, counsel for all parties intending to file briefs in this matter are requested to inform Stephen Liacouras, Circuit Mediator, in writing, by email at stephen_liacouras@a9.uscourts.gov or fax at (415)355-8566, of their clients' views on whether: the case is appropriate for settlement discussions or mediation; the court can accommodate ongoing settlement discussions or otherwise facilitate settlement of the dispute; and/or the court should schedule a telephonic conference to discuss settlement. This communication will be kept confidential, if requested, from the other parties in the case. This communication shall not be served on the opposing party and shall not be filed with the court. For more detailed information about the Mediation Program and its procedures generally, please see Mediation Program web site: www.ca9.uscourts.gov/mediation. The existing briefing schedule remains in effect pending the determination whether the case will be selected for inclusion in the Mediation Program. Order received in this district on

		3/09/2011. (lr) (Entered: 03/10/2011)
09/03/2010	<u>31</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. The court has received the appellants' motion to consolidate case Nos. 08-73745 and 09-71226 with case Ni, 10-55768 and the government's response. The motion to consolidate is granted in part. Case Nos. 08-73745 and 09-71226 are consolidate with case No. 10-55768 for calendaring purposes only. The appellants' request for an extension of time in which to file the reply brief for case Nos. 08-73745 and 09-71226 is granted. The reply brief is due September 29, 2010. The appellants' motion includes a request to consolidate case Nos. 08-73745 and 09-71226 with case No. 10-55768 for purposes of mediation. Pursuant to the court's July 7, 2010 order, the court is considering the propriety of mediation efforts in case No. 10-55768. The appellants are advised to propose expansion of mediation efforts to case Nos. 08-73745 and 09-71226 to the court's mediation unit. The current schedule continues to govern case Nos. 10-55768. Order received in this district on 3/09/2011. (lr) (Entered: 03/10/2011)
10/25/2010	<u>32</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. The appellants' motion for an extension of time in which to file the opening brief is granted. The opening brief is due December 27, 2010. The answering brief is due January 26, 2011. The optional reply brief is due within 14 days after service of the answering brief. The appellants are informed that a motion for an extension of time to file a brief should include a statement regarding the status of transcript preparation. 9th Cir R. 31-2.2(b)(7)(effective Dec. 1, 2009). Order received in this district on 3/09/2011. (lr) (Entered: 03/10/2011)
12/21/2010	<u>33</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. The opening brief submitted on December 21, 2010 is filed. Order received in this district on 3/09/2011. (lr) (Entered: 03/10/2011)
12/28/2010	<u>34</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. Appellees' unopposed motion for a 30-day extension of time to file the answering brief is granted. The answering brief is due February 25, 2011. The optional reply brief is due within 14 days after service of the answering brief. Order received in this district on 3/09/2011. (lr) (Entered: 03/10/2011)
02/14/2011	<u>35</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. Appellees' unopposed motion for a 30-day extension of time to file the answering brief is granted. The answering brief is due March 28, 2011. The optional reply brief is due within 14 days after service of the answering brief. Order received in this district on 3/09/2011. (lr) (Entered: 03/10/2011)
03/09/2011	<u>36</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. Appellees' unopposed motion for a third extension of time to file the answering brief is construed as a motion to stay appellate proceedings is granted. Proceedings are stayed until June 27, 2011. In the absence of a motion for appropriate relief, the case will be deemed ready for calendaring on the basis of the opening brief. Order received in this district on 3/09/2011. (lr) (Entered: 03/10/2011)
08/09/2011	<u>37</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark and Luis Francisco Torre Barragan CCA # 10-55768. This appeal is stayed pending the Board of Immigration Appeals("BIA") disposition of petition. Nos. 08-73745 and 09-71226 on remand. All pending motions are held in abeyance. Order received in this district on 8/9/2011. (dmap) (Entered: 08/11/2011)
04/10/2012	<u>38</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> filed by Patrick Clark, Luis Francisco Torre Barragan, CCA # 10-55768. The motion for voluntary dismissal of this appeal is granted. This appeal is dismissed. Order received in this district on 4/10/12. (car) (Entered: 04/11/2012)

06/13/2012	<u>39</u>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <u>25</u> , CCA # 10-55768. This appeal is dismissed. Mandate received in this district on 6/13/12. (car) (Entered: 06/15/2012)
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