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7 **Attorneys for Petitioner**  
(Additional counsel listed on following page)

8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**

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12 AMADOU LAMINE DIOUF,  
13 A# 79-768-086,  
14 Plaintiff-Petitioner,  
15 vs.  
16 ALBERTO GONZALES, United  
17 States Attorney General; MICHAEL  
18 CHERTOFF, Secretary, Department  
19 of Homeland Security; JULIE L.  
20 MYERS, Assistant Secretary, United  
21 States Immigration and Customs  
22 Enforcement; NORMA BONALES-  
23 GARIBAY, Field Office Director  
24 U.S. Immigration and Customs  
25 Enforcement; GEORGE MOLINAR,  
26 Chief of Detention and Removal  
27 Operations, San Pedro Detention  
28 Facility; STUART CORTEZ, Officer-  
In-Charge, San Pedro Detention  
Facility,  
Defendant-Respondents.

Case No.: 06-7452 <sup>TJH</sup> SW (FMO)

**[PROPOSED] ORDER GRANTING  
MOTION FOR PRELIMINARY  
INJUNCTION**

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CENTRAL DISTRICT OF CALIFORNIA  
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26 \*Application for admission *pro hac vice* forthcoming  
27 \*\*Pending admission to Central District of California

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SCANNED

~~[PROPOSED]~~ ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

The Court finds that Petitioner has demonstrated a substantial likelihood of success on the merits, that he will suffer irreparable injury in the absence of a preliminary injunction, and that the balance of hardship tips sharply in his favor.

Therefore, this Court hereby ORDERS that the Defendant-Respondents and their employees, assigns, and all those acting in concert with them are preliminarily enjoined as follows:

\_\_\_\_\_ Petitioner must be immediately released on reasonable conditions of supervision, including electronic monitoring if necessary.

OR, in the alternative:

X Petitioner must be ~~released~~ within thirty days ~~unless he is~~ afforded an individual hearing before an immigration judge concerning whether his prolonged detention is justified. At the hearing, the immigration judge shall order Petitioner released on reasonable conditions unless the government shows by clear and convincing evidence that Petitioner presents a sufficient danger or risk of flight to justify his detention in light of how long he has been detained already and the

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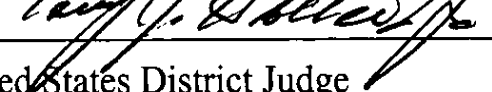
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1 likelihood of his case being finally resolved in favor of the government in the  
2 reasonably foreseeable future.

3  
4 IT IS SO ORDERED.

5  
6 Dated: <sup>1/3/07</sup> November ~~2006~~ <sub>my</sub>

By:   
United States District Judge

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