

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 03-3189 DWF/JSM

AHMED HASSAN ALI,	)	
a/k/a Ahmed Warsame,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>MOTION FOR STAY OF ORDER</b>
	)	<b>OR TO AMEND JUDGMENT</b>
MARK CANGEMI, Interim District	)	
Director, Bureau of Immigration	)	
and Customs Enforcement,	)	
	)	
Respondent.	)	

Comes now Mark Cangemi, District Director, Immigration and Customs Enforcement (ICE) and moves this court for a stay pending a decision by the Solicitor General (SG) on ICE's request to appeal the order and the pendency of appeal from the order dated May 27, 2004, on the grounds and for the reasons that:

I.

ICE will likely prevail on the merits.

II.

ICE will likely suffer irreparable harm and the harm to Petitioner is minimal.

III.

The public interest favors a stay.

IV.

Petitioner presents a significant risk of flight preventing his removal at the conclusion of the instant action.

V.

This motion is based on the entire file herein, including the exhibits, declarations and documents produced in response to the petition and in objections to the Report and Recommendation.

WHEREFORE ICE respectfully requests this Court enter an Order as follows:

1. Staying its Order of May 27, 2004, granting Petitioner an immediate release from custody, during the pendency of the Solicitor General's review of ICE's request to Appeal, and;
2. Staying this order during the pendency of any appeal.

Dated this   3   day of June 2004.

THOMAS B. HEFFELFINGER  
United States Attorney

s/Lonnie F. Bryan

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