

CLOSED, HABEAS

**U.S. District Court**  
**District of Minnesota (DMN)**  
**CIVIL DOCKET FOR CASE #: 0:03-cv-03189-DWF-JSM**

Ali v. Cangemi, et al  
Assigned to: Judge Donovan W. Frank  
Referred to: Magistrate Judge Janie S.  
Mayeron  
Demand: \$0  
Cause: 28:2241 Petition for Writ of Habeas  
Corpus (federa

Date Filed: 05/15/2003  
Jury Demand: None  
Nature of Suit: 530 Habeas  
Corpus (General)  
Jurisdiction: U.S. Government  
Defendant

**Petitioner**

**Ahmed Hassan Ali**  
*also known as*  
Ahmed Warsame

represented by **Katherine Menendez**  
Office of the Federal  
Defender  
300 S 4th St Ste 107  
Mpls, MN 55415  
612-664-5858  
Fax: 612-664-5850  
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kate\_menendez@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

V.

**Respondent**

**Mark Cangemi**  
*Interim Director*

represented by **Lonnie F Bryan**  
US Attorney - Mpls  
300 S 4th St Ste 600  
Mpls, MN 55415  
612-664-5600

Fax: 612-664-5788  
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 lonnie.bryan@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

## Respondent

### **Bureau of Immigration and Customs Enforcements**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/15/2003	1	FEDERAL PETITION FOR WRIT OF HABEAS CORPUS - Assigned to Judge Donovan W. Frank per habeas corpus and referred to Magistrate Judge Janie S. Mayeron. 4:03ad214. receipt 267122. Copy to US Attorney. 7 pg(s) (VEM) (Entered: 05/21/2003)
05/22/2003	2	MOTION by Katherine M. Menendez for order to be appointed as counsel for Petitioner( to Magistrate Judge Janie S. Mayeron ) . (2 pgs) (MKC) (Entered: 05/30/2003)
05/22/2003	<a href="#">3</a>	ORDER ( Magistrate Judge Janie S. Mayeron / 5/20/03) The Respondent is directed to make a return in writing within 20 days from the date of this order, certifying the true cause of Petitioners detention and showing cause why the writ should not be granted. 2 pg(s) (cc: all counsel) (VEM) (Entered: 06/02/2003)
05/27/2003	<a href="#">4</a>	ORDER ( Judge Donovan W. Frank / 5/23/03) granting motion for order to be appointed as counsel for Petitioner. [2-1] 1pg(s) (cc: all counsel) (VEM) (Entered: 06/03/2003)
06/03/2003		NOTICE by petitioner of association of counsel Katherine Menendez. (VEM) Modified on 06/03/2003

		(Entered: 06/03/2003)
06/03/2003	6	NOTICE OF APPEARANCE for respondent Mark Cangemi. 2pg(s) ( (Entered: 06/06/2003)
06/06/2003	7	MOTION by respondents for extension of time to answer or otherwise respond. ( to Magistrate Judge Janie S. Mayeron ) 2 pg(s) (VEM) (Entered: 06/11/2003)
06/06/2003	8	MEMORANDUM by respondent in support of motion for extension of time to answer or otherwise respond. [7-1] 2 pg(s) (VEM) (Entered: 06/11/2003)
06/06/2003	9	DECLARATION of Lonnie F. Bryan re motion for extension of time to answer or otherwise respond. [7-1] 2 pg(s) (VEM) (Entered: 06/11/2003)
06/10/2003	<a href="#">12</a>	ORDER ( Magistrate Judge Janie S. Mayeron / 6/9/03) Resp shall be granted an extension of time to respond to the complaint to 6/13/03. [7-1] 1pg(s) (cc: all counsel) (VEM) (Entered: 06/18/2003)
06/13/2003	10	RESPONSE by respondents Mark Cangemi and Bureau Immigration to habeas corpus petition. [1-1] 25 pg(s) (JMM) (Entered: 06/17/2003)
06/13/2003	11	EXHIBITS 1-6 by respondents Mark Cangemi and Bureau Immigration to response. [10-1] 1+ pg(s) (JMM) (Entered: 06/17/2003)
07/01/2003	13	MOTION by petitioner for leave to file memorandum in support of habeas petition and in response to respondents' memorandum in opposition ( to Magistrate Judge Janie S. Mayeron ) 2pg(s) (SJH) (Entered: 07/07/2003)
07/03/2003	<a href="#">14</a>	ORDER ( Magistrate Judge Janie S. Mayeron ) Upon application of the defendant and for good cause shown, the Petitioner may have until July 18, 2003, to file his memorandum in support of his habeas case [13-1]. 1pg(s) (cc: all counsel) (SJH) (Entered:

		07/10/2003)
07/22/2003	15	MEMORANDUM by petitioner in support of habeas corpus petition. [1-1] 10 pg(s) (VEM) (Entered: 07/25/2003)
03/30/2004	<a href="#">16</a>	REPORT AND RECOMMENDATION re [1] Petition for Writ of Habeas Corpus should be granted. Objections to R&R due by 4/14/2004. Signed by Judge Janie S. Mayeron on 3/30/04. (VEM) Modified on 4/3/2004 (vem). (Entered: 03/31/2004)
04/02/2004	17	Letter to Magistrate Judge Janie S. Mayeron from Katherine M. Menendez dated 9/30/03. 16pgs (VEM) (Entered: 04/03/2004)
04/14/2004	18	OBJECTION to <a href="#">16</a> Report and Recommendations by Respondent. (9 pgs) (MKC) (Entered: 04/16/2004)
04/14/2004	19	EXHIBITS FOR OBJECTIONS TO REPORT AND RECOMMENDATION by Bureau of Immigration and Customs Enforcements, Mark Cangemi. (MKC) (Entered: 04/16/2004)
04/30/2004	<a href="#">20</a>	ORDER granting additional time for Petitioner to respond to objections to <a href="#">16</a> REPORT AND RECOMMENDATION . Signed by Judge Donovan W Frank on 4/30/04. (VEM) (Entered: 05/04/2004)
05/07/2004	21	RESPONSE to Governments objections to REPORT AND RECOMMENDATION re [1] Petition for Writ of Habeas Corpus. 6pgs (VEM) (Entered: 05/13/2004)
06/01/2004	<a href="#">22</a>	ORDER Adopting <a href="#">16</a> Report and Recommendations. Petitioners application for a writ of habeas corpus pursuant to 28 USC 2241 is Granted. Respondents are ordered to release Petitioner from custody. Signed by Judge Donovan W Frank on 6/1/04. (lml) Modified on 6/2/2004 (LG). (Entered: 06/01/2004)
06/02/2004	<a href="#">23</a>	JUDGMENT . (Attachments: # <a href="#">1</a> 8th Circ prehr# <a href="#">2</a> Cv Ntc-Appeal)(MKC) (Entered: 06/02/2004)

06/03/2004	<a href="#">24</a>	MOTION to Stay re <a href="#">22</a> Order on Report and Recommendations, by Mark Cangemi. (Bryan, Lonnie) (Entered: 06/03/2004)
06/03/2004	<a href="#">25</a>	MEMORANDUM in Support re <a href="#">24</a> MOTION to Stay re <a href="#">22</a> Order on Report and Recommendations, filed by Mark Cangemi. (Attachments: # (1) Exhibit)(Bryan, Lonnie) (Entered: 06/03/2004)
06/03/2004	<a href="#">26</a>	CERTIFICATE OF SERVICE by Mark Cangemi re <a href="#">24</a> MOTION to Stay re <a href="#">22</a> Order on Report and Recommendations,, <a href="#">25</a> Memorandum in Support of Motion (Bryan, Lonnie) (Entered: 06/03/2004)
06/04/2004	<a href="#">27</a>	RESPONSE re <a href="#">24</a> MOTION to Stay re <a href="#">22</a> Order on Report and Recommendations,, <a href="#">25</a> Memorandum in Support of Motion filed by Ahmed Hassan Ali. (Attachments: # <a href="#">1</a> Certificate of Service)(Menendez, Katherine) (Entered: 06/04/2004)
06/04/2004	<a href="#">28</a>	ORDER STAYING Court's Order dated June 1, 2004, is and shall be stayed for seven (7) days pending action by the Solicitor General on the Respondent's request to appeal. Signed by Judge Donovan W. Frank on 06/04/04. (rlb) (Entered: 06/04/2004)
06/10/2004	<a href="#">29</a>	Second MOTION to Stay re <a href="#">28</a> Order Staying Case by Mark Cangemi. (Bryan, Lonnie) (Entered: 06/10/2004)
06/10/2004	<a href="#">30</a>	MEMORANDUM in Support re <a href="#">29</a> Second MOTION to Stay re <a href="#">28</a> Order Staying Case filed by Mark Cangemi. (Bryan, Lonnie) (Entered: 06/10/2004)
06/10/2004	<a href="#">31</a>	CERTIFICATE OF SERVICE by Mark Cangemi re <a href="#">29</a> Second MOTION to Stay re <a href="#">28</a> Order Staying Case, <a href="#">30</a> Memorandum in Support of Motion (Bryan, Lonnie) (Entered: 06/10/2004)
06/16/2004	<a href="#">32</a>	ORDER granting <a href="#">29</a> Motion to Stay . Signed by Judge Donovan W Frank on 6/16/04. (lml) (Entered: 06/16/2004)

		06/16/2004)
06/17/2004	<a href="#">33</a>	NOTICE OF APPEAL as to <a href="#">28</a> Order Staying Case, <a href="#">32</a> Order on Motion to Stay, <a href="#">22</a> Order on Report and Recommendations, by Mark Cangemi. (Bryan, Lonnie) (Entered: 06/17/2004)
06/17/2004	<a href="#">34</a>	CERTIFICATE OF SERVICE by Mark Cangemi re <a href="#">33</a> Notice of Appeal (Bryan, Lonnie) (Entered: 06/17/2004)
06/17/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">33</a> Notice of Appeal. Delivered/mailed two certified and one uncertified copy of each of the following to the Court of Appeals: St. Paul Office: Notice of Appeal, Order, Judgment and District Court's Docket Sheet. (VEM) (Entered: 06/17/2004)
06/28/2004	<a href="#">35</a>	ORDER of USCA as to <a href="#">33</a> Notice of Appeal filed by Mark Cangemi the Federal Public Defender is appointed to represent the appellant. (VEM) (Entered: 06/28/2004)
06/28/2004	<a href="#">36</a>	USCA Case Number 04-2490 for <a href="#">33</a> Notice of Appeal filed by Mark Cangemi. (VEM) (Entered: 06/28/2004)
07/01/2004	<a href="#">37</a>	ORDER of USCA as to <a href="#">33</a> Notice of Appeal filed by Mark Cangemi the district court order requiring Ahmen Hassan Ali's release is temporarily granted. (Attachments: # <a href="#">1</a> Appeal Briefing Schedule)(VEM) (Entered: 07/01/2004)
10/25/2005	<a href="#">38</a>	Opinion of USCA as to <a href="#">33</a> Notice of Appeal to 8th Circuit filed by Mark Cangemi. We now reverse and vacate the district court judgment, and direct the district court to dismiss, without prejudice, Ali's application for a writ of habeas corpus as moot. (VEM) (Entered: 10/25/2005)
10/25/2005	<a href="#">39</a>	USCA JUDGMENT as to <a href="#">33</a> Notice of Appeal to 8th

		Circuit filed by Mark Cangemi, it is ordered and adjudged that the judgment of the district court in this cause is reversed and the cause is remanded to the district court for proceedings consistent with the opinion of this court.(VEM) (Entered: 10/25/2005)
12/19/2005	<a href="#">40</a>	ORDER Pursuant to the Order of the Eighth Circuit Court of Appeals, The Petition for Writ of Habeaus Corpus is dismissed without prejudice as moot. Signed by Judge Donovan W Frank on 12/19/05. (lml) (Entered: 12/19/2005)
03/07/2006	<a href="#">41</a>	Appeal Record Returned: <a href="#">33</a> Notice of Appeal to 8th Circuit, 1 file. (LPH) (Entered: 03/08/2006)

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