

Search for Case

Help

General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 06-15366

Filed: 3/3/06

Nsuit: 2890 Other stsutory actions (USdf)

Santillan, et al v. Gonzales, et al

Appeal from: Northern District of California (San Francisco)

Case type information:

- 1) civil
- 2) US
- 3)

Lower court information:

District: 0971-3 : CV-04-02686-MHP
presiding judge: Marilyn H. Patel, District Judge
court reporter: Joan Columbini, Court Reporter
Date Filed: 7/6/04
Date order/judgment: 12/23/05
Date NOA filed: 2/16/05

Fee status: USA: no fee required-----
Prior cases:

None

Current cases:

None

Docket as of July 23, 2007 11:17 pm

Page 1

06-15366 Santillan, et al v. Gonzales, et alMARIA SANTILLAN
Plaintiff - Appellee

John C. Dwyer, Esq.
FAX 650/857-0663
650/843-5000
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
FAX 650/857-0663
650/843-5000
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
FAX 650/857-0663
650/843-5000
[COR LD ret]
COOLEY GODWARD KRONISH, LLP
Five Palo Alto Sq.
3000 El Camino Real
Palo Alto, CA 94306-2155

Maureen Alger
650/843-5201
[COR LD ret]
COOLEY GODWARD KRONISH, LLP
5 Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

Marisol Perez, Esq.
FAX 210/224-5382

210/224-5476
Suite 300
[COR LD NTC ret]
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
110 Broadway
San Antonio, TX 78205

Javier N. Maldonado, Esq.
FAX 210/225-3958
210/277-1603
[COR LD NTC ret]
601 Howard St.
San Antonio, TX 78212

FLORA RODRIGUEZ SANTILLAN
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)

Docket as of July 23, 2007 11:17 pm

Page 2

06-15366 Santillan, et al v. Gonzales, et al

[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

JAIME RODRIGUEZ SANTILLAN
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

ANGELA DESOUZA
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)

[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

Docket as of July 23, 2007 11:17 pm

Page 3

06-15366 Santillan, et al v. Gonzales, et al

MARCOS SOSA CARTAGENA
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

ZIBLER ISMAILI
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)

[COR LD NTC ret]

ANITA LASBREY
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Docket as of July 23, 2007 11:17 pm

Page 4

06-15366 Santillan, et al v. Gonzales, et al

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

ZOILA LOPEZ-GONZALEZ
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

RAFAELA VALDEZ PARRA
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)

[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)

Docket as of July 23, 2007 11:17 pm

Page 5

06-15366 Santillan, et al v. Gonzales, et al

[COR LD NTC ret]

MARIA VALDA MOHAMAD
Plaintiff - Appellee

John C. Dwyer, Esq.
(See above)
[COR LD NTC ret]
Michelle S. Rhyu, Esq.
(See above)
[COR LD ret]
Reuben Ho-Yen Chen, Esq.
(See above)
[COR LD ret]

Maureen Alger
(See above)
[COR LD ret]

Marisol Perez, Esq.
(See above)
[COR LD NTC ret]

Javier N. Maldonado, Esq.
(See above)
[COR LD NTC ret]

v.

ALBERTO R. GONZALES, Attorney
General
Defendant - Appellant

Edward A. Olsen, Esq.
FAX 415/436-7169
415/436-6915
10th. Fl.
[COR LD NTC usa]
USSF - OFFICE OF THE U.S.
ATTORNEY
450 Golden Gate Ave.
San Francisco, CA 94102

Mark C. Walters, Esq.
FAX 616 9366
202-616-4857
[COR LD usa]
Elizabeth J. Stevens, Esq.
FAX 202/307-0592
202/616-9752
[COR LD NTC usa]
Stephen J. Flynn, Esq.
FAX 202-616-9310
202-616-7186
[COR LD usa]
Peter D. Kiesler, Esq.
FAX 202/616-0592
202/616-9752
[COR LD usa]
DOJ - U.S. DEPARTMENT OF

Docket as of July 23, 2007 11:17 pm

Page 6

06-15366 Santillan, et al v. Gonzales, et al

JUSTICE
Civil Div./Office of
Immigration Lit.
P.O. Box 878, Benjamin Franklin
Station
Washington, DC 20044

Joann M. Swanson, Esq.
415/436-7200
[COR LD usa]
Kevin V. Ryan
FAX 415/436-7169
415/436-6915
Box 36055
[COR LD usa]
U.S. Attorney's Office
450 Golden Gate Ave.
San Francisco, CA 94102

MICHAEL CHERTOFF, Secretary
Dept of Homeland Security
Defendant - Appellant

Edward A. Olsen, Esq.
(See above)
[COR LD NTC usa]

Mark C. Walters, Esq.
(See above)
[COR LD usa]
Elizabeth J. Stevens, Esq.
(See above)
[COR LD NTC usa]
Stephen J. Flynn, Esq.
(See above)
[COR LD usa]
Peter D. Kiesler, Esq.
(See above)
[COR LD usa]

Joann M. Swanson, Esq.
(See above)
[COR LD usa]
Kevin V. Ryan
(See above)
[COR LD usa]

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES
Defendant - Appellant

Edward A. Olsen, Esq.
(See above)
[COR LD NTC usa]

Mark C. Walters, Esq.
(See above)
[COR LD usa]
Elizabeth J. Stevens, Esq.
(See above)
[COR LD NTC usa]
Stephen J. Flynn, Esq.

Docket as of July 23, 2007 11:17 pm

Page 7

06-15366 Santillan, et al v. Gonzales, et al

(See above)
[COR LD usa]
Peter D. Kiesler, Esq.
(See above)
[COR LD usa]

Joann M. Swanson, Esq.
(See above)
[COR LD usa]
Kevin V. Ryan
(See above)
[COR LD usa]

EMILIO GONZALEZ, USCIS
Director
Defendant - Appellant

Edward A. Olsen, Esq.
(See above)
[COR LD NTC usa]

Mark C. Walters, Esq.
(See above)
[COR LD usa]
Elizabeth J. Stevens, Esq.
(See above)
[COR LD NTC usa]
Stephen J. Flynn, Esq.
(See above)
[COR LD usa]
Peter D. Kiesler, Esq.
(See above)
[COR LD usa]

Joann M. Swanson, Esq.
(See above)
[COR LD usa]
Kevin V. Ryan
(See above)
[COR LD usa]

DAVID STILL, USCIS San
Francisco District Director
Defendant - Appellant

Edward A. Olsen, Esq.
(See above)
[COR LD NTC usa]

Mark C. Walters, Esq.
(See above)
[COR LD usa]
Elizabeth J. Stevens, Esq.
(See above)
[COR LD NTC usa]
Stephen J. Flynn, Esq.
(See above)
[COR LD usa]
Peter D. Kiesler, Esq.
(See above)
[COR LD usa]

Docket as of July 23, 2007 11:17 pm

Page 8

06-15366 Santillan, et al v. Gonzales, et al

Joann M. Swanson, Esq.
(See above)
[COR LD usa]
Kevin V. Ryan
(See above)
[COR LD usa]

Docket as of July 23, 2007 11:17 pm

Page 9

06-15366 Santillan, et al v. Gonzales, et al

MARIA SANTILLAN; FLORA RODRIGUEZ SANTILLAN; JAIME RODRIGUEZ
SANTILLAN; ANGELA DESOUZA; MARCOS SOSA CARTAGENA; ZIBLER
ISMAILI; ANITA LASBREY; ZOILA LOPEZ-GONZALEZ; RAFAELA VALDEZ
PARRA; MARIA VALDA MOHAMAD

Plaintiffs - Appellees

v.

ALBERTO R. GONZALES, Attorney General; MICHAEL CHERTOFF,
Secretary Dept of Homeland Security; UNITED STATES
CITIZENSHIP AND IMMIGRATION SERVICES; EMILIO GONZALEZ, USCIS
Director; DAVID STILL, USCIS San Francisco District Director

Defendants - Appellants

Docket as of July 23, 2007 11:17 pm

Page 10

06-15366 Santillan, et al v. Gonzales, et al

3/3/06 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS
SENT (Y/N): n. setting schedule as follows: appellant's
designation of RT is due 2/26/06,, ; appellee's designation
of RT is due 3/8/06,, ; appellant shall order transcript by
3/18/06,, ; court reporter shall file transcript in DC by
4/18/06; certificate of record shall be filed by 4/25/06 ;
appellant's opening brief is due 6/6/06,, ; appellees' brief
is due 7/5/06,, ; appellants' reply brief is due 7/18/06,, ;
[06-15366] (gar)

3/3/06 filed notice of representation of Edward Olsen, Kevin V.
Ryan, Joann M. Swanson, Peter D. Kielser, Mark Walter,
Stephen Flynn and Elizabeth Stephens as counsel for aplts
[06-15366] (gar)

3/3/06 Filed Edward A. Olsen Civil Appeals Docketing Statement
served on 2/16/06 (to CONFATT) [06-15366] [06-15366] (gar)

4/4/06 Received copy of amended notice of appeal from district
court (CASEFILE) (mhf)

5/3/06 Filed order CONFATT (vs) This case is under consideration
for inclusion in the Mediation Program. Within 14 days of
the date of this order, csl for all parties intending to
file brs are requested to inform C. Lewis Ross, Circuit
Mediator, in writing, by fax at 415/556-9725, of their
clients' views.....The briefing schedule previously
established by the crt, if any, remains in effect
[06-15366] (mhf)

5/30/06 Filed order CONFATT (CLR) Case referred to Confatt for
assessment conference only. Conference to be on 6/26/06 at
11:00 a.m. PST by telephone. The crt will initiate the
telephone call & contact csl at the telephone number
indicated on the attached list. If the issues raised in the
pet are resolved or a mtn to remand is filed prior to the
conference, pls inform the Mediation Assistant via fax at
415/556-9725 immediately. Contact info & procedures
governing the Mediation Program are set out in the attached
memorandum. The pbrf schedule is reset: The opn br is due
8/25/06; aples' br due 9/25/06; opt rpy br due within 14
days from svc date of the ans br [06-15366] (mhf)

6/29/06 Filed order CONFATT (CLR) A further pre-briefing
conference will be held on 7/20/06 at 12:00 p.m. PST By
telephone (y/n): y [06-15366] (mhf)

8/3/06 Filed order CONFATT (CLR) The further assessment conf orig
sched for 7/20/06 is resched to 8/8/06 at 1:30pm pacific
time... [06-15366] (gar)

Docket as of July 23, 2007 11:17 pm

Page 11

06-15366 Santillan, et al v. Gonzales, et al

8/10/06 Filed order CONFATT (CLR) A further assessment conference
will be held on by phone on 9/8/06 at 12pm pacific time.
Resetting schedule as follows: appellants' brief, excerpts
of record are due 9/15/06,, ; appellees' brief due
10/16/06, opt reply br is due 14 days from service...
[06-15366] (gar)

9/14/06 Filed order CONFATT (CLR) The court will initiate a further
assessment conference by telephone on October 2, 2006, at
12:00 p.m. (Noon) PACIFIC (SF) Time. The briefing schedule
previously set by the court is reset as follows: appellants
shall file an opening brief on or before October 16, 2006;
appellees shall file an answering brief on or before
November 15, 2006; appellants may file an optional reply
brief within fourteen (14) days from the service date of
the answering brief. [06-15366] (hc)

10/6/06 Filed notice of change of firm name of Yvonne
Waldron-Robinson. Firm name changed to Cooley Godward
Kronish LLP, address & phone numbers remain unchanged.
[06-15366] (mhf)

10/12/06 Filed order CONFATT (CLR) A further telephonic conference
will be held on 10/18/06 at 10am pacific time...
[06-15366] (gar)

10/20/06 Filed order CONFATT (CLR) An in person
mediation/settlement conference will be held on October 30,
2006, at 10:00 am, at the US Court of Appeals, 95 Seventh
Street, Suite 109, San Francisco, California [telephone
(415) 556-9900].....the briefing schedule previously set by
the court is modified as follows: appellants shall file an
opening brief on or before January 15, 2007; appellees
shall file an answering brief on or before March 16, 2007;
appellants may file an optional reply brief on or before
April 16, 2007..... [06-15366] (ru)

11/6/06 Filed order CONFATT (CLR) This crt's 10/21/06 order is
AMENDED to insert the following sentence at the beginning
of the order:" This appeal is selected for inclusion in the
Mediation Program. During the time the appeal remains in
the Mediation Program, all procedural matters should be
brought to the attention of the Circuit Mediator." A
status conference will be held by telephone on 11/22/06 at
10:30 a.m. Pacific (S.F.) Time. in order to participate,
the participants shall call 866/306-4166 & give
authorization code 1485373 to the attendant. In the
interim, csl are urged to contact the Circuit Mediator if
any assistance is desired. [06-15366] (mhf)

11/30/06 Filed order CONFATT (CLR) On or before 12/6/06, the
parties shall make to the Circuit Mediator C. Lewis Ross,
an oral report concerning the status of the settlement
discussions [06-15366] (mhf)

Docket as of July 23, 2007 11:17 pm

Page 12

06-15366 Santillan, et al v. Gonzales, et al

11/30/06 Received Memo from Javier N. Maldonado from Texas Lawyers' Committee re: "On 2/28/06, the Lawyers Committee for Civil Rights closed down due to lack of funding--cannot provide any legal services. (CASEFILE) (mhf)

12/12/06 Filed order CONFATT (clr) A further status conference will be held by telephone on December 11, 2006, at 11:00 a.m. Pacific (SF) Time. In order to participate, the participants shall call and give an authorization code to the attendant. [06-15366] (hc)

12/13/06 Filed order CONFATT (clr) A further status conference will be held by telephone on December 18, 2006, at 11:00 a.m. PACIFIC (SF) Time. In order to participate, the participants shall call (866) 306-4166, and give authorization code 4344256 to the attendant. [06-15366] (hc)

12/20/06 Filed order CONFATT (CLR) A further status conference will be held by telephone on 12/20/06 at 12:00 p..m. (Noon) Pacific (S.F.) time. In order to participate, the participants shall call 866/306-4166, & give authorization code 4867363 to the attendant [06-15366] (mhf)

12/22/06 Filed order CONFATT (clr) The court will initiate a further status conference by telephone on December 28, 2006, at 9:00 a.m PACIFIC (SF) Time. [06-15366] (hc)

1/3/07 Filed order CONFATT (CLR) A further IN-PERSON mediation/settlement conference will be held on 1/9/07 at 10:00 a.m. PST, at the USCA in SF, phone 415/556-9900. On or before 1/5/07, 10:00 a.m. PST, the parties will submit via telefax to each other & the Circuit Mediator a brief analysis (2-3 pages) of the fee issue. Participants shall be available for the entire day & shall have access to client representatives by phone during the day [06-15366] (mhf)

1/16/07 Filed order CONFATT (CLR) The briefing schedule previously set by the court is reset as follows: appellants shall file an opening brief on or before 2/14/07; appellees shall file an answering brief on or before 4/16/07; appellants may file an optional reply brief on or before 5/16/07. The court will initiate a status conference by telephone on 1/17/07 at 1:30pm PACIFIC (San Francisco) Time. [06-15366] (lee)

1/22/07 Filed order CONFATT (CLR) A further pre-briefing conference will be held on 2/7/07 at 1:30 By telephone (y/n): y, The briefing schedule is reset: Aplt's opn br is due 3/16/07; aple's br due 5/15/07; opt rpy br due 6/14/07 [06-15366] (mhf)

Docket as of July 23, 2007 11:17 pm

Page 13

06-15366 Santillan, et al v. Gonzales, et al

2/6/07 Filed order CONFATT (CLR) The status conference originally scheduled for 2/7/07 is RESCHEDULED to 2/14/07 at 1:30 p.m. PST. [06-15366] (mhf)

3/19/07 Filed order CONFATT (CLR) The brfg schedule is reset as follows: The opn br is due 6/1/07; ans br due 7/31/07; opt rpy br due 8/28/07. The parties shall make oral status

report to the Circ Mediator on or before 4/16/07 concerning the status of their efforts [06-15366] (mhf)

4/23/07 Rec'd notice of change of address from Javier N. Moldonado for Appellees dated 4/18/07 (Change to: 601 Howard, San Antonio, TX 78212, phone: 210/277-1603 [06-15366] (mhf)

5/31/07 Filed order CONFATT (CLR) A further pre-briefing conference will be held on 6/4/07 at 11:00 By telephone (y/n): y. The previously brfg schedule is reset. The opn br is due 8/1/07; aples' br due 8/31/07; opt rpy br due 9/14/07. [06-15366] (mhf)

6/20/07 Filed order CONFATT (CLR) A further pre-briefing conference will be held on 6/20/07 at 11:30 By telephone (y/n): y. In order to participate, the participants shall call 866/306-4166 & give authorization code 4475542 to the attendant [06-15366] (mhf)

6/25/07 Filed order CONFATT (CLR) The parties shall make an oral status report to the Circuit Mediator on or before 7/12/07, concerning the sttus of their efforts. [06-15366] (mhf)

7/23/07 Filed order CONFATT (CLR) A further status conference will be held on 8/17/07 at 12:15 By telephone (y/n): y, setting schedule as follows: appellants' brief, excerpts of record are due 10/1/07; appellees' brief due 10/31/07,, ; appellants' reply brief due 11/14/07 [06-15366] (mhf)

Docket as of July 23, 2007 11:17 pm

Page 14

PACER Service Center			
Transaction Receipt			
08/10/2007 08:51:35			
PACER Login:	hs0328	Client Code:	clearinghouse
Description:	dk report	Case Number:	06-15366
Billable Pages:	14	Cost:	1.12