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**FILED**  
JAN 24 2005  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA DEPUTY

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10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 SOUTHERN DIVISION

13 BURHAN AKHTAR; )  
A#: WAC# is 972 375 0637 )  
14 RECHY MONZON SESE: )  
A# WAC 9700751206 )  
15 EMERSON ANGELES )  
A# WAC 9715550933 )

NO. SA CV 02-245-DOC (ANx)  
ORDER RE FURTHER PROCEEDINGS  
~~PROPOSED~~

16 Plaintiffs, )  
17 )

18 v. )

19 JAMES J. BURZYNSKI, )  
Director of the )  
Missouri Service Center )  
20 of the Immigration and )  
Naturalization Service; )  
21 THE IMMIGRATION AND )  
NATURALIZATION SERVICE; )  
22 JAMES ZIGLAR, )  
Commissioner of the )  
23 Immigration and )  
Naturalization Service; )  
24 JOHN ASHCROFT, Attorney )  
General of the United )  
25 States, )

Date: January 24, 2005  
Time: 8:30 a.m.  
Before the Honorable  
David O. Carter

26 Defendants. )  
27 )

28 DOCKETED ON CM  
JAN 26 2005  
BY \_\_\_\_\_ 024

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ORDER RE FURTHER PROCEEDINGS

1  
2 Upon further consideration consistent with the Ninth  
3 Circuit's October 5, 2004 opinion in Akhtar, et al. v. Burzynski,  
4 et al., CA 02-57037, IT IS HEREBY ORDERED that:

5 1. The Department of Homeland Security ("DHS") shall  
6 consider and adjudicate the Form I-539 application for extension  
7 of V-2 status for plaintiff Rechy Monzon Sese, who remains in the  
8 United States, following plaintiff Sese's filing of the Form I-  
9 539 with the DHS.

10 2. Plaintiff Sese's application for a V-2 extension of  
11 status will not be denied because plaintiff Sese is over the age  
12 of 21.

13 3. Plaintiff Emerson Angeles, who is outside the United  
14 States, shall file his application for extension of V-2 status  
15 with the Department of State and his application will be  
16 processed by the Department of State in accordance with 8 C.F.R.  
17 § 214.15(e) and (i) and 22 C.F.R. § 41.86. If plaintiff Angeles  
18 were present in the United States, his application for V-2 status  
19 would be accepted and processed by the DHS, according to the DHS'  
20 January 10, 2005 Interoffice Memorandum from DHS Field Operations  
21 Director, Terrance M. O'Reilly.

22 4. The DHS shall forward a copy of the January 10, 2005  
23 Interoffice Memorandum from DHS Field Operations Director,  
24 Terrance M. O'Reilly, to the Consular Office in Manila,  
25 Philippines, and advise the Consular Office that plaintiff  
26 Angeles will be filing for an extension of V-2 status with the  
27 Department of State in accordance with the Ninth Circuit's  
28

1 October 5, 2004 opinion.

2 5. If plaintiffs Angeles and Sese are granted an extension  
3 of V-2 status, they will file for employment authorization with  
4 the DHS and be issued employment authorization for a two-year  
5 period incident to that status.

6 6. The DHS shall continue to consider and adjudicate  
7 plaintiff's Sese's future applications for extension of V-2  
8 status until plaintiff Sese has obtained immigrant status, so  
9 long as plaintiff Sese remains eligible for V status (other than  
10 age-out) and remains in the United States. If plaintiff Angeles  
11 is granted an extension of V-2 status by the Department of State  
12 and enters the United States, the DHS will consider and  
13 adjudicate plaintiff Angeles' future applications for extension  
14 of V-2 status until plaintiff Angeles has obtained immigrant  
15 status, so long as plaintiff Angeles remains eligible for V  
16 status (other than age-out) and remains in the United States.

17 DATED: January 24, 2005.

18  
19 

20 UNITED STATES DISTRICT JUDGE

21 Presented by:

22 DEBRA W. YANG  
23 United States Attorney  
24 LEON W. WEIDMAN  
25 Assistant United States Attorney  
26 Chief, Civil Division

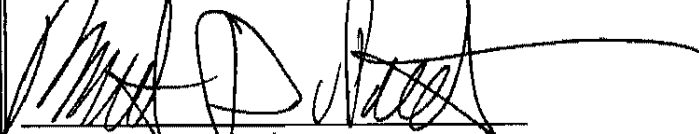
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1 Approved as to Form and Content:

2 ROBERT L. REEVES & ASSOCIATES

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4 ROBERT J. DUPONT

5 Attorney for Plaintiffs  
6 Rechy Monzon Sese and Emerson Angeles

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