

(ANx), CLOSED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Southern  
Division - Santa Ana)  
CIVIL DOCKET FOR CASE #: 8:02-cv-00245-DOC-AN**

Burhan Akhtar, et al v. Michael D Hestor, et al  
Assigned to: Judge David O. Carter  
Referred to: Discovery Arthur Nakazato  
Demand: \$0  
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 03/07/2002  
Date Terminated: 10/21/2002  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Burhan Akhtar**  
WAC #972 375 0637

represented by **Robert J Dupont**  
Wilner and O'Reilly  
9100 Wilshire Boulevard  
Suite 615E  
Beverly Hills, CA 90212  
310-247-0341  
Email: rdupont@wilneroreilly.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Rechy Monzon Sese**  
WAC# 9700751206

represented by **Robert J Dupont**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Michael D Hestor**  
*District Director of the Missouri Service  
Center of the Immigration and  
Naturalization Service*  
*TERMINATED: 07/24/2002*

represented by **Assistant 2241-2255 US Attorney SA-CR**  
AUSA - Office of US Attorney  
Criminal Division  
411 W 4th St, Ste 8000  
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714-338-3500  
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*TERMINATED: 07/24/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Katherine M Hikida**  
AUSA - Office of US Attorney  
Civil Division  
300 N Los Angeles St, Ste 7516  
Los Angeles, CA 90012  
213-894-2434

Email: USACAC.Civil@usdoj.gov  
*TERMINATED: 07/24/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Immigration and Naturalization Service**

represented by **Assistant 2241-2255 US Attorney SA-CR**  
(See above for address)  
*TERMINATED: 01/24/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Assistant US Attorney SA-CV**  
AUSA - Office of US Attorney  
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Email: USACAC.SACivil@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Katherine M Hikida**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James Ziglar**

*Commissioner of the Immigration and  
Naturalization Service*

represented by **Assistant 2241-2255 US Attorney SA-CR**  
(See above for address)  
*TERMINATED: 01/24/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Assistant US Attorney SA-CV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Katherine M Hikida**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Ashcroft**

*Attorney General of the United States*

represented by **Assistant 2241-2255 US Attorney SA-CR**  
(See above for address)  
*TERMINATED: 01/24/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Assistant US Attorney SA-CV**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Katherine M Hikida**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Plaintiff****Emerson Angeles**

A#: WAC 9715550933

represented by **Robert J Dupont**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

V.

**Defendant****James J Burzynski***Director of the Missouri Service Center of  
the Immigration and Naturalization Service*represented by **Katherine M Hikida**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/07/2002	1	COMPLAINT filed; 60 days Summons(es) issued referred to Discovery Arthur Nakazato (mt) (Entered: 03/15/2002)
03/07/2002	2	CERTIFICATION AS TO INTERESTED PARTIES filed by plaintiffs (mt) (Entered: 03/15/2002)
04/16/2002	3	FIRST AMENDED COMPLAINT [1-1] by plaintiffs Burhan Akhtar, Rechy Monzon Sese; adding Emerson Angeles. Summons not issued (mg) (Entered: 04/23/2002)
05/06/2002	4	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendant John Ashcroft, Attorney General of the United States by serving S/C to Laura Villa, Process Clerk; and defendant The INS by serving S/C to Kevin Riley, District Counsel; Service by Federal on 4/10/02 via personal service. Via cert mail to John Ashcroft on 4/4/02; original rtn rct card signed for by Ernest Parker on 4/16/02 is attached (mg) Modified on 05/09/2002 (Entered: 05/09/2002)
05/06/2002	4	RETURN OF SUMMONS AND PROOF OF SERVICE executed upon defendants Michael D Heston, Director of the INS & James W. Ziglar, Commissioner of the INS; by Federal on 4/4/02 via cert mail by serving S/C. Original rtn rct card addressed to Michael D. Heston, signed for by D. Goss on 4/8/02 is attached. Original rtn rct card addressed to James W. Ziglar, signed for by M. Reed (undated) is attached (mg) (Entered: 05/09/2002)
06/11/2002	5	NOTICE OF MOTION AND MOTION by Federal defendants Michael D Heston, et al to dismiss ; memo of P&A; motion hearing set for 8:30 7/22/02 (mt) (Entered: 06/12/2002)

06/11/2002	6	CERTIFICATION OF INTERESTED PARTIES filed by Federal defendants (mt) (Entered: 06/12/2002)
06/24/2002	7	NOTICE OF MOTION AND MOTION by Federal defendants Michael D Hestor et al, to transfer case to the Western District of Missouri ; memo of P&A with exhibits; motion hearing set for 8:30 7/22/02 (mt) (Entered: 06/25/2002)
07/03/2002	8	OPPOSITION by plaintiff to motion to transfer case to the Western District of Missouri [7-1] (csb) (Entered: 07/05/2002)
07/03/2002	9	OPPOSITION by plaintiffs to Dfts' motion to dismiss [5-1]; motion to substitute ptys under FRCP 25(D); memo of P/A; Decl of Robert J Dupont (mg) (Entered: 07/09/2002)
07/15/2002	10	REPLY BRIEF by Federal defendants re motion to dismiss [5-1] (mt) (Entered: 07/16/2002)
07/15/2002	11	REPLY BRIEF by Federal defendants re motion to transfer case to the Western District of Missouri [7-1] (mt) (Entered: 07/16/2002)
07/19/2002	12	MINUTES (In Chambers) by Judge David O. Carter: taking Federal dfts motions to dismiss [5-1] and to transfer case to Western District of Missouri [7-1] under submission. Hrg set for 7/22/02 is removed from the crt's cal. Ptys will be srvd w/the crt's ruling. CR: Not Present (mt) (Entered: 07/22/2002)
07/24/2002	<a href="#">13</a>	ORDER by Judge David O. Carter setting scheduling conf for 8:30am on 10/7/02 READ IMMEDIATELY (see doc for specifics) (mt) (Entered: 07/25/2002)
07/24/2002	<a href="#">14</a>	MINUTES (in chambers): denying dfts' motion to transfer case to the Western District of Missouri [7-1] & denying dfts' motion to dismiss [5-1]; plfs' 2nd A/C is ord filed; the ptys shall file any intended motions for summ jgm w/in 30 days of the date of this ord; by Judge David O. Carter CR: not present (rmi) (Entered: 07/26/2002)
07/24/2002	15	SECOND AMENDED COMPLAINT [3-1] by plaintiff terminating defendant Michael D Hestor; adding dft James J Burzynski. Summons not issued (mt) (Entered: 07/28/2002)
08/23/2002	16	NOTICE OF MOTION by plaintiffs Burhan Akhtar, Rechy Monzon Sese, Emerson Angeles for summary judgment ; motion hearing set for 8:30 9/30/02 (yc) (Entered: 08/27/2002)
08/23/2002	17	DECLARATION of Robert J Dupont by plaintiffs Burhan Akhtar, Rechy Monzon Sese, Emerson Angeles in suppt of motion for summary judgment [16-1] (yc) (Entered: 08/28/2002)
08/23/2002	18	MEMORANDUM of PA by plaintiffs Burhan Akhtar, Rechy Monzon Sese, Emerson Angeles in support of motion for summary judgment [16-1] (yc) (Entered: 08/28/2002)
08/23/2002	19	NOTICE OF MOTION AND MOTION by defendant James J Burzynski for summary judgment ; motion hearing set for 8:30 9/30/02 (yc) (Entered: 08/28/2002)
09/12/2002	20	EX PARTE APPLICATION filed by Federal defendants for an order (1) cont 9/30/02 hrs on plfs' & dfts' mots for S/J; (2) cont FRCP 26(f) conf; Rule 16(b) conf; & ext rule 26(f) rpt filing ddl ; memo of P&A; decls; & exhibits (mt) (Entered: 09/16/2002)
09/16/2002	<a href="#">21</a>	ORDER by Judge David O. Carter: granting ex parte application for an order (1) cont 9/30/02 hrs on plfs' & dfts' mots for S/J; (2) cont FRCP 26(f) conf; Rule 16(b) conf; & ext rule 26(f) rpt filing ddl [20-1]; resetting hearing on motion for summary

		judgment [16-1] and [19-1] to 8:30 10/21/02; mandatory status/scheduling conf cont to 8:30 12/2/02 ; dfts' & plfs' opposition for summ jgm to be filed & served by 10/7/02; dft's & plf's reply to be filed & served by 10/14/02; conf deadline cont to date w/in 30 days after Crt rules on ptys mots; report shall be filed nlt 44 days after Crt's decision on ptys mots; (see doc for fur specifics) (ln) (Entered: 09/17/2002)
09/17/2002	22	NOTICE OF NON-OPPOSITION filed by plaintiffs to dft's appl for an ord cont the 9/30/02 hrg on plfs' and dfts' motions for summary judgment (mt) (Entered: 09/20/2002)
10/07/2002	23	OPPOSITION by plaintiffs to dft's motion for summary judgment [19-1] (mt) (Entered: 10/15/2002)
10/07/2002	24	STATEMENT disputed facts and conclusions of law by plaintiffs in suppt of plfs' opp to dfts' motion for summary judgment [19-1] (mt) (Entered: 10/15/2002)
10/07/2002	25	OPPOSITION by defendants to plfs' motion for summary judgment [16-1] (mt) (Entered: 10/15/2002)
10/07/2002	26	STATEMENT of genuine issues of material fact by defendants (mt) (Entered: 10/15/2002)
10/15/2002	27	REPLY BRIEF by defendant James J Burzynski (mt) (Entered: 10/21/2002)
10/15/2002	28	REPLY by plaintiffs in suppt of plf's motion for summary judgment [16-1]; memo of P&A (mt) (Entered: 10/22/2002)
10/18/2002	31	OBJECTION filed by Federal defendants to plfs' req to submit additional legal materials at the hearing on the parties' motion for summary judgment (mt) (Entered: 10/25/2002)
10/21/2002	<a href="#">29</a>	JGM GRANTING DFT'S MOT FOR SUMM JGM by Judge David O. Carter: dft's mot having come on regularly for hrg on 10/21/02 & in accordance w/Crt's Ord on 10/21/02, granting dft's motion for summary judgment [19-1]; terminating case (MD JS-6) (see doc for specifics) (ln) (Entered: 10/22/2002)
10/21/2002	<a href="#">30</a>	ORDER DENYING PLF'S MOT FOR SUMM JGM & GRANTING DFT'S MOT FOR SUMM JGM by Judge David O. Carter: denying plf's motion for summary judgment [16-1], granting dft's cross-motion for summary judgment [19-1] (see doc for fur specifics) (ln) (Entered: 10/22/2002)
10/21/2002		PLACED IN FILE - NOT USED lodged stmt of U/F & conclusions of law (mt) (Entered: 10/28/2002)
10/21/2002		PLACED IN FILE - NOT USED lodged prop decl & inj ord of the crt (mt) (Entered: 10/28/2002)
10/21/2002		PLACED IN FILE - NOT USED lodged plf's separate stmt of U/F & conclusions of law in suppt of ntc of mot & mot for S/J (mt) (Entered: 10/28/2002)
10/21/2002	32	MINUTES OF MOTION HEARING held by Judge David O. Carter: Tentative ruling issued to cnsl, a copy of which is attached hereto. Motion by Federal dfts for summary judgment [19-1]; motion by plfs for summary judgment [16-1] taken under submission. CR: Jane Sutton (mt) (Entered: 10/29/2002)
11/21/2002	33	NOTICE OF APPEAL by plaintiff Burhan Akhtar, plaintiff Rechy Monzon Sese, plaintiff Emerson Angeles to 9th C/A from Dist. Court Ord fld 10/21/02 [30-1], Jgm fld 10/21/02 [29-2] (cc: Robert J. Dupont; AUSA ) Fee: Billed (weap) (Entered: 11/25/2002)

11/21/2002		LODGED Civil Appeals Docketing Statement submitted by plaintiff Burhan Akhtar, plaintiff Rechy Monzon Sese, plaintiff Emerson Angeles (fwd to 9thcca) (weap) (Entered: 11/25/2002)
11/21/2002	34	REPRESENTATION STATEMENT re appeal [33-1] (pjap) (Entered: 12/02/2002)
12/03/2002	35	TRANSCRIPT DESIGNATION and ordering form for dates: 10/21/02 CR: Jane Sutton (dlu) (Entered: 12/03/2002)
12/09/2002		Appeal Fee Paid re [33-1] fee in amount of \$ 105.00 (Receipt # 28209) (dlu) (Entered: 12/09/2002)
12/12/2002	36	NOTIFICATION by Circuit Court of Appellate Docket Number appeal [33-1] 02-57037 (weap) (Entered: 12/12/2002)
01/30/2003	39	EX PARTE APPLICATION filed by plaintiffs to shorten time to 2/3/03 for hearing on motion for stay of adverse administrative actions & injunction against detention & commencement of deportation proceedings pending appeal [37-1] (mg) (Entered: 02/04/2003)
01/30/2003	40	OPPOSITION by defendants to ex parte application to shorten time to 2/3/03 for hearing on motion for stay of adverse administrative actions & injunction against detention & commencement of deportation proceedings pending appeal [37-1] [39-1] (mg) (Entered: 02/04/2003)
02/04/2003	37	MOTION by plaintiffs for stay of adverse administrative actions & injunction against detention & commencement of deportation proceedings pending appeal ; motion hearing set for 8:30 2/12/03; Lodged 1/30/03 (mg) (Entered: 02/04/2003)
02/04/2003	38	NOTICE OF motion to hear Plaintiff's motion for stay of adverse administrative actions & injunction against detention & commencement of proceedings pending appeal [37-1] filed by plaintiffs (mg) (Entered: 02/04/2003)
02/04/2003	<a href="#">41</a>	MINUTES (In Chambers) by Judge David O. Carter: granting plf Akhtar's ex parte application to shorten time on motion for stay [39-1]; Court GRANTS the application as to plf Akhtar, but DENIES the application as to plfs Sese and Emerson (see doc for specifics); Court sets hearing on plf Akhtar's motion for stay of adverse administrative actions & injunction against detention & commencement of deportation proceedings pending appeal [37-1] for 8:00am on 2/12/03. CR: Not Present (mt) (Entered: 02/05/2003)
02/12/2003	<a href="#">42</a>	DENIED BY ORDER of Judge David O. Carter: [Proposed] Ord Granting Mot for Stay of Adverse Administrative Actions & Injunction Against Detention and Commencement of Deportation Proceedings Pending Appeal; lodged 01/30/03 (ln) (Entered: 02/13/2003)
02/12/2003		PLACED IN FILE - NOT USED [Proposed] Order Granting Plaintiff's Ex Parte Application to Shorten Time to Hear Plaintiff's Motion (tso) (Entered: 02/16/2003)
02/12/2003	43	MINUTES of motion hearing heard by Judge David O. Carter: Motion by plf Burhan Akhtar for stay of adverse administrative actions & injunction against detention & commencement of deportation proceedings pending appeal [37-1] is DENIED as premature. Court lacks jurisdiction to decide this matter. CR: Jane Sutton (mt) (Entered: 02/16/2003)
11/29/2004	<a href="#">44</a>	MANDATE of 9th CCA filed as to Appeal to Circuit Court [33], CCA # 02-57037. The judgment of said district court is reversed and remanded. Mandate received in this district on 12/1/04. (ghap, ) Modified on 12/2/2004 (ghap, ). (Entered: 12/02/2004)

12/02/2004	45	ORDER from 9th CCA filed as to Appeal to Circuit Court[33] filed by Burhan Akhtar, Rechy Monzon Sese, Emerson Angeles, CCA # 02-57037. Order received in this district on 12/6/04. The mandate, issued 11/29/04, is hereby amended to include costs taxed against appellees in the amount of \$1,021.80. (ghap, ) (Entered: 12/07/2004)
12/03/2004	46	NOTICE OF MOTION AND MOTION for Attorney Fees filed by plaintiffs Motion set for hearing on 2/7/2005 at 08:30 AM before Honorable David O. Carter. (dmjr, ) (Entered: 12/07/2004)
12/28/2004	<a href="#">47</a>	NOTICE of hearing on judgment/mandate/order from US Court of Appeals on 1/24/05 8:30am before Judge Carter (dmjr, ) (Entered: 12/28/2004)
12/28/2004		Set Hearings: hearing on 9th CCA mandate set for hearing on 1/24/2005 at 08:30 AM before Honorable David O. Carter. (dmjr, ) (Entered: 12/29/2004)
01/21/2005	48	STATUS REPORT filed by Defendants Immigration and Naturalization Service, James Ziglar, John Ashcroft, James J Burzynski. (dmjr, ) (Entered: 01/26/2005)
01/24/2005	<a href="#">49</a>	ORDER by Judge David O. Carter re: further proceedings(dmjr, ) (Entered: 01/26/2005)
01/24/2005	<a href="#">50</a>	MINUTES OF Hearing held before Judge David O. Carter order re further proceedings filed:, denying MOTION for Attorney Fees[46] Court Reporter: D Gale/J S Rule. (dmjr, ) (Entered: 01/26/2005)

### PACER Service Center

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