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EASTERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CATHOLIC SOCIAL SERVICES, INC.,
(CENTRO DE GUADALUPE IMMIGRATION
CENTER), et al.,

NO. CIV. S-86-1343 LKK

Plaintiffs,

v.

O R D E R

JOHN ASHCROFT, Attorney General of the
United States of America, et al.,

Defendants.

_____ /
The above-captioned case is before the court on defendants' motion to dismiss and on this court's order to show cause for failure to timely oppose defendants' motion. I resolve these matters on the pleadings and papers on file herein and without oral argument. See Local Rule 78-230(h).

As this court determined in its order of July 24, 2002, pursuant to the final Life Act regulations, all named plaintiffs, including those who were previously members of subclass three, are members of subclasses one or two.

1 The effect of this is that the former subclass three
2 representatives now are entitled to the final relief that will
3 be entered on behalf of subclasses one and two. Subclass three,
4 however, is left without any class representatives. Nor have
5 plaintiffs sought leave to amend their complaint to add class
6 representatives who have standing to pursue relief on behalf of
7 subclass three.¹

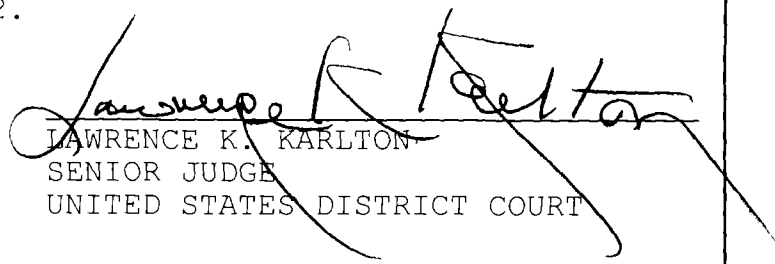
8 In light of the foregoing, the court hereby ORDERS as
9 follows:

10 1. The Equal Protection claim filed on behalf of subclass
11 three is DISMISSED for lack of standing; and

12 2. Good cause appearing, the order to show cause, entered
13 September 6, 2002 is hereby DISCHARGED.

14 IT IS SO ORDERED

15 DATED: October 1, 2002.

16
17 
18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT

21 ¹ That no plaintiff has standing to seek relief on behalf of
22 subclass three distinguishes subclass three's claims from the other
23 claims that this court has not adjudicated. As plaintiffs note,
24 this court declined to reach the alternative bases for relief
25 asserted by subclasses one and two because their injuries were
26 fully remedied by the entry of summary judgment upon their original
claim for relief. Quite different is the remaining claim that
plaintiffs seek to bring on behalf of subclass three. This claim
must be adjudicated in order to remedy the injuries of the
purported class members. The court simply has no jurisdiction to
consider this claim because there is no one with standing to assert
it.

United States District Court
for the
Eastern District of California
October 3, 2002

* * CERTIFICATE OF SERVICE * *

2:86-cv-01343

Catholic Social Svc

v.

Orantes

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 3, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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