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General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 99-17373

Filed: 11/10/99

Nsuit: 2530 Habeas Corpus(USpl)

Kim, et al v. Schiltgen, et al

Appeal from: Northern District of California (San Francisco)

Case type information:

- 1) prisoner petition
- 2) federal
- 3) habeas corpus

Lower court information:

District: 0971-3 : CV-99-02257-SI
 presiding judge: Susan Yvonne Illston, District Judge
 Date Filed: 5/17/99
 Date order/judgment: 8/13/99
 Date NOA filed: 10/12/99
 Date of cert pc: 8/11/99

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

None

Current cases:

None

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HYUNG JOON KIM

Petitioner - Appellee

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v.

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CITIZENS AND IMMIGRANTS FOR
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HYUNG JOON KIM

Petitioner - Appellee

v.

THOMAS SCHILTGEN; JANET RENO, Attorney General

Respondents - Appellants

CITIZENS AND IMMIGRANTS FOR EQUAL JUSTICE

Amicus

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11/10/99

DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS

SENT (Y/N): n. setting schedule as follows: appellant's designation of RT is due 10/22/99, ; appellee's designation of RT is due 11/1/99; appellant shall order transcript by 11/12/99, ; court reporter shall file transcript in DC by 12/13/99; certificate of record shall be filed by 12/20/99 ; appellant's opening brief is due 1/28/00, ; appellees' brief is due 2/28/00; appellants' reply brief is due 14 days from service of the appellee's brief. [99-17373] (kc)

1/28/00 14 day oral extension by phone of time to file Appellant Thomas Schiltgen, Appellant Janet Reno brief. [99-17373] appellants' brief due 2/11/00, ; appellees' brief due 3/13/00; appellants' reply brief due 14 days . . . (jlc)

2/1/00 Filed certificate of record on appeal N/RT filed in DC; dated 1/31/00 [99-17373] (gva)

2/14/00 Filed original and 15 copies Appellant Thomas Schiltgen, Appellant Janet Reno's opening brief (Informal: n) 63 pages; 5 excerpts of record (1 Exc.vol);served on 2/11/00 (minor defcy: statement of related cases) Notified counsel. [99-17373] (tm)

2/15/00 Filed Appellant Thomas Schiltgen's motion to hold the case in abeyance; served on 2/14/00 (PROMO) [99-17373] (tm)

2/17/00 Received Aplts Thomas Schiltgen & Janet Reno satisfaction of (minor) brief deficiency: (Statement of Related Cases); served on 2/14/00 (Casefile). [99-17373] (gva)

3/2/00 Filed Appellee Hyung Joon Kim response served on 2/28/00 (PROMO) [99-17373] (tm)

3/10/00 Filed order (Appellate Commissioner) PROMO: The government's motion to stay appellate proceedings is granted in part. Proceedings are stayed until 6/5/00. At or prior to expiration of the stay, the Government shall move for appropriate relief. In the absence of the Government's timely response to this order, the stay will terminate without further notice and the answering brief shall be due 7/5/00 and the optional reply brief is due 14 days from service of the answering brief. Pet's request to be notified of all pending appeals involving the same issue is denied and for his case to be designated as the next case to be heard on that issue are denied. Court records shall be amended to include Alice E. Loughran, Office of Immigration Litigation as appellants' co-counsel. () [99-17373] (tm)

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7/3/00 Filed motion and clerk order (Deputy Clerk: CB) PROMO: Appellee's motion for an extension of time to file the

answering brief is due 7/26/00. The optional reply brief is due 14 days from service of the answering brief. (Motion recvd 6/29/00) [99-17373] (tm)

- 7/28/00 Filed motion of Appellant and order (Dep.Clk./LKK): Appellee's second motion for an extension of time to file the answering brief is granted. The answering brief is due Aug. 2, 2000; and the optional reply brief is due 14 days from service of the answering brief. (Motion recvd 07/24/00) [99-17373] (je)
- 8/2/00 Received orig. 15 copies Hyung Joon Kim's brief of 63 pages; served on 8/1/00 deficient: motion to file oversized brief pending in PROMO [99-17373] (tm)
- 8/2/00 Filed Appellant Thomas Schiltgen's motion to exceed the word limitation for brief of appellant. (WIP-ProMo) [99-17373] served on 8/1/00 [3972480] [99-17373] (kc)
- 8/8/00 Received Citizens and Immigrants For Equal Justice's brief in 15 copies of 34 pages; deficient: motion pending in PROMO to file; served on 8/8/00. [99-17373] (tm)
- 8/8/00 Filed Appellant Thomas Schiltgen's motion to extend time to file appellant's opening brief (WIP-ProMo) [99-17373] [99-17373] served on 8/7/00 [3972484] [99-17373] (kc)
- 8/8/00 Filed Citizens & Immigrant's motion to become amicus curiae ; served on 8/8/00 [3973475] (WIP-PROMO) [99-17373] (ft)
- 8/8/00 Filed Citizens & Immigrant's motion for leave to file brief as amicus curiae; served on 8/8/00 (WIP-ProMo) [3975849] [99-17373] (kc)
- 8/14/00 Filed Appellant Thomas Schiltgen's motion to file proposed supplemental exhibits of petitioner-appellee and to request that court take judicial notice. [99-17373] served on 8/1/00 [3972486] [99-17373] (WIP-ProMo) (kc)

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- 9/8/00 Filed order (Appellate Commissioner) PROMO: A review of appellee's proposed brief reveals that it may reasonably be shortened. Accordingly, appellee's motion for leave to file an oversized answering brief is denied. Within 14 days from the date of this order (9/22/00) appellee shall file an answering brief that complies with the type-volume limitations of FRAP 32(a)(7)(B). Appellants' motion for an extension of time to file the reply brief is denied as unnecessary. The reply brief is due 14 days from service of the revised answering brief. Appellee's motion for the court to take judicial notice and to file supplemental

exhibits and any related filings are referred to the panel that will decide the merits of the appeal. Citizens and Immigrants for Equal Justice's motion to appear as amicus curiae and any response thereto are referred to the panel that will decide the merits of the appeal. [99-17373] (tm)

9/22/00 Filed original and 15 copies appellee Hyung Joon Kim's 56 brief; with 1 volm. excerpts of record; served 9/21/00. [99-17373] (af)

10/10/00 Filed original and 15 copies Thomas Schiltgen, Janet Reno reply brief, (Informal: n) 31 pages; served on 10/6/00 [99-17373] (tm)

10/10/00 Filed notice of appearance of Michelle E. Gorden Margaret Perry (Withdrew as counsel: attorney Alice E. Loughran for Janet Reno, attorney Alice E. Loughran for Janet Reno, attorney Robert Yeargin for Janet Reno [99-17373] (tm)

11/14/00 Calendar check performed [99-17373] (aw)

11/24/00 Calendar materials being prepared. [99-17373] [99-17373] (aw)

11/30/00 CALENDARED: SAN FRAN Feb 12 2001 1:30 pm Courtroom 3 *** moved to ctrm 2 ** [99-17373] (aw)

12/11/00 Rec'd errata to brief from Appellant Thomas Schiltgen, (amended certificate of service) (RECORDS) (tm)

2/6/01 Filed order (Deputy Clerk: jc) directing the parties to be prepared to discuss at oral argument whether the appeal is moot. [99-17373] (jc)

2/12/01 ARGUED AND SUBMITTED TO Procter R. HUG, John T. NOONAN, William A. FLETCHER [99-17373] (sa)

7/11/01 Filed Hyung Joon Kim additional citations, served on 7/10/01 (PANEL) [99-17373] (tm)

7/23/01 Filed Janet Reno, Thomas Schiltgen additional citations, pursuant to FRAP 28(j); served on 7/20/01 (Panel) [99-17373] (gva)

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7/24/01 Filed Hyung Joon Kim additional citations, served on 7/24/01 (PANEL) [99-17373] (tm)

8/13/01 FILED CERTIFIED RECORD ON APPEAL: 1 CLERK'S RECORD.(ORIGINAL) [99-17373] (sd)

12/26/01 Received Citizens & Immigrant additional citations, served on 12/21/01. (FAXED TO PANEL) [99-17373] (dv)

1/9/02 FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Procter R. HUG; John T. NOONAN; William A. FLETCHER, author.) FILED AND ENTERED JUDGMENT. [99-17373] (tm)

2/15/02 Filed Appellant Janet Reno, Appellant Thomas Schiltgen's motion to extend time to file petition for rehearing until 3/25/02; served on 2/14/02 (AUTHOR) [99-17373] (tm)

2/26/02 Filed order (William A. FLETCHER): Respondent's motion for an extension of time to and including 3/25/02, within which to file a petition for rehearing en banc is hereby GRANTED. [99-17373] (tm)

3/15/02 Filed notice of appearance of Lucas Guttentag [99-17373] (tm)

4/2/02 MANDATE ISSUED [99-17373] (tm)

4/18/02 Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 01-1491 filed on 4/9/02. [99-17373] (tm)

12/3/02 TWO VOLUMES RECORD OF PROCEEDINGS HAD IN THE NINTH CIRCUIT TRANSMITTED TO THE U.S. SUPREME COURT IN S.C. CASE #01-1491. THE DISTRICT COURT RECORD IS INCLUDED IN THIS TRANSMITTAL. [99-17373] (stev)

5/6/03 Received copy of Supreme Court opinion dated 4/29/03 . (PANEL) (REVERSED) [99-17373] (tm)

3/24/05 RECORD RETURNED. (See control card for details.) (stev)

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PACER Login:	wu0079	Client Code:	Woodruff
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Billable Pages:	8	Cost:	0.64