

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES--GENERAL

Case No. CV 07-3239-TJH (RNBx)

Date: August 15, 2011

Title: Alejandro Rodriguez, et al. v. Timothy S. Robbins, et al.

DOCKET ENTRY

PRESENT:

HON. ROBERT N. BLOCK, UNITED STATES MAGISTRATE JUDGE

Kerri Hays
Deputy Clerk

n/a
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None present

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

PROCEEDINGS: (IN CHAMBERS)

Petitioners' Motion for Reconsideration and/or Clarification of the Court's July 25, 2011 Order, filed August 11, 2011

Petitioner's Motion for Reconsideration is denied. However, petitioner's Motion for Clarification is granted as follows.

With respect to the A files of class members who were asylum applicants, based on its review and consideration of the language of 8 C.F.R. § 208.6, the Court acceded to the Government's position. However, the Government did not contend in its portion of the Joint Stipulation regarding the parties' dispute over the disclosure of asylum-related information that the language of 8 C.F.R. § 208.6 required the Government to withhold in their entirety the A files of asylum applicants. Nor does the Court construe 8 C.F.R. § 208.6 as requiring the Government to withhold in their entirety the A files of asylum applicants. Accordingly, the Government may only withhold from the A files of class members who were asylum applicants the applications, documents submitted in support of the applications, and any direct references to the applications, subject to the Government's obligation to disclose that information for class members who provide written consent.

With respect to the A files of class members who were VAWA claimants or who were "T" or "U" visa applicants, based on its review and consideration of the language of 8 U.S.C. § 1367, the Court acceded to the Government's position. The Government argued in the Joint Stipulation and the Court concurs that the language of 8 U.S.C. § 1367 does authorize the Government to withhold in their entirety the A files of VAWA claimants, and "T" or "U" visa applicants. Moreover, in the Court's view, the

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compromise now proposed by plaintiffs would also contravene 8 U.S.C. § 1367. Accordingly, the Government may withhold in their entirety the A files of class members who were VAWA claimants or who were “T” or “U” visa applicants, except for (a) those class members whose claims or applications have been denied on the merits and all opportunities for appeal of the denial have been exhausted, and (b) those class members who provide written consent.

cc: Judge Hatter