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Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 UELIAN DE ABADIA-PEIXOTO, *et al.*,

22 Plaintiffs,

23 v.

24 UNITED STATES DEPARTMENT OF  
25 HOMELAND SECURITY, *et al.*,

26 Defendants.

) Case No.: 3:11-cv-4001 RS

) CLASS ACTION

) ~~PROPOS~~ <sup>28</sup> [PROPOSED] FINAL ORDER AND  
STIPULATED DISMISSAL


1 Pursuant to Federal Rule of Civil Procedure 23(e), and in accordance with the settlement  
2 agreement (“Agreement”) entered into by all parties on December 18, 2013, it is hereby  
3 ORDERED, ADJUDGED, and DECREED as follows:

- 4 1. This Final Order and Dismissal adopts and incorporates by reference the terms and  
5 definitions of the Agreement submitted as Exhibit 1 to the Declaration of Catherine E.  
6 Moreno, filed with Plaintiffs’ Unopposed Motion for Preliminary Approval of Class  
7 Action Settlement (Dkt. 203).
- 8 2. The Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1331  
9 (federal question), 28 U.S.C. §§ 2201 and 2202 (declaratory relief), and 5 U.S.C. § 706  
10 (waiver of sovereign immunity). The Court has personal jurisdiction over the Plaintiff  
11 Class (as defined in the Court’s order granting Plaintiffs’ Motion for Class Certification  
12 (Dkt. 52)), the Settlement Class (as defined in paragraph 5 herein), and Defendants.
- 13 3. The Notice of Proposed Settlement (the “Notice,” in the form attached as Exhibit C to the  
14 Agreement, was directed to members of the Settlement Class in accordance with the  
15 Preliminary Approval Order (Dkt. 208), dated January 23, 2014, and (a) constituted the  
16 best notice practicable under the circumstances and (b) was reasonably calculated, under  
17 the circumstances, to apprise Class members of the pendency of the Settlement and the  
18 release of rights contained in the Agreement. Pursuant to, and in accordance with,  
19 Rule 23 of the Federal Rules of Civil Procedure, the Court hereby finds that the Notice  
20 provided members of the Class due and adequate notice of the Settlement, the  
21 Agreement, these proceedings, and the rights of members of the Settlement Class to  
22 object to the Settlement.
- 23 4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this Court hereby approves  
24 the Settlement as set forth in the Agreement and finds that the Settlement is in all respects  
25 fair, reasonable, and adequate to the Settlement Class members. Accordingly, the  
26 Settlement shall be consummated in accordance with the terms and provisions of the  
27 Agreement, which are incorporated by reference into this Final Order and Stipulated  
28 Dismissal.

- 1 5. By its Preliminary Approval Order, dated January 23, 2014, the Court preliminarily  
2 certified the following Settlement Class: All current and future adult immigration  
3 detainees who have or will have proceedings in immigration court in San Francisco  
4 during the term of the Agreement.
- 5 6. The Court finds that this Settlement Class satisfies the requirements of Rule 23 of the  
6 Federal Rules of Civil Procedure, including the requirements of numerosity,  
7 commonality, typicality, and adequacy pursuant to Rule 23(a) and at least one of the  
8 requirements of Rule 23(b). The Court hereby certifies the Settlement Class as described  
9 in Paragraph 5 of this Final Order and Dismissal.
- 10 7. The Court approves Uelian De Abadia-Peixoto, Esmar Cifuentes, Mi Lian Wei, and  
11 Pedro Nolasco Jose as Class Representatives for the Settlement Class.
- 12 8. The Court finds that Class Counsel, Wilson Sonsini Goodrich & Rosati PC, Lawyers'  
13 Committee for Civil Rights of the San Francisco Bay Area, and the American Civil  
14 Liberties Union Foundation of Northern California, Inc. have fairly and adequately  
15 represented the interests of the Class and satisfied all the requirements of Rule 23(g) of  
16 the Federal Rules of Civil Procedure.
- 17 9. Upon the Settlement becoming final in accordance with Section IX of the Agreement, the  
18 parties agree that this action will be DISMISSED.
- 19 10. Without in any way affecting the finality of this Final Order and Stipulated Dismissal,  
20 this Court has continuing jurisdiction as to all matters relating to the interpretation,  
21 administration, and enforcement of the Agreement.
- 22 11. The Court finds that this Final Order and Stipulated Dismissal adjudicates all of the  
23 claims, rights, and liabilities of the Parties to the Settlement, and is intended to be final.

24 IT IS SO ORDERED.

25  
26 Dated: 4/10/14

  
United States District Court Judge

1 Dated: March 6, 2014

Respectfully submitted,

2 By: /s/ Catherine E. Moreno  
3 Catherine E. Moreno  
4 WILSON SONSINI GOODRICH & ROSATI  
5 *Additional Counsel on Caption Page*  
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