

CLOSED

**U.S. District Court**  
**Southern District of Florida (Miami)**  
**CIVIL DOCKET FOR CASE #: 1:02-cv-20822-JAL**

Moise, et al v. Bulger, et al  
Assigned to: Judge Joan A. Lenard  
Demand: \$0  
Cause: 28:2241 Petition for Writ of Habeas Corpus (Federal)

Date Filed: 03/15/2002  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Ernest Moise**

represented by **Charles F. Elsesser, Jr.**  
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**Plaintiff**

**Hedwiche Jeanty**

represented by **Charles F. Elsesser, Jr.**  
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**Robert L. Parks**  
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**Plaintiff**

**Brunot Colas**

represented by **Charles F. Elsesser, Jr.**  
(See above for address)

*LEAD ATTORNEY  
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**Ira Jay Kurzban**  
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**Plaintiff**

**Junior Prospere**

represented by **Charles F. Elsesser, Jr.**  
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**Ira Jay Kurzban**  
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**Plaintiff**

**Peterson Belizaire**

represented by **Charles F. Elsesser, Jr.**  
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**Plaintiff**

**Laurence St. Pierre**  
*on behalf of themselves and all others*  
*similarly situated*

represented by **Charles F. Elsesser, Jr.**  
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**Robert L. Parks**  
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*LEAD ATTORNEY  
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V.

**Defendant**

**John M. Bulger**

*Acting Director for District 6, Immigration  
and Naturalization Service*

**Defendant**

**James W. Ziglar**

*Commissioner, Immigration and  
Naturalization Service*

**Defendant**

**Attorney General**

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represented by **Anthony C. Payne**

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**Defendant**

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**Defendant****United States Department of Justice**

represented by **Anthony C. Payne**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/15/2002	<a href="#"><u>1</u></a>	Class Action Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief filed; FILING FEE \$150.00 RECEIPT # 859269 ; Magistrate Judge Turnoff (Former Deputy Clerk) (Entered: 03/18/2002)

03/15/2002	<a href="#">2</a>	EMERGENCY MOTION by All Plaintiffs for temporary restraining order , and/or for preliminary injunction or class writ of habeas corpus , and for an immediate emergency hearing (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">3</a>	MEMORANDUM by All Plaintiffs in support of [2-1] motion for temporary restraining order, [2-2] motion for preliminary injunction or class writ of habeas corpus, [2-3] motion for an immediate emergency hearing (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">4</a>	NOTICE of Filing exhibits in support of motion for temporary restraining order and/or preliminary injunction and class writ of habeas corpus and motion for class certification by All Plaintiffs (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">5</a>	MOTION by All Plaintiffs to certify class (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">6</a>	MEMORANDUM by All Plaintiffs in support of [5-1] motion to certify class (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">7</a>	SUMMONS(ES) issued for Attorney General (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">8</a>	SUMMONS(ES) issued for John M. Bulger (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">9</a>	SUMMONS(ES) issued for James W. Ziglar (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">10</a>	SUMMONS(ES) issued for Immigration Service (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">11</a>	SUMMONS(ES) issued for Dept of Justice (Former Deputy Clerk) (Entered: 03/18/2002)
03/15/2002	<a href="#">12</a>	ORDER directing government's response and petitioner's reply; Response to motion reset to 9:00 3/19/02 for [2-1] motion for temporary restraining order, reset to 9:00 3/19/02 for [2-2] motion for preliminary injunction or writ of habeas corpus, reset to 9:00 3/19/02 for [2-3] motion for an immediate emergency hearing; petitioner's shall file reply on or before 3/21/02 at 4:00 (signed by Joan A. Lenard on 3/15/02) [EOD Date: 3/18/02] (Former Deputy Clerk) (Entered: 03/18/2002)
03/18/2002	<a href="#">13</a>	RESPONSE by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, Dept of Justice in opposition to [5-1] motion to certify class (Former Deputy Clerk) (Entered: 03/19/2002)
03/18/2002	<a href="#">14</a>	RESPONSE by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, Dept of Justice in opposition to [2-1] motion for temporary restraining order, [2-2] motion for preliminary injunction or class writ of habeas corpus, [2-3] motion for an immediate emergency hearing (Former Deputy Clerk) (Entered: 03/19/2002)
03/18/2002	<a href="#">15</a>	MOTION by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, Dept of Justice to file memorandum in excess of page limits (Former Deputy Clerk) (Entered: 03/19/2002)

03/20/2002	<a href="#">16</a>	MOTION by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to dismiss lead plaintiff Ernest Moise (Former Deputy Clerk) (Entered: 03/21/2002)
03/20/2002	<a href="#">17</a>	MEMORANDUM by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice, All Plaintiffs in support of [16-1] motion to dismiss lead plaintiff Ernest Moise (Former Deputy Clerk) (Entered: 03/21/2002)
03/21/2002	<a href="#">18</a>	UNOPPOSED MOTION by All Plaintiffs to file reply memorandum in excess of page limit (Former Deputy Clerk) (Entered: 03/22/2002)
03/21/2002	<a href="#">19</a>	NOTICE of Filing exhibits in support of reply to defendants' opposition to plaintiffs' motion for a temporary restraining order and/or preliminary injunction or class writ of habeas corpus by All Plaintiffs (Former Deputy Clerk) (Entered: 03/22/2002)
03/21/2002	<a href="#">20</a>	REPLY by All Plaintiffs to response to [2-1] motion for temporary restraining order, [2-2] motion for preliminary injunction or class writ of habeas corpus, [2-3] motion for an immediate emergency hearing, [5-1] motion to certify class (Former Deputy Clerk) (Entered: 03/22/2002)
03/21/2002	<a href="#">21</a>	REPLY by All Plaintiffs to response to [5-1] motion to certify class (Former Deputy Clerk) (Entered: 03/22/2002)
03/22/2002	<a href="#">22</a>	ORDER granting [18-1] motion to file reply memorandum in excess of page limit (Signed by Judge Joan A. Lenard on 3/22/02) [EOD Date: 3/25/02] (Former Deputy Clerk) (Entered: 03/25/2002)
03/22/2002	<a href="#">23</a>	ORDER granting [15-1] motion to file memorandum in excess of page limits (Signed by Judge Joan A. Lenard on 3/22/02) [EOD Date: 3/25/02] (Former Deputy Clerk) (Entered: 03/25/2002)
03/26/2002	<a href="#">24</a>	NOTICE of Filing of original signed declarations by Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 03/27/2002)
03/26/2002	<a href="#">25</a>	Declaration of Peter Michael Becraft by Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 03/27/2002)
03/26/2002	<a href="#">26</a>	Declaration of Wesley J. Lee by Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 03/27/2002)
03/26/2002	<a href="#">27</a>	Declaration of Gail B. Padgett by Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 03/27/2002)
03/26/2002	<a href="#">28</a>	Declaration of Bryan E. Clampitt by Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 03/27/2002)
04/05/2002	<a href="#">29</a>	RESPONSE by All Plaintiffs to [16-1] motion to dismiss lead plaintiff Ernest Moise (tb, Deputy Clerk) (Entered: 04/08/2002)
04/05/2002	<a href="#">30</a>	ORDER directing parties to submit additional documentation ( Signed by Judge Joan A. Lenard on 4/5/02) [EOD Date: 4/8/02] (tb, Deputy Clerk) (Entered: 04/08/2002)



04/08/2002	<a href="#">31</a>	MOTION by All Plaintiffs for clarification of [30-1] order (Former Deputy Clerk) (Entered: 04/09/2002)
04/08/2002	<a href="#">32</a>	RESPONSE by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to [31-1] motion for clarification of [30-1] order (Former Deputy Clerk) (Entered: 04/09/2002)
04/10/2002	<a href="#">33</a>	ORDER denying [31-1] motion for clarification of [30-1] order (Signed by Judge Joan A. Lenard on 4/10/02) [EOD Date: 4/10/02] (Former Deputy Clerk) (Entered: 04/10/2002)
04/10/2002	<a href="#">34</a>	Response by All Plaintiffs to [30-1] order (Former Deputy Clerk) (Entered: 04/11/2002)
04/10/2002	<a href="#">35</a>	MOTION by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to extend time to respond to Court's April 5 order directing parties to submit additional documentation (Former Deputy Clerk) (Entered: 04/11/2002)
04/10/2002	<a href="#">36</a>	ORDER granting [35-1] motion to extend time to respond to Court's April 5 order directing parties to submit additional documentation until 4/12/02 at 4:00 (Signed by Judge Joan A. Lenard on 4/10/02) [EOD Date: 4/12/02] (Former Deputy Clerk) (Entered: 04/12/2002)
04/12/2002	<a href="#">37</a>	NOTICE of Filing parole-related documents for Ernest Moise, Hedwiche Jeanty, Brunot Colas, Junior Prospere, Peterson Belizaire and Laurence St. Pierre by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 04/15/2002)
04/12/2002	<a href="#">38</a>	Response by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to [36-1] order directing parties to submit additional documentation (Former Deputy Clerk) (Entered: 04/15/2002)
04/12/2002	<a href="#">39</a>	Documents in response to paragraph 2 of the April 5 order by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 04/15/2002)
04/16/2002	<a href="#">40</a>	NOTICE of Filing supplemental exhibits in support of motion for temporary restraining order and/or preliminary injunction and class writ of habeas corpus and motion for class certification by All Plaintiffs (Former Deputy Clerk) (Entered: 04/17/2002)
04/16/2002	<a href="#">41</a>	ORDER of magistrate judge reassignment to Magistrate Simonton (Signed by Judge Joan A. Lenard on 4/16/02) [EOD Date: 4/17/02] (Former Deputy Clerk) (Entered: 04/17/2002)
04/16/2002		Magistrate identification: Magistrate Judge Simonton (Former Deputy Clerk) (Entered: 04/17/2002)
04/19/2002	<a href="#">42</a>	NOTICE of Filing declaration of James Ziglar by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 04/22/2002)
04/19/2002	<a href="#">43</a>	Declaration of James W. Ziglar, Commissioner of Immigration and Naturalization Service by John M. Bulger, James W. Ziglar, Attorney General, Immigration

		Service, US Dept. of Justice Re: (Former Deputy Clerk) (Entered: 04/22/2002)
04/26/2002	<a href="#">44</a>	Second Supplemental Declaration of Wesley J. Lee by Immigration Service Re: (Former Deputy Clerk) (Entered: 04/29/2002)
04/26/2002	<a href="#">45</a>	MOTION with memorandum in support by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to dismiss Peterson Belizaire (Former Deputy Clerk) (Entered: 04/29/2002)
04/26/2002	<a href="#">46</a>	MOTION by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to strike argument in petitioners' Notice of Filing and the attached UNHCR Advisory Opinion , or in the alternative for leave to respond and response (Former Deputy Clerk) (Entered: 04/29/2002)
04/26/2002	<a href="#">47</a>	MOTION by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice for leave to file supplemental exhibits in support of its opposition to petitioners' motion for TRO/Preliminary Injunction (Former Deputy Clerk) (Entered: 04/29/2002)
04/26/2002	<a href="#">48</a>	Declaration of Kimberly Boulia by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice Re: (Former Deputy Clerk) (Entered: 04/29/2002)
04/29/2002	<a href="#">49</a>	ORDER Response to motion reset to 4:00 5/8/02 for [45-1] motion to dismiss Peterson Belizaire ( Signed by Judge Joan A. Lenard on 4/29/02) [EOD Date: 4/30/02] (Former Deputy Clerk) (Entered: 04/30/2002)
05/07/2002	<a href="#">50</a>	EMERGENCY MOTION with memorandum in support by All Plaintiffs for leave to take depositions of respondents and to otherwise begin discovery and also to shorten time for response to petitioners' first request to produce (Former Deputy Clerk) (Entered: 05/08/2002)
05/07/2002	<a href="#">51</a>	REQUEST for Production of Documents by All Plaintiffs (Former Deputy Clerk) (Entered: 05/08/2002)
05/08/2002	<a href="#">52</a>	MEMORANDUM by All Plaintiffs in support of motion to compel (Former Deputy Clerk) (Entered: 05/09/2002)
05/08/2002	<a href="#">53</a>	RESPONSE by All Plaintiffs to [45-1] motion to dismiss Peterson Belizaire (Former Deputy Clerk) (Entered: 05/09/2002)
05/08/2002	<a href="#">54</a>	MOTION by All Plaintiffs to compel respondents to disclose redacted portions of documents submitted in response to 4/5/02 order (Former Deputy Clerk) (Entered: 05/09/2002)
05/09/2002	<a href="#">55</a>	Brief Amicus Curiae by Lawyers Committee in support of [2-1] motion for temporary restraining order, [2-2] motion for preliminary injunction or class writ of habeas corpus, motion for an immediate emergency hearing (Former Deputy Clerk) (Entered: 05/10/2002)
05/09/2002	<a href="#">56</a>	MOTION by Lawyers Committee for leave to file amicus curiae in support of petitioners' motion for temporary restraining order and/or preliminary injunction (Former Deputy Clerk) (Entered: 05/10/2002)

05/10/2002	<a href="#">57</a>	ORDER granting [45-1] motion to dismiss Peterson Belizaire, granting [16-1] motion to dismiss lead plaintiff Ernest Moise (Signed by Judge Joan A. Lenard on 5/10/02) [EOD Date: 5/10/02] (Former Deputy Clerk) (Entered: 05/10/2002)
05/13/2002	<a href="#">58</a>	RESPONSE by All Plaintiffs in opposition to [46-1] motion to strike argument in petitioners' Notice of Filing and the attached UNHCR Advisory Opinion, [46-2] motion for leave to respond and response (Former Deputy Clerk) (Entered: 05/14/2002)
05/14/2002	<a href="#">59</a>	UNOPPOSED MOTION by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to file its motion to dismiss in part and for summary judgment in part in excess of page limits (Former Deputy Clerk) (Entered: 05/15/2002)
05/14/2002	<a href="#">60</a>	MOTION with memorandum in support by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to dismiss in part , and for summary judgment in part (Former Deputy Clerk) (Entered: 05/15/2002)
05/14/2002	<a href="#">61</a>	Statement of Undisputed Material Facts by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice re: [60-1] motion to dismiss in part, [60-2] motion for summary judgment in part (Former Deputy Clerk) (Entered: 05/15/2002)
05/14/2002	<a href="#">62</a>	APPENDIX to: [60-1] motion to dismiss in part, [60-2] motion for summary judgment in part by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice (Former Deputy Clerk) (Entered: 05/15/2002)
05/15/2002	<a href="#">63</a>	Twenty-One Day Notice of Consideration of motion for summary judgment (Signed by Judge Joan A. Lenard on 5/15/02) [EOD Date: 5/16/02] (Former Deputy Clerk) (Entered: 05/16/2002)
05/15/2002	<a href="#">64</a>	RESPONSE by John M. Bulger, James W. Ziglar, Attorney General, Immigration Service, US Dept. of Justice to [56-1] motion for leave to file amicus curiae in support of petitioners' motion for temporary restraining order and/or preliminary injunction (Former Deputy Clerk) (Entered: 05/16/2002)
05/17/2002	<a href="#">65</a>	ORDER denying [2-1] motion for temporary restraining order, denying [2-2] motion for preliminary injunction or class writ of habeas corpus, denying [2-3] motion for an immediate emergency hearing dismissing class action petition for writ of habeas corpus and complaint for injunctive and declaratory relief (Signed by Judge Joan A. Lenard on 5/17/02) [EOD Date: 5/20/02] (Former Deputy Clerk) (Entered: 05/20/2002)
05/17/2002		CASE CLOSED. Case and Motions no longer referred to Magistrate. (Former Deputy Clerk) (Entered: 05/20/2002)
05/24/2002	<a href="#">66</a>	NOTICE OF APPEAL by Hedwiche Jeanty, Brunot Colas, Laurence St. Pierre of [65-2] order EOD Date: 5/20/02; Filing Fee: \$ 105.00; Receipt #: 863285 Copies to USCA and Counsel of Record. (nc, Deputy Clerk) (Entered: 05/24/2002)
05/24/2002		Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [66-1] appeal by Laurence St. Pierre, Brunot Colas, Hedwiche Jeanty (nc, Deputy Clerk) (Entered: 05/24/2002)

06/04/2002	<a href="#">67</a>	Transcript Information Form re: [66-1] appeal by Laurence St. Pierre, Brunot Colas, Hedwiche Jeanty . No transcript requested. (ga, Deputy Clerk) (Entered: 06/05/2002)
06/06/2002		NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 5/31/02as to All Plaintiffs Re: [66-1] appeal by Laurence St. Pierre, Brunot Colas, Hedwiche Jeanty USCA NUMBER: 02-13009-D (nc, Deputy Clerk) (Entered: 06/06/2002)
06/10/2002	<a href="#">68</a>	Certificate of readiness as to Hedwiche Jeanty, Brunot Colas, Laurence St. Pierre transmitted to USCA Re: [66-1] appeal by Laurence St. Pierre, Brunot Colas, Hedwiche Jeanty USCA NUMBER: 02-13009-D (nc, Deputy Clerk) (Entered: 06/10/2002)
06/10/2002		Transmitted record on appeal as to Hedwiche Jeanty, Brunot Colas, Laurence St. Pierre to U.S. Court of Appeals:(Miami Office) Consisting of (2)Volumes of Pleadings and (1)Accordion Folder containing DE#'s 4,37,44,48,60,62 [66-1] appeal by Laurence St. Pierre, Brunot Colas, Hedwiche Jeanty (nc, Deputy Clerk) Modified on 06/10/2002 (Entered: 06/10/2002)
06/13/2002	<a href="#">69</a>	AMENDED NOTICE OF APPEAL by Hedwiche Jeanty, Brunot Colas, Junior Prospere, Laurence St. Pierre of [65-2] order EOD Date: 5/20/02; Filing Fee: \$ (FEE NOT REQUIRED-AMENDED); Copies to USCA and Counsel of Record. (hh, Deputy Clerk) (Entered: 06/14/2002)
06/14/2002		Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [69-1] appeal by Laurence St. Pierre, Junior Prospere, Brunot Colas, Hedwiche Jeanty (hh, Deputy Clerk) (Entered: 06/14/2002)
06/17/2002		ACKNOWLEDGMENT of receipt by U.S.C.A. of: COR/ROA on 6/12/02; U.S.C.A. # 02-13009-D (nc, Deputy Clerk) (Entered: 06/17/2002)
06/26/2002		NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 6/19/02 as to Hedwiche Jeanty, Brunot Colas, Junior Prospere, Laurence St. Pierre Re: [69-1] appeal USCA NUMBER: 02-13009-D (hh, Deputy Clerk) (Entered: 06/26/2002)
05/29/2003	<a href="#">70</a>	MANDATE OF USCA (certified copy)affirming judgment/order of the district court with court's opinion [69-1] appeal, [66-1] appeal Mandate Issued Date: 5/21/03; USCA Appeal #: 02-13009-DD; Copy to Judge. (nc, Deputy Clerk) (Entered: 05/29/2003)
08/19/2003		Record on appeal as to Hedwiche Jeanty, Brunot Colas, Junior Prospere, Laurence St. Pierre returned from U.S. Court of Appeals:(Miami/Records) Consisting of (2)Volumes of Pleadings and (1)Accordion Folder [69-1] appeal by Laurence St. Pierre, Junior Prospere, Brunot Colas, Hedwiche Jeanty, [66-1] appeal by Laurence St. Pierre, Brunot Colas, Hedwiche Jeanty USCA #: 02-13009-DD (nc, Deputy Clerk) (Entered: 08/20/2003)

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