

CV, PRI-CR, STAYED

**U.S. District Court
District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:01-cv-00242-JRT-AJB**

Abukar v. Ashcroft, et al
Assigned to: Judge John R. Tunheim
Referred to: Magistrate Judge Arthur J. Boylan
Demand: \$0
Cause: 08:1252(a)(2) Injunction for Deportation

Date Filed: 02/09/2001
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: U.S. Government Defendant

Petitioner

Ayub Abukar Haji
A71 742 718

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V.

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Respondent

Curtis J Aljets
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Date Filed	#	Docket Text
02/09/2001	1	FEDERAL PETITION FOR WRIT OF HABEAS CORPUS - Assigned to Judge John R. Tunheim per habeas corpus and referred to Magistrate Judge Arthur J. Boylan, rcpt. no. 238545 4pg(s) (DFL) (Entered: 02/09/2001)
02/09/2001	2	MOTION by petitioner for temporary restraining order (to Judge John R. Tunheim) 2pg(s) (DFL) (Entered: 02/09/2001)
02/09/2001	3	MEMORANDUM by petitioner in support of motion for temporary restraining order [2-1] 8pg(s) (DFL) (Entered: 02/09/2001)
02/09/2001	4	AFFIDAVIT of Michele Garnett McKenzie regarding motion for temporary restraining order [2-1] 5pg(s) (DFL) (Entered: 02/09/2001)
02/09/2001		Sent copy of petition, motion for tro, memo in support of tro and affidavit to U.S. Attorney's Office (DFL) (Entered: 02/09/2001)

03/21/2001	5	PETITION AND ORDER for admission pro hac vice (Clerk Francis E. Dosal) on behalf of respondents by Paul D Kovac. 1 pg(s) (VEM) (Entered: 03/21/2001)
06/11/2001	6	STIPULATION of withdrawal of motion for temporary restraining order 1pg(s) (DFL) (Entered: 06/13/2001)
07/31/2001	7	ORDER (Magistrate Judge Arthur J. Boylan / 7/30/01) directing Resp to show cause why habeas corpus writ should not be granted and allowing reply. Resp are directed to make a return in writing. Such return shall be due 8/24/01. Petitioner shall thereafter have until 9/14/01 to serve and file a reply to Resps' return. 2 pg(s) (cc: all counsel) (VEM) (Entered: 07/31/2001)
08/24/2001	8	MOTION by respondent to stay habeas proceeding. (to Magistrate Judge Arthur J. Boylan) 2 pg(s) (VEM) (Entered: 08/29/2001)
08/24/2001	9	MEMORANDUM by respondent in support of motion to stay habeas proceeding. [8-1] 13 pg(s) (VEM) (Entered: 08/29/2001)
08/24/2001	10	EXHIBITS by respondent to motion to stay habeas proceeding. [8-1] 2+pg(s) (VEM) (Entered: 08/29/2001)
09/17/2001	11	STIPULATION AND ORDER (Magistrate Judge Arthur J. Boylan) Petitioner's habeas proceeding may be stayed during the pendency of the INS's review of the propriety of pre-removal detention of Petitioner. The INS's stipulation to not deport the Petitioner during the pendency of this action stays in effect during the stay and the remainder of this action. This stipulation is without prejudice to any right which Petitioner has to seek legal review of the INS's decision on pre-removal detention of Petitioner. [8-1] 2 pg(s)(cc: all counsel) (VEM) (Entered: 09/18/2001)
11/21/2001	12	NOTICE OF APPEARANCE AND ATTORNEY SUBSTITUTION: terminating attorney Gregory Guy Brooker for Mary Ann Wyrsh, Curtis J Aljets, John Ashcroft and substituting attorney Lonnie F Bryan. (2 pg(s) (MKC) (Entered: 11/27/2001)
04/03/2002	13	MOTION by petitioner to amend petition for writ of habeas corpus. (to Magistrate Judge Arthur J. Boylan) 5 pg(s) (VEM) (Entered: 04/10/2002)
04/03/2002	14	MEMORANDUM by petitioner in support of motion to amend petition for writ of habeas corpus. [13-1] 5 pg(s) (VEM) (Entered: 04/10/2002)
04/03/2002	15	AFFIDAVIT of Kevin M Magnuson regarding motion to amend petition for writ of habeas corpus. [13-1] 2+pg(s) (VEM) (Entered: 04/10/2002)
04/22/2002	16	Respondents' non-opposition to motion to amend petition for writ of habeas corpus. [13-1] pg(s) ((Entered: 04/26/2002)
04/29/2002	17	ORDER (Magistrate Judge Arthur J. Boylan)Petitioner's motion to amend is granted and Petitioner shall file and serve his amended habeas corpus petition within 20 days after the date of this order. [13-1] If Petitioner files an amended petition, Resps shall have 60 days thereafter in which to response to the amended petition and Petitioner shall have 10 days after the filing of the response in which to file a reply, but such reply shall not exceed 10 pages. 2pg(s) (cc: all counsel) (VEM) (Entered: 04/29/2002)

04/30/2002	18	REPLY by petitioner to Rep's non-opposition to motion to amend petition for writ of habeas corpus. [13-1] 5 pg(s) (VEM) (Entered: 05/02/2002)
04/30/2002	19	AMENDED FEDERAL PETITION FOR WRIT OF HABEAS CORPUS - Assigned to Judge John R. Tunheim per habeas corpus and referred to Magistrate Judge Arthur J. Boylan. 5 pg(s) (VEM) (Entered: 05/02/2002)
06/19/2002	20	MOTION by respondents to hold case is abeyance , or in the alternative to extend time to file a reply to amended habeas corpus petition (to Magistrate Judge Arthur J. Boylan) 3pg(s) (DFL) (Entered: 06/21/2002)
06/19/2002	21	MEMORANDUM by respondents in support of motion to hold case is abeyance [20-1], of motion to extend time to file a reply to amended habeas corpus petition [20-2] 5pg(s) (DFL) (Entered: 06/21/2002)
06/25/2002	22	ORDER (Magistrate Judge Arthur J. Boylan)that the motion to hold case is abeyance is granted. [20-1] 1 pg(s) (cc: all counsel) (VEM) (Entered: 07/02/2002)
07/03/2002	23	REPLY by petitioner to motion to hold case is abeyance [20-1] 4pg(s) (DFL) (Entered: 07/08/2002)
09/03/2002	24	ORDER (Magistrate Judge Arthur J. Boylan / 9/3/02) granting motion to extend time to file a reply to amended habeas corpus petition to 9/6/02 [20-2] 1pg(s) (cc: all counsel) (DFL) (Entered: 09/06/2002)
09/06/2002	25	MEMORANDUM by respondents in opposition to amended habeas corpus petition [19-1] 31pg(s) (DFL) (Entered: 09/10/2002)
09/06/2002	27	EXHIBITS 1-3 by respondents [26-1] separate (DFL) (Entered: 09/10/2002)
09/06/2002	26	RESPONSE by respondent to habeas corpus petition [19-1] 17pg(s) (dmn) (Entered: 11/19/2002)
09/20/2002	29	PETITION AND ORDER for admission pro hac vice (Judge John R. Tunheim) on behalf of respondent by Greg D Mack. 2 pg(s) (VEM) (Entered: 09/26/2002)
09/24/2002		NOTICE by petitioner Ayub Abukar Haji of association of counsel Kevin M Magnuson (MMC) (Entered: 09/24/2002)
09/24/2002	28	STIPULATION AND ORDER (Magistrate Judge Arthur J. Boylan) Petitioner shall have an extension of time to and including October 11, 2002, within which to file his Response to Respondents' Return, Motion to Dismiss, and Memorandum in Support. 2pg(s)(cc: all counsel) ((Entered: 09/25/2002)
09/25/2002		NOTICE by respondent John Ashcroft, respondent Curtis J Aljets, respondent Mary Ann Wyrsh of association of counsel Friedrich Anson Paul Siekert (MMC) (Entered: 09/25/2002)
10/21/2002	30	STIPULATION FOR EXTENSION OF TIME AND ORDER (Magistrate Judge Arthur J. Boylan) Petitioner shall have an extension of time to 10/22/02 within which to file his response to Resp's return, motion to dismiss and memorandum in support. 2 pg(s) (cc: all counsel) (VEM) (Entered: 10/24/2002)
10/24/2002	31	MEMORANDUM by petitioner in support of amended habeas corpus petition [19-1] and oppositin to Resp's motion to dismiss [26-1] 35 pg(s) (VEM)

		(Entered: 10/27/2002)
10/24/2002	32	AFFIDAVIT of Kevin M. Magnuson regarding habeas corpus petition [19-1], regarding motion to dismiss. [26-1] 3+pg(s) (VEM) (Entered: 10/27/2002)
06/10/2003	33	REPORT AND RECOMMENDATION(to Judge John R. Tunheim) (Magistrate Judge Arthur J. Boylan) Petitioner's amended habeas corpus petition be denied. This action be dismissed. 11 pg(s) (cc: all counsel) (VEM) (Entered: 06/11/2003)
06/24/2003	34	OBJECTIONS by petitioner Ayub Abukar Haji to report & recommendation. [33-1] 7 pg(s) (JMM) (Entered: 06/30/2003)
06/24/2003	35	AFFIDAVIT of Kevin M. Magnuson regarding report & recommendation. [33-1] 5 pg(s) (JMM) (Entered: 06/30/2003)
11/10/2003	36	LETTER/REQUEST to court dated 11/10/03 by petitioner for relief. 13pg(s) (DFL) Modified on 11/21/2003 (Entered: 11/20/2003)
02/12/2004	37	RESPONSE by respondents to petitioner's request for release of pending supreme court's review of the petition for writ of certiorari in Jama v INS. 11pg(s) (DFL) Modified on 02/13/2004 (Entered: 02/12/2004)
02/24/2004	39	AFFIDAVIT of Kevin M. Magnuson re [37] Resp's Response opposing release by Ayub Abukar Haji. (VEM) (Entered: 02/29/2004)
02/29/2004	38	PETITIONER'S REPLY to Resp's response opposing release.(VEM) (Entered: 02/29/2004)
03/17/2004	40	ORDER REJECTING AS MOOT Report and Recommendation [Docket No. 33]. Petitioner's habeas corpus petition will be held in abeyance consistent with this Order. Petitioner shall be released from custody under reasonable release conditions as set by the Bureau of Customs and Immigration Enforcement. Respondent is ordered to release petitioner on March 24, 2004. Signed by Judge John R Tunheim on 031704. (DML) (Entered: 03/17/2004)

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