

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 03-3189 DWF/JSM

AHMED HASSAN ALI,	)	
a/k/a Ahmed Warsame,	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>SECOND</b>
	)	<b>MOTION FOR STAY</b>
	)	
MARK CANGEMI, Interim District	)	
Director, Bureau of Immigration	)	
and Customs Enforcement,	)	
	)	
Respondent.	)	

Comes now Mark Cangemi, District Director, Immigration and Customs Enforcement (ICE) and moves this Court for a stay pending appeal from the order dated May 27, 2004, on the grounds and for the reasons that:

I.

On June 4, 2004, this Court stayed its release order until June 11, 2004.

II.

On June 9, 2004, the Solicitor General authorized an appeal and request for stay before the Eighth Circuit Court of Appeals in the event that this Court does not grant a stay pending appeal.

III.

ICE will likely prevail on the merits.

IV.

ICE will likely suffer irreparable harm and the harm to Petitioner is outweighed.

V.

The public interest favors a stay.

VI.

Petitioner presents a significant risk of flight preventing his removal at the conclusion of the instant action.

VII.

This motion is based on the entire file herein, including the exhibits, declarations and documents produced in response to the petition and in objections to the Report and Recommendation. In addition, ICE submits additional exhibits with this motion.

WHEREFORE ICE respectfully requests this Court enter an Order as follows:

1. Staying its Order of May 27, 2004, granting Petitioner an immediate release from custody, during the pendency of Appeal;
2. In the alternative, granting a stay for two weeks to allow ICE to request a similar stay from the Eighth Circuit Court of Appeals, and;
3. Such other and additional relief as this Court deems just and equitable.

Dated this 10 day of June 2004.

THOMAS B. HEFFELFINGER  
United States Attorney

s/Lonnie F. Bryan

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