

APPEAL

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:03-cv-06324-ILG-RER**

National Council of La Raza et al v. Ashcroft et al  
Assigned to: Senior-Judge I. Leo Glasser  
Referred to: Magistrate-Judge Ramon E. Reyes, Jr  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 12/17/2003  
Date Terminated: 01/05/2007  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff****National Council of La Raza**

represented by **Carmine Daniel Boccuzzi**  
Cleary, Gottlieb, Steen & Hamilton  
One Liberty Plaza  
New York, NY 10006  
212-225-2000  
Fax: 212-225-3499  
Email: Maofiling@cgsh.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
Jerome N. Frank Legal Services  
Organization, Inc  
Yale Law School  
127 Wall Street  
New Haven, CT 06511  
203-432-4800  
Fax: 203-432-1426  
Email: michael.wishnie@yale.edu  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****New York Immigration Coalition**

represented by **Carmine Daniel Boccuzzi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**American-Arab Anti-Discrimination  
Committee**

represented by **Carmine Daniel Boccuzzi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Latin American Workers Project**

represented by **Carmine Daniel Boccuzzi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Unite**

represented by **Carmine Daniel Boccuzzi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**John Ashcroft**  
*Attorney General of the United States*

represented by **F. Franklin Amanat**  
United States Attorneys Office  
Eastern District of New York  
One Pierrepont Plaza, 14th Floor  
Brooklyn, NY 11201  
(718) 254-6024  
Fax: (718)254-6081  
Email: franklin.amanat@usdoj.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Tom Ridge**  
*Secretary of Homeland Security*

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Robert Mueller**  
*Director, Federal Bureau of Investigation*

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Michael Garcia**  
*Assistant Secretary of Homeland Security  
in charge of the Bureau of Immigration  
and Customs Enforcement*

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Department of Justice**

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Homeland  
Security**

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Federal Bureau of Investigation**

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Bureau of Immigration and Customs  
Enforcement**

represented by **F. Franklin Amanat**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Amicus**

**National Latino Officers Association**

represented by **Baher Azmy**  
Seton Hall University School of Law  
Center For Social Justice  
Civil Litigation Clinic  
833 McCarter Highway  
Newark, NJ 07102  
973-642-8700  
Fax: 973-642-5939  
**LEAD ATTORNEY**

*ATTORNEY TO BE NOTICED***Amicus****National Black Police Association**represented by **Baher Azmy**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/17/2003	<a href="#">1</a>	COMPLAINT Summons Issued against John Ashcroft, Bureau of Immigration and Customs Enforcement, Department of Justice, Federal Bureau of Investigation, Michael Garcia, Robert Mueller, Tom Ridge, United States Department of Homeland Security filing fee \$ 150, receipt number 287278, filed by American-Arab Anti-Discrimination Committee, Latin American Workers Project, National Council of La Raza, New York Immigration Coalition, Unite. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(Bowens, Priscilla) (Entered: 12/17/2003)
12/29/2003	2	SUMMONS Returned Executed by National Council of La Raza. John Ashcroft ; Bureau of Immigration and Customs Enforcement ; Department of Justice ; Federal Bureau of Investigation ; Michael Garcia ; Robert Mueller ; Tom Ridge ; United States Department of Homeland Security served on 12/19/2003, answer due 1/8/2004. (Rodriguez, Angela) (Entered: 02/02/2004)
02/25/2004	<a href="#">3</a>	Letter from F. Franklin Amanat, Assistant United States Attorney, to Judge Glasser Regarding government's request for extension of time until April 19, 2004, to answer or otherwise move with respect to the complaint,. (Amanat, F.) (Entered: 02/25/2004)
03/01/2004	<a href="#">4</a>	Letter from Anil Kalhan to Judge Glasser Regarding And In Response To Government Counsel's Letter Of February 27, 2004, Dated March 1, 2004. (Boccuzzi, Carmine) (Entered: 03/01/2004)
03/01/2004	5	ORDER endorsed on hard copy of doc. #3. Request for extension of time to 4/19/04 to answer is granted. Signed by Judge I. Leo Glasser on 3/1/04. (Rodriguez, Angela) (Entered: 03/02/2004)
04/26/2004	<a href="#">6</a>	Notice of MOTION to Dismiss <i>the Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim upon Which Relief May Be Granted</i> , by John Ashcroft, Bureau of Immigration and Customs Enforcement, Department of Justice, Federal Bureau of Investigation, Michael Garcia, Robert Mueller, Tom Ridge, United States Department of Homeland Security. (Amanat, F.) (Entered: 04/26/2004)
04/26/2004	<a href="#">7</a>	MEMORANDUM in Support re <a href="#">6</a> Notice of MOTION to Dismiss <i>the Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim upon Which Relief May Be Granted</i> , by John Ashcroft, Bureau of Immigration and

		Customs Enforcement, Department of Justice, Federal Bureau of Investigation, Michael Garcia, Robert Mueller, Tom Ridge, United States Department of Homeland Security. (Amanat, F.) (Entered: 04/26/2004)
05/11/2004	8	Minute Entry for proceedings held before I. Leo Glasser : for a Civil Conference held on 5/11/2004. The defendant has made a motion to dismiss, but there are no papers in opposition. Scheduling is discussed. Plaintiff to respond to motion by 6/11/04; Defendant to respond by 7/2/04. Hearing on motion to be held on 7/19/04 at 10:00 a.m. (Sica, Michele) (Entered: 05/19/2004)
06/02/2004	<a href="#">9</a>	NOTICE of Change of Address by Carmine Daniel Boccuzzi <i>on Behalf of Washington Square Legal Services, Inc., Dated June 1, 2004</i> (Boccuzzi, Carmine) (Entered: 06/02/2004)
06/07/2004	<a href="#">10</a>	CERTIFICATE OF SERVICE by American-Arab Anti-Discrimination Committee, Latin American Workers Project, National Council of La Raza, New York Immigration Coalition, Unite re <a href="#">9</a> Notice of Change of Address , <i>Of Janet Ford, Dated June 3, 2004</i> (Boccuzzi, Carmine) (Entered: 06/07/2004)
06/08/2004	<a href="#">11</a>	Letter from Anil Kalhan, Dated June 8, 2004 to Judge Glasser Regarding Request For An Extention Of Time To Serve Brief In Opposition To The Defendants' Motion To Dismiss. (Boccuzzi, Carmine) (Entered: 06/08/2004)
06/09/2004	12	Letter dtd 06/01/04 from Michael J. Wishnie to Mr. Heinemann, informing the court that the office of Washington Square Legal Services, Inc. Has relocated. (Sica, Michele) (Entered: 06/09/2004)
06/10/2004		ENDORSED ORDER, The request for an extention of time to serve the brief in opposition to the defendant's motion is GRANTED. Oral argument is hereby scheduled for 10:00 a.m., July 29, 2004. (see ltr dtd 6/8/04) . Signed by Judge I. Leo Glasser on 6/8/04. (Sica, Michele) (Entered: 06/10/2004)
06/18/2004	<a href="#">13</a>	RESPONSE in Opposition re <a href="#">6</a> Notice of MOTION to Dismiss <i>the Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim upon Which Relief May Be Granted, Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss</i> , filed by American-Arab Anti-Discrimination Committee, Latin American Workers Project, National Council of La Raza, New York Immigration Coalition, Unite. (Boccuzzi, Carmine) (Entered: 06/18/2004)
06/21/2004	<a href="#">14</a>	CERTIFICATE OF SERVICE by American-Arab Anti-Discrimination Committee, Latin American Workers Project, National Council of La Raza, New York Immigration Coalition, Unite re <a href="#">13</a> Response in Opposition to Motion, / <i>Of Richard V. Conza Dated, June 21, 2004</i> , (Boccuzzi, Carmine) (Entered: 06/21/2004)
06/25/2004	15	Letter dtd 6/22/04 from Baher Azmy to Clerk of the Court, informing the Court that the National Latino Officers and the National Black Police, who wish to participate as amici curiae. (Diskette enclosed) (Sica, Michele) (Entered: 06/30/2004)

07/01/2004	<a href="#">16</a>	ORDER, regarding the motion filed requesting an order that would permit Seton Hall University to appear as Amici Curiae in this action. Should the assistant U.S. Attorney wish to submit a formal response setting forth his objections, He should do so before 7/15/04. If such a response is filed, the movant may reply before 7/22/04. The Court will consider the motion on submission absent a request by either party to be heard, in which event, it would be heard at 10:00 a.m. 7/29/04. ( Order scanned) . Signed by Judge I. Leo Glasser on 6/29/04. (Sica, Michele) (Entered: 07/01/2004)
07/06/2004	17	Letter dated 6/18/04 from Baher Azmy, counsel for National Latino Officers Association and the National Black Police Association, to EDNY Clerk, wishing to participate in this action as amici curiae. Enclosed are two discs for e filing. (Vaughn, Terry) (Entered: 07/06/2004)
07/06/2004	<a href="#">18</a>	NOTICE of MOTION by National Black Police Association, National Latino Officers Association to participate as Amici curiae. (Vaughn, Terry) (Entered: 07/06/2004)
07/06/2004	<a href="#">19</a>	BRIEF in Support of Plaintiffs and urging the Court to deny the Govt.'s motion to dismiss the complaint, filed by Amici Curiae National Black Police Association, National Latino Officers Association. (Vaughn, Terry) (Entered: 07/06/2004)
07/08/2004	<a href="#">20</a>	Letter from F. Franklin Amanat, Assistant U.S. Attorney EDNY to Judge Glasser Regarding request for extension of time until July 19, 2004, to file reply brief in support of defendants' motion to dismiss the complaint. (Amanat, F.) (Entered: 07/08/2004)
07/16/2004	<a href="#">21</a>	Letter from F. Franklin Amanat, Assistant United States Attorney, Eastern District of New York to Judge Glasser Regarding request for three-day extension of time (to Thursday July 22, 2004) to file reply brief in support of defendants' motion to dismiss. (Amanat, F.) (Entered: 07/16/2004)
07/22/2004	<a href="#">22</a>	REPLY to Response to Motion re <a href="#">6</a> Notice of MOTION to Dismiss <i>the Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim upon Which Relief May Be Granted</i> , filed by John Ashcroft, Bureau of Immigration and Customs Enforcement, Department of Justice, Federal Bureau of Investigation, Michael Garcia, Robert Mueller, Tom Ridge, United States Department of Homeland Security. (Amanat, F.) (Entered: 07/22/2004)
07/23/2004	23	ORDER ENDORSED on letter dtd 7/16/04, signed by Judge I. Leo Glasser on 7/20/2004, from F. Franklin Amanat, Assistant U. S. Attorney, granting request to file brief until 7/22/04 and scheduling oral argument for 9/10/04 at 10 am.(order signed by Judge I. Leo Glasser on 7/20/04.)(Schillat, Louise) (Entered: 07/23/2004)
07/29/2004	24	Letter dtd. 7/8/04 from AUSA F. Franklin Amanat to Judge Glasser, advising w/pltff's consent, deft requests a one-week extension of time to 7/19/04, in which to complete their reply brief. (Layne, Monique) (Entered: 07/29/2004)

10/08/2004	<a href="#">27</a>	Minute Entry for proceedings held before I. Leo Glasser : For a Motion Hearing held on 10/8/2004. Case Called, Motion hearing held, Decision Reserved. re <a href="#">6</a> Notice of MOTION to Dismiss <i>the Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim upon Which Relief May Be Granted</i> , filed by John Ashcroft, Michael Garcia, Robert Mueller, Tom Ridge, United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Federal Bureau of Investigation, Department of Justice. (Sica, Michele) (Entered: 10/18/2004)
10/14/2004	<a href="#">25</a>	Letter from Michael J. Wishnie to Judge I. Leo Glasser Regarding Citations from oral argument. (Wishnie, Michael) (Entered: 10/14/2004)
10/15/2004	<a href="#">26</a>	Letter dtd 3/1/04 from Anil Kalhan to Judge Glasser, Motion to dismiss filed 4/26/05; Pl. 45 days 6/11/05; reply 3 weeks 7/2/05. (Sica, Michele) (Entered: 10/15/2004)
01/12/2005	<a href="#">28</a>	NOTICE by Unite, National Council of La Raza, New York Immigration Coalition, American-Arab Anti-Discrimination Committee, Latin American Workers Project / <i>Notice of Change of Firm Name and Legal Status, dated January 7, 2005</i> (Boccuzzi, Carmine) (Entered: 01/12/2005)
04/11/2005		Case reassigned to Judge Steven M. Gold. Judge A. Simon Chrein no longer assigned to the case. (Villanueva, William) (Entered: 04/11/2005)
02/15/2006	<a href="#">29</a>	Letter <i>regarding additional legal authority</i> by National Council of La Raza. (Wishnie, Michael) (Entered: 02/15/2006)
02/17/2006	<a href="#">30</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">29</a> Letter , <i>seeking extension of time until March 10, 2006, to respond to plaintiffs' February 15, 2006, letter purporting to inform the Court of "additional legal authority" in opposition to the motion to dismiss the complaint. Motion made on consent of the plaintiffs</i> by all defendants. (Amanat, F.) (Entered: 02/17/2006)
02/23/2006	<a href="#">31</a>	ORDER granting <a href="#">30</a> Motion for Extension of Time to File Response/Reply. ( Ordered by JudgeI. Leo Glasser on 2/17/05 ) (Guzzi, Roseann) (Entered: 02/23/2006)
03/10/2006	32	SEALED DOCUMENT PLACED IN VAULT. (Sica, Michele) (Entered: 03/13/2006)
03/17/2006	<a href="#">33</a>	ORDER TO SHOW CAUSE. Ordered by Judge I. Leo Glasser on 03/17/06. (Chiodo, Marie) (Entered: 03/17/2006)
03/17/2006	<a href="#">34</a>	RESPONSE in Support re <a href="#">6</a> Notice of MOTION to Dismiss <i>the Complaint for Lack of Subject Matter Jurisdiction and for Failure to State a Claim upon Which Relief May Be Granted</i> , by way of Letter from F. Franklin Amanat, AUSA-EDNY, to Hon. I. Leo Glasser, in Response to <a href="#">29</a> Plaintiffs' Letter to Judge Glasser Dated February 15, 2005, filed by all defendants. (Attachments: # <a href="#">1</a> 2002 Memorandum from the Office of Legal Counsel to the Attorney General (Redacted))(Amanat, F.) (Entered: 03/17/2006)



03/17/2006	<a href="#">35</a>	Letter from F. Franklin Amanat, AUSA-EDNY, to Hon. I. Leo Glasser, USDJ, in Response to <a href="#">34</a> Order to Show Cause, withdrawing the government's request to have the March 10, 2006, letter and its attachment kept under seal, and advising the Court of the government's intention to electronically file the documents for inclusion in the Court's public docket, by John Ashcroft, Tom Ridge, Robert Mueller, Michael Garcia, Department of Justice, United States Department of Homeland Security, Federal Bureau of Investigation, Bureau of Immigration and Customs Enforcement. (Amanat, F.) (Entered: 03/17/2006)
03/22/2006	<a href="#">36</a>	Letter DTD 3/17/06 To Judge Glasser From Carmine Boccuzzi objecting to the defendant's filing their 3-10-06 submission under seal. (Sica, Michele) (Entered: 03/22/2006)
05/10/2006	<a href="#">37</a>	Letter advising court of new legal authority by American-Arab Anti-Discrimination Committee. (Wishnie, Michael) (Entered: 05/10/2006)
05/17/2006	<a href="#">38</a>	Letter from F. Franklin Amanat, AUSA, to Hon. I. Leo Glasser, in Response to <a href="#">37</a> Letter from plaintiffs dated May 10, 2006, by John Ashcroft, Tom Ridge, Robert Mueller, Michael Garcia, Department of Justice, United States Department of Homeland Security, Federal Bureau of Investigation, Bureau of Immigration and Customs Enforcement. (Attachments: # <a href="#">1</a> Encl. 1: ? Respondent's Supplemental Memorandum of Law in Support of Its Motion to Reconsider or in the Alternative to Stay the Execution of the Judgment, Doe v. ICE, No. M-54 (HB) (S.D.N.Y. filed January 18, 2006)# <a href="#">2</a> Encl. 2: ? Respondent's Memorandum of Law in Response to the Supplemental Brief of Amicus Curiae, Doe v. ICE, No. M-54 (HB) (S.D.N.Y. filed Feb. 10, 2006))(Amanat, F.) (Entered: 05/17/2006)
06/23/2006	<a href="#">39</a>	NOTICE of Change of firm, address, and email of plaintiffs' counsel by Michael J. Wishnie (Wishnie, Michael) (Entered: 06/23/2006)
01/05/2007	<a href="#">40</a>	ORDER granting <a href="#">6</a> Motion to Dismiss for lack of subject matter jurisdiction. Ordered by Judge I. Leo Glasser on 1/5/2007. (Dillon, James) (Entered: 01/05/2007)
01/10/2007	<a href="#">41</a>	CLERK'S JUDGMENT, Ordered and Adjudged that plaintiff take nothing of the defendants; and that the motion to dismiss for lack of subject matter jurisdiction is GRANTED. Ordered by Judge Clerk of Court on 1/9/07. (Sica, Michele) (Entered: 01/10/2007)
03/02/2007	<a href="#">42</a>	NOTICE OF APPEAL as to <a href="#">40</a> Order on Motion to Dismiss, <a href="#">41</a> Clerk's Judgment by Unite, National Council of La Raza, New York Immigration Coalition, American-Arab Anti-Discrimination Committee, Latin American Workers Project. Filing fee \$ 455, receipt number 2261232.Appeal Record due by 3/9/2007. (Wishnie, Michael) (Entered: 03/02/2007)
03/05/2007		Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <a href="#">13</a> Response in Opposition to Motion, <a href="#">7</a> Memorandum in Support, <a href="#">14</a> Certificate of Service, <a href="#">11</a> Letter, <a href="#">29</a> Letter, <a href="#">35</a>



		Letter,, <a href="#">33</a> Order to Show Cause, <a href="#">4</a> Letter, <a href="#">16</a> Order,, <a href="#">36</a> Letter, <a href="#">40</a> Order on Motion to Dismiss, <a href="#">1</a> Complaint, <a href="#">6</a> Motion to Dismiss, <a href="#">42</a> Notice of Appeal, <a href="#">20</a> Letter, <a href="#">34</a> Response in Support of Motion, <a href="#">30</a> Motion for Extension of Time to File Response/Reply, <a href="#">10</a> Certificate of Service, <a href="#">3</a> Letter, <a href="#">28</a> Notice (Other), Notice (Other), <a href="#">37</a> Letter, <a href="#">19</a> Memorandum in Support, <a href="#">9</a> NOTICE of Change of Address/Firm/Email, <a href="#">25</a> Letter, <a href="#">26</a> Letter, <a href="#">18</a> Notice (Other), <a href="#">38</a> Letter,, <a href="#">39</a> NOTICE of Change of Address/Firm/Email, <a href="#">31</a> Order on Motion for Extension of Time to File Response/Reply, <a href="#">21</a> Letter, <a href="#">27</a> Motion Hearing,, <a href="#">22</a> Reply to Response to Motion, [32] Letter, <a href="#">41</a> Clerk's Judgment (Gonzalez, Mary) (Entered: 03/05/2007)
06/08/2007	<a href="#">43</a>	First Supplemental INDEX on Appeal transmitted to US Court of Appeals re <a href="#">42</a> Notice of Appeal. USCA#07-0816-cv. (McGee, Mary Ann) (Entered: 06/14/2007)
06/22/2007	<a href="#">44</a>	Acknowledgment 1st SUPPLEMENTAL from USCA received re: <a href="#">42</a> Appeal. Acknowledgment dated 6/20/07. Unable to read signature. USCA#07/0816-cv. (Drayton, Lorraine) (Entered: 06/22/2007)

### PACER Service Center

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