

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Brownsville)  
CIVIL DOCKET FOR CASE #: 1:07-cv-00153**

Ordonez Orosco v. Chertoff et al  
Assigned to: Judge Andrew S. Hanen  
Related Case: [1:09-mc-00011](#)  
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 10/03/2007  
Date Terminated: 12/08/2008  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: U.S. Government Defendant

**Petitioner**

**Ronal Porfirio Ordonez Orosco**

represented by **Marlene A Dougherty**  
Attorney at Law  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Respondent**

**Michael Chertoff**  
*Secretary of the United States Department  
of Homeland Security--Immigration and  
Customs Enforcement and US Citizenship  
and Immigration Services*

represented by **Melissa S Leibman**  
Department of Justice  
PO Box 868  
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**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

**Rene Carlo Benavides**  
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**TERMINATED: 08/30/2008**  
**ATTORNEY TO BE NOTICED**

**Respondent**

**Eduardo Lozano**  
*Immigration and Customs Enforcement  
Officer*

represented by **Melissa S Leibman**  
(See above for address)  
**LEAD ATTORNEY**

**Lisa Luis**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Rene Carlo Benavides**  
 (See above for address)  
*TERMINATED: 08/30/2008*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**United States Of America**

represented by **Melissa S Leibman**  
 (See above for address)  
*LEAD ATTORNEY*

**Lisa Luis**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Rene Carlo Benavides**  
 (See above for address)  
*TERMINATED: 08/30/2008*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**Unnamed Supervisory Immigration  
 and Customs Enforcement Officers**

represented by **Melissa S Leibman**  
 (See above for address)  
*LEAD ATTORNEY*

**Lisa Luis**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Rene Carlo Benavides**  
 (See above for address)  
*TERMINATED: 08/30/2008*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**Acting US Atty Gen Paul Clement**

represented by **Melissa S Leibman**  
 (See above for address)  
*LEAD ATTORNEY*

**Rene Carlo Benavides**  
 (See above for address)  
*TERMINATED: 08/30/2008*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**Acting US Atty Gen Paul Clement**

represented by **Melissa S Leibman**  
 (See above for address)  
*LEAD ATTORNEY*

**Rene Carlo Benavides**  
 (See above for address)  
*TERMINATED: 08/30/2008*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/03/2007	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5 receipt number 3087997) filed by Ronal Porfirio Ordonez Orosco.(Dougherty, Marlene) (Entered:

		10/03/2007)
10/09/2007	<u>2</u>	First AMENDED HABEAS against all defendants filed by Ronal Porfirio Ordonez Orosco. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Exhibit # <u>3</u> Exhibit)(Dougherty, Marlene) (Entered: 10/09/2007)
10/09/2007	<u>3</u>	SEALED EXHIBITS, filed. (Dougherty, Marlene) (Entered: 10/09/2007)
10/09/2007	<u>4</u>	SEALED EXHIBITS, filed. (Dougherty, Marlene) (Entered: 10/09/2007)
10/09/2007	<u>5</u>	SEALED EXHIBITS, filed. (Dougherty, Marlene) (Entered: 10/09/2007)
10/18/2007	<u>6</u>	RETURN of Service of SUMMONS Executed as to Eduardo Lozano served on 10/11/2007, answer due 12/10/2007, filed.(Dougherty, Marlene) (Entered: 10/18/2007)
10/18/2007	<u>7</u>	RETURN of Service of SUMMONS Executed as to Unnamed Supervisory Immigration and Customs Enforcement Officers served on 10/15/2007, answer due 12/14/2007, filed.(Dougherty, Marlene) (Entered: 10/18/2007)
10/18/2007	<u>8</u>	RETURN of Service of SUMMONS Executed as to Michael Chertoff served on 10/15/2007, answer due 12/14/2007, filed.(Dougherty, Marlene) (Entered: 10/18/2007)
11/26/2007	<u>9</u>	Unopposed MOTION for Extension of Time to File an AnswerMotions referred to John William Black. by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Of America, Unnamed Supervisory Immigration and Customs Enforcement Officers, filed. Motion Docket Date 12/17/2007. (Attachments: # <u>1</u> Proposed Order)(Benavides, Rene) (Entered: 11/26/2007)
11/30/2007	<u>10</u>	ORDER Granting <u>9</u> Unopposed Motion for Extension of Time. Is is therefore, ORDERED that the United States of America's answer be due on 1/26/2008. (Signed by Judge John Wm Black) Parties notified.(gmendieta) (Entered: 11/30/2007)
11/30/2007		*** Answer due for Paul Clement 1/26/2008; Michael Chertoff 1/26/2008; Eduardo Lozano 1/26/2008; United States Attorney Generals Office 1/26/2008; United States Of America 1/26/2008; Donald J DeGabrielle, Jr. 1/26/2008; Unnamed Supervisory Immigration and Customs Enforcement Officers 1/26/2008. (gmendieta) (Entered: 11/30/2007)
01/23/2008	<u>11</u>	Second MOTION for Extension of Time to file Response to habeasMotions referred to John William Black. by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Of America, Unnamed Supervisory Immigration and Customs Enforcement Officers, filed. Motion Docket Date 2/12/2008. (Attachments: # <u>1</u> Proposed Order)(Benavides, Rene) (Entered: 01/23/2008)
01/23/2008	<u>12</u>	MOTION for Mellisa Leibman to Appear Pro Hac ViceMotions referred to John William Black. by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Of America, Unnamed Supervisory Immigration and Customs Enforcement Officers, filed. Motion Docket Date 2/12/2008. (Benavides, Rene) (Entered: 01/23/2008)
01/24/2008	<u>13</u>	ORDER granting <u>11</u> Motion for Extension of Time. It is therefore ORDERED that the United States of America's answer be due on February 25, 2008.( Signed by Judge John William Black ) Parties notified.(bvasquez, ) (Entered: 01/24/2008)
01/24/2008		*** Answer due for United States Of America 2/25/2008. (bvasquez, ) (Entered: 01/24/2008)
02/25/2008	<u>14</u>	MOTION to Dismiss Motions referred to John William Black. by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Attorney Generals Office, United States Of America, Donald J DeGabrielle, Jr, Unnamed Supervisory Immigration and Customs Enforcement Officers, filed. Motion Docket Date 3/17/2008. (Attachments: # <u>1</u> Exhibit Exhibits 1-6# <u>2</u> Proposed Order)(Wyatt, Keith) (Entered: 02/25/2008)
03/06/2008	<u>15</u>	First MOTION for Extension of Time Answer Motion to DismissMotions referred to John William Black. by Ronal Porfirio Ordonez Orosco, filed. Motion Docket

		Date 3/26/2008. (Dougherty, Marlene) (Entered: 03/06/2008)
03/07/2008	<u>16</u>	Corrected AMENDED <u>15</u> MOTION Motions referred to John William Black. by Ronal Porfirio Ordonez Orosco, filed. Motion Docket Date 3/27/2008. (Dougherty, Marlene) (Entered: 03/07/2008)
03/17/2008	<u>17</u>	First RESPONSE in Opposition to <u>14</u> MOTION to Dismiss, filed by Ronal Porfirio Ordonez Orosco. (Attachments: # <u>1</u> Exhibit A-Order of Supervision)(Dougherty, Marlene) (Entered: 03/17/2008)
03/28/2008	<u>18</u>	REPLY in Support of <u>14</u> MOTION to Dismiss, filed by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Of America, Unnamed Supervisory Immigration and Customs Enforcement Officers. (Leibman, Melissa) (Entered: 03/28/2008)
03/28/2008	<u>19</u>	MOTION to Supplement The Exhibits as to <u>14</u> MOTION to Dismiss Motions referred to John William Black. by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Of America, Unnamed Supervisory Immigration and Customs Enforcement Officers, filed. Motion Docket Date 4/17/2008. (Attachments: # <u>1</u> Exhibit 6# <u>2</u> Proposed Order)(Leibman, Melissa) (Entered: 03/28/2008)
04/07/2008	<u>20</u>	First RESPONSE in Opposition to <u>19</u> MOTION to Supplement The Exhibits as to <u>14</u> MOTION to Dismiss MOTION to Supplement The Exhibits as to <u>14</u> MOTION to Dismiss, filed by Ronal Porfirio Ordonez Orosco. (Dougherty, Marlene) (Entered: 04/07/2008)
04/07/2008	<u>21</u>	ORDER Granting <u>12</u> Motion to Appear Pro Hac Vice. Melissa Liebman for Michael Chertoff, Eduardo Lozano, USA, et al. (Signed by Judge Andrew S. Hanen) Parties notified.(gmendieta) (Entered: 04/07/2008)
04/08/2008	<u>22</u>	SUPPLEMENT to <u>20</u> Response in Opposition to Motion by Ronal Porfirio Ordonez Orosco, filed.(Dougherty, Marlene) (Entered: 04/08/2008)
04/10/2008	<u>23</u>	REPLY to Response to <u>19</u> MOTION to Supplement The Exhibits as to <u>14</u> MOTION to Dismiss MOTION to Supplement The Exhibits as to <u>14</u> MOTION to Dismiss, filed by Paul Clement, Michael Chertoff, Eduardo Lozano, United States Of America, Unnamed Supervisory Immigration and Customs Enforcement Officers. (Leibman, Melissa) (Entered: 04/10/2008)
08/30/2008	<u>24</u>	NOTICE of attorney substitution by Michael Chertoff, Eduardo Lozano, United States Attorney Generals Office, United States Of America, Donald J DeGabrielle, Jr, Unnamed Supervisory Immigration and Customs Enforcement Officers. Attorney Lisa Luis added. Attorney Rene Carlo Benavides terminated, filed. (Luis, Lisa) (Entered: 08/30/2008)
12/08/2008	<u>25</u>	ORDER. Since the issuance of an LEC is a discretionary act, the Petitioner's application for writ of habeas corpus, constitutional claims, and request for writ of mandamus are DENIED. Further Petitioner lacks standing to pursue his APA claim and such claim is DENIED. Lacking any valid claim and given the great variety of situations that could lead to the issuance of an LEC, this Court also DENIES Petitioner's motion to certify class. Respondent's Motion to Dismiss <u>14</u> is therefore GRANTED. Respondent's Motion to Supplement the Exhibits <u>19</u> is DENIED as moot. (Signed by Judge Andrew S. Hanen) Parties notified.(bvasquez, ) (Entered: 12/08/2008)
01/05/2009	<u>26</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>25</u> Order on Motion to Dismiss,, Order on Motion to Supplement,, by Ronal Porfirio Ordonez Orosco (Filing fee \$ 455, receipt number 0541000000004549225), filed.(Dougherty, Marlene) (Entered: 01/05/2009)
01/06/2009	<u>27</u>	Notice of the Filing of an Appeal. DKT13 transcript order form was not mailed to appellant. Fee status: paid. The following Notice of Appeal and related motions are pending in the District Court: <u>26</u> Notice of Appeal,, filed.(dahumada, ) (Entered: 01/06/2009)
01/20/2009	<u>28</u>	Notice of Assignment of USCA No. 09-40004, Re: <u>26</u> Notice of Appeal, filed.(gmendieta) (Entered: 01/22/2009)

02/23/2009		Electronic record on appeal certified to the Fifth Circuit Court of Appeals re: <u>26</u> Notice of Appeal, USCA No. 09-40004, filed.(jtabares, ) (Entered: 02/24/2009)
02/24/2009	<u>29</u>	Transmittal Letter on Appeal Certified re: <u>26</u> Notice of Appeal,. A paper copy of the electronic record is being transmitted to the Fifth Circuit Court of Appeals, in 2 Volumes, filed.(jtabares, ) (Entered: 02/24/2009)
02/24/2009	<u>30</u>	Transmittal Letter on Appeal Certified re: <u>26</u> Notice of Appeal,. CDs containing the electronic record are being sent to Ms. Dougherty, Ms. Leibman and Ms. Luis. (USCA No. 09-40004), filed.(jtabares, ) (Entered: 02/24/2009)
04/30/2010	<u>31</u>	Order of USCA; Judgment Issued as Mandate re: <u>26</u> Notice of Appeal, ; USCA No. 09-40004. This case was considered on the record on appeal and was argued by counsel. It is ordered and adjudged that the Judgment of the District Court is affirmed, filed.(dahumada, ) (Entered: 04/30/2010)
05/05/2010	<u>32</u>	Record on Appeal Returned from the US Court of Appeals for the Fifth Circuit re: <u>26</u> Notice of Appeal; consisting of 1 Sealed Envelope (USCA No. 09-40004), filed.(mperez, ) (Entered: 05/05/2010)
10/12/2010	<u>33</u>	The petition for a writ of certiorari filed with the Supreme Court has been denied (USCA No. 09-4004) (USSC No. 09-11138), filed.(jtabares, ) (Entered: 10/13/2010)