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General Docket
US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 03-35791 Filed: 10/1/03
Nsuit: 2530 Habeas Corpus(USpl)
Ali, et al v. Gonzales, et al
Appeal from: Western District of Washington (Seattle)

Case type information:

- 1) prisoner petition
- 2) federal
- 3) habeas corpus

Lower court information:

District: 0981-2 : CV-02-02304-MJP
presiding judge: Marsha J. Pechman, District Judge
court reporter: Laurene Kelly, Court Reporter
Date Filed: 11/13/02
Date order/judgment: 7/30/03
Date NOA filed: 9/26/03

Fee status: USA: no fee required

Prior cases:

03-35096 tmr AWT RAP
Date filed: 2/10/03 Date disposed: 9/17/03 Disposition: af/opn

Current cases:

	Lead	Member	Start	End
consolidated:	03-35620	03-35791	1/12/04	
related:	03-35791	05-35055	1/21/05	
	03-35620	05-35055	1/21/05	

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YUSUF ALI ALI Petitioner - Appellee	Thomas L. Boeder, Esq. 206/359-8000 Suite 4800 [COR LD NTC ret] Nicholas P. Gellert, Esq. 206/359-8000 Suite 4800 [COR LD ret] PERKINS COIE, LLP 1201 Third Ave. Seattle, WA 98101-3099
MOHAMED AWEYS Petitioner - Appellee	Thomas L. Boeder, Esq. (See above) [COR LD NTC ret] Nicholas P. Gellert, Esq. (See above) [COR LD ret]
MOHAMED HUSSEIN HUNDIYE Petitioner - Appellee	Thomas L. Boeder, Esq. (See above) [COR LD NTC ret]

GAMA KALIF MOHAMUD
Petitioner - Appellee

Thomas L. Boeder, Esq.
(See above)
[COR LD NTC ret]

AHMAD NOOR YUSUF
Petitioner - Appellee

Thomas L. Boeder, Esq.
(See above)
[COR LD NTC ret]

v.

ALBERTO R. GONZALES, Attorney
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Respondent - Appellant

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DOJ - U.S. DEPARTMENT OF
JUSTICE
Civil Div./Office of
Immigration Lit.
P.O. Box 878, Benjamin Franklin
Station

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1331 Pennsylvania Ave., NW
Washington, DC 20044

PHIL CRAWFORD, Acting Field
Director, Bureau of
Immigration and Customs
Enforcement
Respondent - Appellant

Christopher Lee Pickrell, Esq.
(See above)
[COR LD NTC aus]

Greg D. Mack, Esq.
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BUREAU OF IMMIGRATION AND
CUSTOMS ENFORCEMENT
Respondent - Appellant

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[COR LD NTC aus]

Greg D. Mack, Esq.
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YUSUF ALI ALI; MOHAMED AWEYS; MOHAMED HUSSEIN HUNDIYE; GAMA
KALIF MOHAMUD; AHMAD NOOR YUSUF

Petitioners - Appellees

v.

ALBERTO R. GONZALES, Attorney General; PHIL CRAWFORD, Acting
Field Director, Bureau of Immigration and Customs
Enforcement; BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Respondents - Appellants

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10/1/03 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): N. setting schedule as follows: appellant's designation of RT is due 10/6/03,, ; appellee's designation of RT is due 10/16/03; appellant shall order transcript by 10/27/03; court reporter shall file transcript in DC by 11/26/03; certificate of record shall be filed by 12/3/03 ; appellant's opening brief is due 1/12/04; appellees' brief is due 2/11/04; appellants' reply brief is due w/in 14 days of svc of aple's brief. [03-35791] (kym) [03-35791]

10/23/03 Filed order MOATT (HS) The court sua sponte consolidates appeal nos. 03-35620 and 03-35791. etc. The briefing schedule established un appeal no. 03-35791 shall govern these consolidated appeals. [03-35620, 03-35791] (vt) [03-35620 03-35791]

10/23/03 Filed John Ashcroft in 03-35620 and 03-35791 unopposed motion to consolidate cases. served on 10/22/03 nan/per order of 10/23/03 case file (vt) [03-35620 03-35791]

1/12/04 Filed motion & order (Deputy Clerk: gss/PROMO) The aplts' motion for an ext of time to file the opening brief is granted. The opening brief is now due Feb. 2, 2004. The answering brief is due Mar. 3, 2004. The optional lreply brief is duoe 14 days after service of the answering brief. in 03-35620, 03-35791 (Motion recvd 1/6/04) [03-35620, 03-35791] (vt) [03-35620 03-35791]

1/26/04 Filed John Ashcroft in 03-35620 and 03-35771 motion to hold briefing schedule in abeyance. served on 1/23/04 WIP/PROMO (vt) [03-35620 03-35791]

2/18/04 Filed order (Deputy Clerk: gss/PROMO) The Gov's motion to stay appellate proceedings is granted in part. Proceedings are stayed until May 3, 2004. At or prior to the expiration of the stay, the apt shall file the opening brief or request for appropriate relief. If the opening brief is filed, the answering brief is due June 2, 2004. The optional lreply brief is due 14 days after service of the answering brief. [03-35620, 03-35791] (vt) [03-35620 03-35791]

5/7/04 Filed motion of Appellant and order (Deputy Clerk gss) The Governement's motio to stay proceedings is granted in part. Proceedings are stayed until 08/02/04. At or prior to the expiration of the stay the government shall file the opening brief or request appropriate relief. If the opening brief is filed the answering brief is ue 09/01/04. The optional reply brief is due 14 days from service. [5055833-1] in 03-35791 (Motion recvd 05/03/04) [03-35620, 03-35791] (dv) [03-35620 03-35791]

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8/3/04 Filed John Ashcroft in 03-35620 and 03-35791 third unopposed motion to hold the briefing schedule in abeyance. served on 8/2/04 WIP/PROMO (vt) [03-35620 03-35791]

8/24/04 Filed order (Deputy Clerk: gss/PROMI) The appellants' third unopposed motion to stay is granted in part. Proceedings are stayed until Dec. 2, 2004. at or prior to the expiration of the stay, the aplts shall file the opening brief or move for appropriate relief. If the opening brief is filed, the answering brief is due Jan. 3, 2005. The optional reply brief is due 14 days after service of the answering brief. [03-35620, 03-35791] (vt) [03-35620 03-35791]

12/1/04 Filed Appellant John Ashcroft in 03-35620 and 033-35791's fourth unopposed motion to hold the briefing schedule in abeyance. served on 11/30/04 WIP/ PROMO [03-35620, 03-35791] (vt) [03-35620 03-35791]

1/14/05 Filed order (Deputy Clerk: gss/PROMO) The appellant's fourth motion to stay appellate proceedings is granted in part. Proceedings are stayed until Apr. 4, 2005. At or prior to the expiration of the stay, aplt's shall file the opening brief or request for appropriate relief. If the opening brief is filed, the answering brief is due May 4, 2005. The optional reply brief is due 14 days after the service of the answering brief. [03-35620, 03-35791] (vt) [03-35620 03-35791]

9/1/05 Filed order (Appellate Commissioner) The mtns for smry dispo of appeal no 3-35620 are denied b/c the issues raised are sufficiently substantial to warrant further argument. CITE. The consolidated opening brf is due 9/12/05; the consolidated ans brf is due 10/12/05; and the opt consolidated reply brf is due within 14 days after service of the consolidated asn brf. (moatt/jz) [03-35620, 03-35791] (ji) [03-35620 03-35791]

9/21/05 Filed Appellants' motion to extend time to file appellant's opening brief until 10/20/05 ; served on 9/20/05 [PROMO] [03-35620, 03-35791] (ji) [03-35620 03-35791]

9/23/05 Received Appellants' addendum to supporting appellant's motion to extend time to file appellant's opening brief , served on 9/22/05 (promo) [03-35620, 03-35791] (ji) [03-35620 03-35791]

9/29/05 Filed order (Deputy Clerk: lkk/promo) granting appellant's motion to extend time to file appellant's opening brief. Appellants' opening brief due 10/20/05; the asn brf is due 11/21/05. The opt reply brf is due 14 days after service of the asn brf. [03-35620, 03-35791] (ji) [03-35620 03-35791]

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10/21/05 Filed original and 15 copies Appellants ' opening brief (Informal: NO) 17 pages; 5 excerpts of record (1 Exc.vol); served on (minor defcy: Incorrect color cover.) Notified counsel. [03-35620, 03-35791] (ji) [03-35620 03-35791]

10/24/05 Received Appellants' 2nd brief in 15 copies 17 pages (Informal: NO) (deficient 2nd brf, mtn needed): notified counsel. Excerpts of record in 0 volumes. Served on 10/21/05 [03-35620, 03-35791] (ji) [03-35791]

10/24/05 Received Appellants, replacement opening brief covers, satisfaction of (minor) brief deficiency. [03-35620, 03-35791] (ji) [03-35620 03-35791]

11/15/05 Filed aples motion to extend time to file appellee's brief until 1/9/06; served on 11/8/05 [PROMO] (ji) [03-35620 03-35791]

11/21/05 Filed order (Deputy Clerk: lkk/promo) granting appellee's motion to extend time to file appellee's brief. Appellees' brief due 1/9/06. The opt rpy brf is due 14 days after service of the ans brf. in 03-35620, 03-35791 [03-35620, 03-35791] (ji) [03-35620 03-35791]

1/10/06 Filed original and 15 copies appellees' 18 pages brief, 0 Exc. vols: ; served on 1/9/06 [03-35620, 03-35791] (ji) [03-35620 03-35791]

1/25/06 Filed original and 15 copies aplts reply brief, (Informal: NO) 7 pages; served on 1/24/06 [03-35620, 03-35791] (ji) [03-35620 03-35791]

4/4/06 Calendar check performed [03-35620, 03-35791] (rei) [03-35620 03-35791]

4/12/06 Filed order (Thomas M. Reavley, A. W. TASHIMA, Richard A. PAEZ,): The panel will retain jurisdiction of this appeal. [03-35620, 03-35791] (ji) [03-35620 03-35791]

9/18/06 CALENDARED: SEATTLE Oct 20 2006 1:00 pm Courtroom @ Park Place, 21st Flr [03-35620, 03-35791] (aw) [03-35620 03-35791]

9/18/06 Filed order (Deputy Clerk: jf) Judge Reavley is unavailable for this case. Judge Smith has been drawn in his place. The panel now consists of Judges TASHIMA, PAEZ and SMITH. Oral argument on the merits will be held on Friday, 10/20/06, at 1pm, in the 21st Flr Courtoom at Park Place Building, 1200 Sixth Avenue, in Seattle, WA. Each side will be allotted twenty (20) minutes to present their arguments. (fax/phone) [03-35620, 03-35791] (ji) [03-35620 03-35791]

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10/18/06 Filed Alberto R. Gonzales additional citations, 4/27/06 order of district court (panel) served on [03-35620, 03-35791] (ji) [03-35620 03-35791]

10/18/06 Filed Alberto R. Gonzales additional citations (PANEL) [03-35620, 03-35791] (ji) [03-35620 03-35791]

10/20/06 ARGUED AND SUBMITTED TO A. W. TASHIMA, Richard A. PAEZ, Milan D. SMITH [03-35620, 03-35791] (kym) [03-35620 03-35791]

11/30/06 FILED MEMORANDUM DISPOSITION: VACATED AND REMANDED. (Terminated on the Merits after Oral Hearing; Vacated and Remanded; Written, Unsigned, Unpublished. A. W. TASHIMA, Richard A. PAEZ, Milan D. SMITH) FILED AND ENTERED JUDGMENT. [03-35620, 03-35791] (ji) [03-35620 03-35791]

1/23/07 MANDATE ISSUED [03-35620, 03-35791] (ji) [03-35620 03-35791]

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