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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AURELIO DURAN GONZALES, et al., on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY and MICHAEL CHERTOFF,
Secretary of the Department of Homeland
Security,

Defendants.

No. C06-1411P

ORDER MODIFYING
PRELIMINARY INJUNCTION

This matter comes before the Court on Defendants' Motion to Clarify the Preliminary Injunction. (Dkt. No. 30). Having considered Defendants' motion and the fact that Plaintiffs have not filed a response, and agreeing with Defendants that the Preliminary Injunction only applies to members of the class certified by the Court, the Court modifies the terms of the preliminary injunction entered on November 13, 2006, (see Dkt. No. 29) as follows (changes italicized):

IT IS HEREBY ORDERED that Defendants are enjoined from applying or enforcing the policy enumerated in Part 3(A) of the Perez-Gonzales Memo against any member of the class for the remainder of this action. Defendants therefore may not deny any *class member's* I-212 applications in the Ninth Circuit on the grounds that the applicant is inadmissible under INA § 212(a)(9)(C)(i)(II) and ten years have not elapsed since the applicant's last departure from the United States. And defendants

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may not give any legal effect to any denied I-212 applications *of class members* if: (a) the applicant's I-212 application was adjudicated in a USCIS District Office located within the Ninth Circuit, (b) the application was denied between August 13, 2004 (the date Perez-Gonzales was filed) and the date of this Order, and (c) the application was denied on the grounds that the applicant was inadmissible under INA § 212(a)(9)(C)(i)(II) and ten years had not elapsed since the applicant's last departure from the United States.

No other section of the Court's Order Granting Motion for Preliminary Injunction and Class Certification is changed.

Dated this 19th day of December, 2006.



Marsha J. Pechman
United States District Judge