



123 S.Ct. 1708

Page 1

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)



Demore v. Hyung Joon Kim
 U.S., 2003.

Supreme Court of the United States
 Charles DEMORE, District Director, San Francisco
 District of Immigration and Naturalization Service,
 et al., Petitioners,
 v.
 Hyung Joon KIM.
No. 01-1491.

Argued Jan. 15, 2003.
 Decided April 29, 2003.

Lawful permanent resident alien filed habeas petition challenging no-bail provision of Immigration and Nationality Act (INA), pursuant to which he had been held for six months during pendency of removal proceedings against him. The United States District Court for the Northern District of California, Susan Y. Illston, J., entered order holding statute unconstitutional on its face and directing the Immigration and Naturalization Service (INS) to hold bail hearing. Government appealed. The United States Court of Appeals for the Ninth Circuit, 276 F.3d 523, affirmed. Certiorari was granted. The Supreme Court, Chief Justice Rehnquist, held that: (1) provision of INA limiting judicial review of Attorney General's discretionary judgments regarding detention or release of any alien did not deprive Supreme Court of jurisdiction to grant habeas relief to alien, and (2) Congress, justifiably concerned that deportable criminal aliens who were not detained would continue to engage in crime and would fail to appear for their removal hearings in large numbers, could require that such aliens be detained for brief period necessary for their removal proceedings, without providing individualized determination as to whether aliens presented flight risks, and thus detention of alien, pursuant to no-bail provision of INA, did not violate his due process rights under the Fifth

Amendment; abrogating *Patel v. Zemski*, 275 F.3d 299, *Welch v. Ashcroft*, 293 F.3d 213, *Hoang v. Comfort*, 282 F.3d 1247.

Reversed.

Justice Kennedy filed concurring opinion.

Justice O'Connor filed opinion concurring in part, and concurring in judgment, in which Justice Scalia and Justice Thomas joined.

Justice Souter filed opinion concurring in part, and dissenting in part, in which Justice Stevens and Justice Ginsburg joined.

Justice Breyer filed opinion concurring in part, and dissenting in part.

West Headnotes

[1] Habeas Corpus 197 ↩️521

197 Habeas Corpus

197II Grounds for Relief; Illegality of Restraint

197II(C) Relief Affecting Particular Persons or Proceedings

197k521 k. Aliens. Most Cited Cases

Provision of Immigration and Nationality Act (INA) limiting judicial review of Attorney General's discretionary judgments regarding detention or release of any alien did not deprive Supreme Court of jurisdiction to grant habeas relief to alien challenging his detention under no-bail provision of INA; alien was not challenging discretionary judgment or decision by Attorney General, but rather was challenging constitutionality, under Due Process Clause of the Fifth Amendment, of statutory framework that permitted his detention without bail, and provision did not explicitly bar habeas review. U.S.C.A. Const.Amend. 5; Immigration and Nationality Act, § 236(c, e), 8 U.S.C.A. § 1226(c, e).

[2] Constitutional Law 92 ↩️961

© 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.

123 S.Ct. 1708

Page 2

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

92 Constitutional Law

92VI Enforcement of Constitutional Provisions

92VI(C) Determination of Constitutional Questions

92VI(C)1 In General

92k960 Judicial Authority and Duty in General

92k961 k. In General. Most Cited Cases

(Formerly 92k45)

Where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear.

[3] Habeas Corpus 197 ↩️205

197 Habeas Corpus

197I In General

197I(A) In General

197I(A)1 Nature of Remedy in General

197k205 k. Constitutional and Statutory Provisions. Most Cited Cases

Where provision precluding judicial review is claimed to bar habeas review, Supreme Court requires particularly clear statement that such is Congress' intent.

[4] Aliens, Immigration, and Citizenship 24 ↩️465

24 Aliens, Immigration, and Citizenship

24VI Arrest, Detention, Supervision, and Parole

24VI(D) Detention, Supervision, and Parole

24k464 Detention Pending Removal Proceeding

24k465 k. In General. Most Cited Cases

(Formerly 24k53.9)

Constitutional Law 92 ↩️4439

92 Constitutional Law

92XXVII Due Process

92XXVII(G) Particular Issues and Applications

92XXVII(G)20 Aliens, Immigration, and Citizenship

92k4439 k. Arrest, Detention, Supervision, and Parole. Most Cited Cases

(Formerly 92k274.3)

Congress, justifiably concerned that deportable criminal aliens who were not detained would continue to engage in crime and would fail to appear for their removal hearings in large numbers, could require that such aliens be detained for brief period necessary for their removal proceedings, without providing for individualized determinations as to whether aliens presented flight risk, and thus such detention of lawful permanent resident alien, pursuant to no-bail provision of Immigration and Nationality Act (INA), did not violate his due process rights under the Fifth Amendment; abrogating *Patel v. Zemski*, 275 F.3d 299, *Welch v. Ashcroft*, 293 F.3d 213, *Hoang v. Comfort*, 282 F.3d 1247. U.S.C.A. Const.Amend. 5; Immigration and Nationality Act, § 236(c), 8 U.S.C.A. § 1226(c).

[5] Aliens, Immigration, and Citizenship 24 ↩️116

24 Aliens, Immigration, and Citizenship

24II Status, Rights, Privileges, Duties, and Disabilities

24k116 k. Status and Classification of Aliens in General. Most Cited Cases

(Formerly 24k39)

Aliens, Immigration, and Citizenship 24 ↩️690

24 Aliens, Immigration, and Citizenship

24VIII Citizenship and Naturalization

24VIII(B) Naturalization

24k690 k. Power to Naturalize. Most Cited Cases

(Formerly 24k60)

In exercise of its broad power over naturalization and immigration, Congress may make rules as to aliens that would be unacceptable if applied to citizens.

[6] Aliens, Immigration, and Citizenship 24 ↩️465

24 Aliens, Immigration, and Citizenship

24VI Arrest, Detention, Supervision, and Parole

24VI(D) Detention, Supervision, and Parole

24k464 Detention Pending Removal

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

Proceeding

24k465 k. In General. Most Cited Cases
 (Formerly 24k53.9)

Alien, by conceding that he was deportable and hence subject to mandatory detention, pursuant to provision of Immigration and Nationality Act (INA) governing apprehension and detention of criminal aliens, did not concede that he would ultimately be deported. U.S.C.A. Const.Amend. 5; Immigration and Nationality Act, § 236(c), 8 U.S.C.A. § 1226(c).

[7] Constitutional Law 92 ↪4438

92 Constitutional Law

92XXVII Due Process

92XXVII(G) Particular Issues and Applications

92XXVII(G)20 Aliens, Immigration, and Citizenship

92k4438 k. Admission and Exclusion. Most Cited Cases
 (Formerly 92k274.3)

Constitutional Law 92 ↪4439

92 Constitutional Law

92XXVII Due Process

92XXVII(G) Particular Issues and Applications

92XXVII(G)20 Aliens, Immigration, and Citizenship

92k4439 k. Arrest, Detention, Supervision, and Parole. Most Cited Cases
 (Formerly 92k274.3)

Fifth Amendment entitles aliens to due process of law in deportation proceedings, and detention during such proceedings is constitutionally valid aspect of deportation process. U.S.C.A. Const.Amend. 5.

[8] Constitutional Law 92 ↪4438

92 Constitutional Law

92XXVII Due Process

92XXVII(G) Particular Issues and Applications

92XXVII(G)20 Aliens, Immigration, and Citizenship

92k4438 k. Admission and Exclusion.

Most Cited Cases

(Formerly 92k274.3)

When government deals with deportable aliens, Due Process Clause of the Fifth Amendment does not require it to employ least burdensome means to accomplish its goal. U.S.C.A. Const.Amend. 5.

[9] Constitutional Law 92 ↪1065

92 Constitutional Law

92VII Constitutional Rights in General

92VII(B) Particular Constitutional Rights

92k1065 k. In General. Most Cited Cases

(Formerly 92k82(6.1))

There is no constitutional prohibition against requiring parties to make difficult judgments as to which legal course to follow.

West Codenotes Negative Treatment Reconsidered8 U.S.C.A. § 1226(c) **1710 Syllabus FN*

FN* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 50 L.Ed. 499.

Under the Immigration and Nationality Act, 8 U.S.C. § 1226(c), “[t]he Attorney General shall take into custody any alien who” is removable from this country because he has been convicted of one of a specified set of crimes, including an “aggravated felony.” After respondent, a lawful permanent resident alien, was convicted in state court of first-degree burglary and, later, of “petty theft with priors,” the Immigration and Naturalization Service (INS) charged him with being deportable from the United States in light of these convictions, and detained him pending his removal hearing. Without disputing the validity of his convictions or the INS' conclusion that he is deportable and therefore subject to mandatory detention under § 1226(c), respondent filed a habeas corpus action challenging § 1226(c) on the ground that his detention thereunder violated due process because the INS had made no determination that he posed

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

either a danger to society or a flight risk. The District Court agreed and granted respondent's petition subject to the INS' prompt undertaking of an individualized bond hearing, after which respondent was released on bond. In affirming, the Ninth Circuit held that § 1226(c) violates substantive due process as applied to respondent because he is a lawful permanent resident, the most favored category of aliens. The court rejected the Government's two principal justifications for mandatory detention under § 1226(c), discounting the first—ensuring the presence of criminal aliens at their removal proceedings—upon finding that not all aliens detained pursuant to § 1226(c) would ultimately be deported, and discounting the second—protecting the public from dangerous criminal aliens—on the grounds that the aggravated felony classification triggering respondent's detention included crimes (such as respondent's) that the court did not consider “egregious” or otherwise sufficiently dangerous to the public to necessitate mandatory detention. Relying on *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653, the court concluded that the INS had not provided a justification for no-bail civil detention sufficient to overcome a permanent resident alien's liberty interest.

***511 Held:**

1. Section 1226(e)—which states that “[t]he Attorney General's discretionary judgment regarding the application of this section shall not be subject to review” and that “[n]o court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any alien”—does not deprive the federal courts of jurisdiction to grant habeas relief to aliens challenging their detention under § 1226(c). Respondent does not challenge a “discretionary judgment” by the Attorney General or a “decision” that the Attorney General has made regarding his detention or release. Rather, respondent challenges the statutory framework that permits his detention without bail. Where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear. *E.g.*, *Webster v. Doe*, 486 U.S. 592, 603, 108 S.Ct. 2047, 100 L.Ed.2d 632.

And, where a provision precluding review is claimed to bar habeas review, the Court requires a particularly clear statement that such is Congress' intent. See *INS v. St. Cyr*, 533 U.S. 289, 308-309, 298, 327, 121 S.Ct. 2271, 150 **1711 L.Ed.2d 347. Section 1226(e) contains no explicit provision barring habeas review. Pp. 1713-1714.

2. Congress, justifiably concerned with evidence that deportable criminal aliens who are not detained continue to engage in crime and fail to appear for their removal hearings in large numbers, may require that persons such as respondent be detained for the brief period necessary for their removal proceedings. In the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens. *Mathews v. Diaz*, 426 U.S. 67, 79-80, 96 S.Ct. 1883, 48 L.Ed.2d 478. Although the Fifth Amendment entitles aliens to due process in deportation proceedings, *Reno v. Flores*, 507 U.S. 292, 306, 113 S.Ct. 1439, 123 L.Ed.2d 1, detention during such proceedings is a constitutionally valid aspect of the process, *e.g.*, *Wong Wing v. United States*, 163 U.S. 228, 235, 16 S.Ct. 977, 41 L.Ed. 140, even where, as here, aliens challenge their detention on the grounds that there has been no finding that they are unlikely to appear for their deportation proceedings, *Carlson v. Landon*, 342 U.S. 524, 538, 72 S.Ct. 525, 96 L.Ed. 547. The INS detention of respondent, a criminal alien who has conceded that he is deportable, for the limited period of his removal proceedings, is governed by these cases. Respondent argues unpersuasively that the § 1226(c) detention policy violates due process under *Zadvydas*, 533 U.S., at 699, 121 S.Ct. 2491, in which the Court held that § 1231(a)(6) authorizes continued detention of an alien subject to a final removal order beyond that section's 90-day removal period for only such time as is reasonably necessary to secure the removal. *Zadvydas* is materially different from the present case in two respects. First, the aliens there challenging their detention following final deportation orders were ones for whom removal was “no longer practically attainable,” such that their detention *512 did not serve its purported immigration purpose. *Id.*, at 690, 121 S.Ct. 2491.

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

In contrast, because the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings*, the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings. Second, while the period of detention at issue in *Zadvydas* was “indefinite” and “potentially permanent,” *id.*, at 690-691, 121 S.Ct. 2491, the record shows that § 1226(c) detention not only has a definite termination point, but lasts, in the majority of cases, for less than the 90 days the Court considered presumptively valid in *Zadvydas*. Pp. 1714-1722.

276 F.3d 523, reversed.

REHNQUIST, C. J., delivered the opinion of the Court, in which KENNEDY, J., joined in full, in which STEVENS, SOUTER, GINSBURG, and BREYER, JJ., joined as to Part I, and in which O'CONNOR, SCALIA, and THOMAS, JJ., joined as to all but Part I. KENNEDY, J., filed a concurring opinion, *post*, p. 1722. O'CONNOR, J., filed an opinion concurring in part and concurring in the judgment, in which SCALIA and THOMAS, JJ., joined, *post*, p. 1722. SOUTER, J., filed an opinion concurring in part and dissenting in part, in which STEVENS and GINSBURG, JJ., joined, *post*, p. 1726. BREYER, J., filed an opinion concurring in part and dissenting in part, *post*, p. 1746.

Theodore B. Olson, Solicitor General, Counsel of Record, Robert D. McCallum, Jr., Assistant Attorney General, Edwin S. Kneeder, Deputy Solicitor General, Austin C. Schlick, Assistant to the Solicitor General, Donald E. Keener, Mark C. Walters, Hugh G. Mullane, Michelle Gorden, Attorneys Department of Justice, Washington, D.C., for petitioners.

Liliana M. Garces, American Civil Liberties Union Foundation, Oakland, CA, Jayashri Srikantiah, American Civil Liberties Union Foundation of Northern California, San Francisco, CA, Brian Condon, Arnold **1712 & Porter, Los Angeles, CA, Judy Rabinovitz, Counsel of Record, Lucas Guttentag, Lee Gelernt, Steven R. Shapiro, American Civil Liberties Union Foundation, New

York City, A. Stephen Hut, Jr., Christopher J. Meade, Gregory S. Chernack, Katherine A. Fleet, Wilmer, Cutler & Pickering, Washington, D.C., for Respondent. For U.S. Supreme Court briefs, see: 2002 WL 31016560 (Pet. Brief) 2002 WL 31455525 (Resp. Brief) 2002 WL 31969024 (Reply. Brief)

*513 Chief Justice REHNQUIST delivered the opinion of the Court.

Section 236(c) of the Immigration and Nationality Act, 66 Stat. 200, as amended, 110 Stat. 3009-585, 8 U.S.C. § 1226(c), provides that “[t]he Attorney General shall take into custody any alien who” is removable from this country because he has been convicted of one of a specified set of crimes. Respondent is a citizen of the Republic of South Korea. He entered the United States in 1984, at the age of six, and became a lawful permanent resident of the United States two years later. In July 1996, he was convicted of first-degree burglary in state court in California and, in April 1997, he was convicted of a second crime, “petty theft with priors.” The Immigration and Naturalization Service (INS) charged respondent with being deportable from the United States in light of these convictions, and detained him pending his removal hearing.^{FN1} We hold that Congress, justifiably concerned that deportable criminal aliens who are not detained continue to engage in crime and fail to appear for their removal hearings in large numbers, may require that persons such as respondent be detained for the brief period necessary for their removal proceedings.

FN1. App. to Pet. for Cert. 32a; see 8 U.S.C. §§ 1101(a)(43)(G), 1227(a)(2)(A)(iii). Section 1226(c) authorizes detention of aliens who have committed certain crimes including, *inter alia*, any “aggravated felony,” §§ 1226(c)(1)(B), 1227(a)(2)(A)(iii), and any two “crimes involving moral turpitude,” §§ 1226(c)(1)(B), 1227(a)(2)(A)(ii). Although the INS initially included only respondent's 1997 conviction in the charging document, it subsequently amended the immigration charges against

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

him to include his 1996 conviction for first-degree burglary as another basis for mandatory detention and deportation. Brief for Petitioners 3, n. 2 (alleging that respondent's convictions reflected two “ ‘ crimes involving moral turpitude’ ”).

Respondent does not dispute the validity of his prior convictions, which were obtained following the full procedural protections our criminal justice system offers. Respondent also did not dispute the INS' conclusion that he is subject to *514 mandatory detention under § 1226(c). See Brief in Opposition 1-2; App. 8-9.^{FN2} In conceding that he was deportable, respondent forwent a hearing at which he would have been entitled to raise any nonfrivolous argument available to demonstrate that he was not properly included in a mandatory detention category. See 8 CFR § 3.19(h)(2)(ii) (2002); *Matter of Joseph*, 22 I. & N. Dec. 799, 1999 WL 339053 (BIA 1999).^{FN3} Respondent instead filed a **1713 habeas corpus action pursuant to 28 U.S.C. § 2241 in the United States District Court for the Northern District of California challenging the constitutionality of § 1226(c) itself. App. to Pet. for Cert. 2a. He argued that his detention under § 1226(c) violated due process because the INS had made no determination that he posed either a danger to society or a flight risk. *Id.*, at 31a, 33a.

FN2. As respondent explained: “The statute requires the [INS] to take into custody any alien who ‘is deportable’ from the United States based on having been convicted of any of a wide range of crimes.... [Respondent] does not challenge INS's authority to take him into custody after he finished serving his criminal sentence. His challenge is solely to Section 1226(c)'s absolute prohibition on his release from detention, even where, as here, the INS never asserted that he posed a danger or significant flight risk.” Brief in Opposition 1-2.

FN3. This “*Joseph* hearing” is

immediately provided to a detainee who claims that he is not covered by § 1226(c). Tr. of Oral Arg. 22. At the hearing, the detainee may avoid mandatory detention by demonstrating that he is not an alien, was not convicted of the predicate crime, or that the INS is otherwise substantially unlikely to establish that he is in fact subject to mandatory detention. See 8 CFR § 3.19(h)(2)(ii) (2002); *Matter of Joseph*, 22 I. & N. Dec. 799, 1999 WL 339053 (BIA 1999). Because respondent conceded that he was deportable because of a conviction that triggers § 1226(c) and thus sought no *Joseph* hearing, we have no occasion to review the adequacy of *Joseph* hearings generally in screening out those who are improperly detained pursuant to § 1226(c). Such individualized review is available, however, and Justice SOUTER is mistaken if he means to suggest otherwise. See *post*, at 1735, 1736 (opinion concurring in part and dissenting in part) (hereinafter dissent).

The District Court agreed with respondent that § 1226(c)'s requirement of mandatory detention for certain criminal aliens was unconstitutional. *Kim v. Schiltgen*, No. C 99-2257*515 SI (Aug. 11, 1999), App. to Pet. for Cert. 31a-51a. The District Court therefore granted respondent's petition subject to the INS' prompt undertaking of an individualized bond hearing to determine whether respondent posed either a flight risk or a danger to the community. *Id.*, at 50a. Following that decision, the District Director of the INS released respondent on \$5,000 bond.

The Court of Appeals for the Ninth Circuit affirmed. *Kim v. Ziglar*, 276 F.3d 523 (C.A.9 2002). That court held that § 1226(c) violates substantive due process as applied to respondent because he is a permanent resident alien. *Id.*, at 528. It noted that permanent resident aliens constitute the most favored category of aliens and that they have the right to reside permanently in the United States, to work here, and to apply for citizenship. *Ibid.* The court recognized and rejected

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

the Government's two principal justifications for mandatory detention under § 1226(c): (1) ensuring the presence of criminal aliens at their removal proceedings; and (2) protecting the public from dangerous criminal aliens. The Court of Appeals discounted the first justification because it found that not all aliens detained pursuant to § 1226(c) would ultimately be deported. *Id.*, at 531-532. And it discounted the second justification on the grounds that the aggravated felony classification triggering respondent's detention included crimes that the court did not consider "egregious" or otherwise sufficiently dangerous to the public to necessitate mandatory detention. *Id.*, at 532-533. Respondent's crimes of first-degree burglary (burglary of an inhabited dwelling) and petty theft, for instance, the Ninth Circuit dismissed as "rather ordinary crimes." *Id.*, at 538. Relying upon our recent decision in *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001), the Court of Appeals concluded that the INS had not provided a justification "for no-bail civil detention sufficient to overcome a lawful permanent resident alien's liberty interest." 276 F.3d, at 535.

*516 Three other Courts of Appeals have reached the same conclusion. See *Patel v. Zemski*, 275 F.3d 299 (C.A.3 2001); *Welch v. Ashcroft*, 293 F.3d 213 (C.A.4 2002); *Hoang v. Comfort*, 282 F.3d 1247 (C.A.10 2002). The Seventh Circuit, however, rejected a constitutional challenge to § 1226(c) by a permanent resident alien. *Parra v. Perryman*, 172 F.3d 954 (C.A.7 1999). We granted certiorari to resolve this conflict, see 536 U.S. 956, 122 S.Ct. 2696, 153 L.Ed.2d 833 (2002), and now reverse.

I

[1] We address first the argument that 8 U.S.C. § 1226(e) deprives us of jurisdiction to hear this case. See *Florida v. Thomas*, 532 U.S. 774, 777, 121 S.Ct. 1905, 150 L.Ed.2d 1 (2001) ("Although the parties did not raise the issue in their briefs on the merits, we must first consider whether we have jurisdiction to decide this case"). An *amicus* argues, and the concurring opinion agrees, that §

1226(e) deprives the federal courts of jurisdiction to **1714 grant habeas relief to aliens challenging their detention under § 1226(c). See Brief for Washington Legal Foundation et al. as *Amici Curiae*. Section 1226(e) states:

"(e) Judicial review

"The Attorney General's discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any alien or the grant, revocation, or denial of bond or parole."

The *amicus* argues that respondent is contesting a "decision by the Attorney General" to detain him under § 1226(c), and that, accordingly, no court may set aside that action. Brief for Washington Legal Foundation et al. as *Amici Curiae* 7-8.

But respondent does not challenge a "discretionary judgment" by the Attorney General or a "decision" that the Attorney General has made regarding his detention or release. *517 Rather, respondent challenges the statutory framework that permits his detention without bail. *Parra v. Perryman*, *supra*, at 957 ("Section 1226(e) likewise deals with challenges to operational decisions, rather than to the legislation establishing the framework for those decisions").

[2][3] This Court has held that "where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear." *Webster v. Doe*, 486 U.S. 592, 603, 108 S.Ct. 2047, 100 L.Ed.2d 632 (1988); see also *Johnson v. Robison*, 415 U.S. 361, 367, 94 S.Ct. 1160, 39 L.Ed.2d 389 (1974) (holding that provision barring review of " ' decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans' " did not bar constitutional challenge (emphasis deleted)). And, where a provision precluding review is claimed to bar habeas review, the Court has required a particularly clear statement that such is Congress' intent. See *INS v. St. Cyr*, 533 U.S. 289, 308-309, 121 S.Ct. 2271, 150

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

L.Ed.2d 347 (2001) (holding that title of provision, “Elimination of Custody Review by Habeas Corpus,” along with broad statement of intent to preclude review, was not sufficient to bar review of habeas corpus petitions); see also *id.*, at 298, 121 S.Ct. 2271 (citing cases refusing to find bar to habeas review where there was no specific mention of the Court’s authority to hear habeas petitions); *id.*, at 327, 121 S.Ct. 2271 (SCALIA, J., dissenting) (arguing that opinion established “a superclear statement, ‘magic words’ requirement for the congressional expression of” an intent to preclude habeas review).

Section 1226(e) contains no explicit provision barring habeas review, and we think that its clear text does not bar respondent’s constitutional challenge to the legislation authorizing his detention without bail.

II

[4] Having determined that the federal courts have jurisdiction to review a constitutional challenge to § 1226(c), we proceed to review respondent’s claim. Section 1226(c) mandates***518** detention during removal proceedings for a limited class of deportable aliens-including those convicted of an aggravated felony. Congress adopted this provision against a backdrop of wholesale failure by the INS to deal with increasing rates of criminal activity by aliens. See, *e.g.*, Criminal Aliens in the United States: Hearings before the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs, 103d Cong., 1st Sess. (1993); S.Rep. No. 104-48, p.1 (1995) (hereinafter S. Rep. 104-48) (confinement of criminal aliens alone cost \$724 million in 1990). Criminal aliens were the fastest growing segment of the federal prison population, already constituting roughly 25% of all federal prisoners, and they formed a rapidly rising share of state prison populations as well. *Id.*, at 6-9. Congress’ investigations****1715** showed, however, that the INS could not even *identify* most deportable aliens, much less locate them and remove them from the country. *Id.*, at 1. One study showed that, at the

then-current rate of deportation, it would take 23 years to remove every criminal alien already subject to deportation. *Id.*, at 5. Making matters worse, criminal aliens who were deported swiftly reentered the country illegally in great numbers. *Id.*, at 3.

The INS’ near-total inability to remove deportable criminal aliens imposed more than a monetary cost on the Nation. First, as Congress explained, “[a]liens who enter or remain in the United States in violation of our law are effectively taking immigration opportunities that might otherwise be extended to others.” S.Rep. No. 104-249, p. 7 (1996). Second, deportable criminal aliens who remained in the United States often committed more crimes before being removed. One 1986 study showed that, after criminal aliens were identified as deportable, 77% were arrested at least once more and 45%-nearly half-were arrested multiple times before their deportation proceedings even began. Hearing on H.R. 3333 before the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the ***519** Judiciary, 101st Cong., 1st Sess., 54, 52 (1989) (hereinafter 1989 House Hearing); see also *Zadvydas*, 533 U.S., at 713-714, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (discussing high rates of recidivism for released criminal aliens).

Congress also had before it evidence that one of the major causes of the INS’ failure to remove deportable criminal aliens was the agency’s failure to detain those aliens during their deportation proceedings. See Department of Justice, Office of the Inspector General, Immigration and Naturalization Service, Deportation of Aliens After Final Orders Have Been Issued, Rep. No. I-96-03 (Mar.1996), App. 46 (hereinafter Inspection Report) (“Detention is key to effective deportation”); see also H.R.Rep. No. 104-469, p. 123 (1995). The Attorney General at the time had broad discretion to conduct individualized bond hearings and to release criminal aliens from custody during their removal proceedings when those aliens were determined not to present an excessive flight risk or threat to society. See 8 U.S.C. § 1252(a) (1982 ed.). Despite this discretion to conduct bond hearings, however, in practice the INS faced severe

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

limitations on funding and detention space, which considerations affected its release determinations. S. Rep. 104-48, at 23 (“[R]elease determinations are made by the INS in large part, according to the number of beds available in a particular region”); see also Reply Brief for Petitioners 9.

Once released, more than 20% of deportable criminal aliens failed to appear for their removal hearings. See S. Rep. 104-48, at 2; see also Brief for Petitioners 19.^{FN4} The *520 dissent disputes that statistic, *post*, at 1738-1739 (opinion of SOUTER, J.), but goes on to praise a subsequent study conducted by the Vera Institute of Justice that more than confirms it. *Post*, at 1740-1741. As the dissent explains, the Vera study found that “77% of those [deportable criminal aliens] released on bond” showed up for their removal proceedings. *Post*, at 1740. This finding—that one out of four criminal aliens released on bond absconded prior to the completion of his removal proceedings—is even more striking than the one-in-five flight rate reflected in the evidence before Congress when it adopted **1716 § 1226(c).^{FN5} The Vera Institute study strongly supports Congress’ concern that, even with individualized screening, releasing deportable criminal aliens on bond would lead to an unacceptable rate of flight.

FN4. Although the Attorney General had authority to release these aliens on bond, it is not clear that *all* of the aliens released were in fact given individualized bond hearings. See Brief for Petitioners 19 (“[M]ore than 20% of criminal aliens who were released on bond *or otherwise not kept in custody* throughout their deportation proceedings failed to appear for those proceedings” (emphasis added)), citing S. Rep. 104-48, at 2. The evidence does suggest, however, that *many* deportable criminal aliens in this “released criminal aliens” sample received such determinations. See Brief for Petitioners 19 (noting that, for aliens not evaluated for flight risk at a bond hearing, the prehearing skip rate doubled to 40%).

FN5. The dissent also claims that the study demonstrated that “92% of criminal aliens . . . who were released under supervisory conditions attended all of their hearings.” *Post*, at 1740 (opinion of SOUTER, J.). The study did manage to raise the appearance rate for criminal aliens through a supervision program known as the Appearance Assistance Program (AAP). But the AAP study is of limited value. First, the study included only 16 aliens who, like respondent, were released from prison and charged with being deportable on the basis of an aggravated felony. 1 Vera Institute of Justice, Testing Community Supervision for the INS: An Evaluation of the Appearance Assistance Program, pp. 33-34, 36 (Aug. 1, 2000). In addition, all 127 aliens in the AAP study were admitted into the study group only after being screened for “strength of family and community ties, appearance rates in prior legal proceedings, and eligibility to apply for a legal remedy.” *Id.*, at 13; see also *id.*, at 37. Following this selection process, “supervision staff were in frequent, ongoing communication with participants,” *id.*, at 14, through, among other things, required reporting sessions, periodic home visits, and assistance in retaining legal representation, *id.*, at 41-42.

And, in any event, respondent seeks an individualized bond hearing, not “community supervision.” The dissent’s claim that criminal aliens released under supervisory conditions are likely to attend their hearings, *post*, at 1740, therefore, is totally beside the point.

Congress amended the immigration laws several times toward the end of the 1980’s. In 1988, Congress limited *521 the Attorney General’s discretion over custody determinations with respect to deportable aliens who had been convicted of aggravated felonies. See Pub.L. 100-690, Tit. VII, § 7343(a), 102 Stat. 4470. Then, in 1990, Congress broadened the definition of “aggravated felony,” subjecting more criminal aliens to

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

mandatory detention. See Pub.L. 101-649, Tit. V, § 501(a), 104 Stat. 5048. At the same time, however, Congress added a new provision, 8 U.S.C. § 1252(a)(2)(B) (1988 ed., Supp. II), authorizing the Attorney General to release permanent resident aliens during their deportation proceedings where such aliens were found not to constitute a flight risk or threat to the community. See Pub.L. 101-649, Tit. V, § 504(a)(5), 104 Stat. 5049.

During the same period in which Congress was making incremental changes to the immigration laws, it was also considering wholesale reform of those laws. Some studies presented to Congress suggested that detention of criminal aliens during their removal proceedings might be the best way to ensure their successful removal from this country. See, e.g., 1989 House Hearing 75; Inspection Report, App. 46; S. Rep. 104-48, at 32 (“Congress should consider requiring that all aggravated felons be detained pending deportation. Such a step may be necessary because of the high rate of no-shows for those criminal aliens released on bond”). It was following those Reports that Congress enacted 8 U.S.C. § 1226, requiring the Attorney General to detain a subset of deportable criminal aliens pending a determination of their removability.

[5] “In the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens.” *Mathews v. Diaz*, 426 U.S. 67, 79-80, 96 S.Ct. 1883, 48 L.Ed.2d 478 (1976). The dissent seeks to avoid this fundamental premise of immigration law by repeatedly referring to it as “dictum.” *Post*, at 1730-1731, n. 9 (opinion of SOUTER, J.). The Court in *Mathews*, however, made the statement the dissent now seeks to avoid in reliance on clear *522 precedent establishing that “ ‘any policy toward aliens is vitally and intricately interwoven with contemporaneous policies in regard to the conduct of foreign relations, the war power, and the maintenance of a republican form of government.’ ” 426 U.S., at 81, n. 17, 96 S.Ct. 1883 (quoting *Harisiades v. Shaughnessy*, 342 U.S. 580, 588-589, 72 S.Ct. 512, 96 L.Ed. 586 (1952)). And, since *Mathews*, **1717 this Court has firmly and repeatedly

endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens. See, e.g., *Zadvydas*, 533 U.S., at 718, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (“The liberty rights of the aliens before us here are subject to limitations and conditions not applicable to citizens”); *Reno v. Flores*, 507 U.S. 292, 305-306, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993) (“Thus, ‘in the exercise of its broad power over immigration and naturalization, ‘Congress regularly makes rules that would be unacceptable if applied to citizens’ ”) (quoting *Fiallo v. Bell*, 430 U.S. 787, 792, 97 S.Ct. 1473, 52 L.Ed.2d 50 (1977), in turn quoting *Mathews*, *supra*, at 79-80, 96 S.Ct. 1883); *United States v. Verdugo-Urquidez*, 494 U.S. 259, 273, 110 S.Ct. 1056, 108 L.Ed.2d 222 (1990).

[6] In his habeas corpus challenge, respondent did not contest Congress’ general authority to remove criminal aliens from the United States. Nor did he argue that he himself was not “deportable” within the meaning of § 1226(c). ^{FN6} Rather, *523 respondent argued that the Government may not, consistent with the Due Process Clause of the Fifth Amendment, detain him for the brief period necessary for his removal proceedings. The dissent, after an initial detour on the issue of respondent’s concession, see *post*, at 1727-1728 (opinion of SOUTER, J.), ultimately acknowledges the real issue in this case. *Post*, at 1735, n. 11; see also Brief in Opposition 1-2 (explaining that respondent’s “challenge is solely to Section 1226(c)’s absolute prohibition on his release from detention”).

FN6. Respondent’s concession on this score is relevant for two reasons: First, because of the concession, respondent by his own choice did not receive one of the procedural protections otherwise provided to aliens detained under § 1226(c). And, second, because of the concession we do not reach a contrary argument raised by respondent for the first time in his brief on the merits in this Court. Specifically, in his brief on the merits, respondent suggests

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

that he might not be subject to detention under § 1226(c) after all because his 1997 conviction for petty theft with priors might not qualify as an aggravated felony under recent Ninth Circuit precedent.

Respondent now states that he intends to argue at his next removal hearing that “his 1997 conviction does not constitute an aggravated felony ... and his 1996 conviction [for first-degree burglary] does not constitute either an aggravated felony or a crime involving moral turpitude.”

Brief for Respondent 11-12. As respondent has conceded that he is deportable for purposes of his habeas corpus challenge to § 1226(c) at all previous stages of this proceeding, see n. 3, *supra*, we decide the case on that basis.

Lest there be any confusion, we emphasize that by conceding he is “deportable” and, hence, subject to mandatory detention under § 1226(c), respondent did not concede that he *will ultimately be deported*.

As the dissent notes, respondent has applied for withholding of removal. *Post*, at 1727 (opinion of SOUTER, J.).

[7] “It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.” *Flores, supra*, at 306, 113 S.Ct. 1439. At the same time, however, this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process. As we said more than a century ago, deportation proceedings “would be vain if those accused could not be held in custody pending the inquiry into their true character.” *Wong Wing v. United States*, 163 U.S. 228, 235, 16 S.Ct. 977, 41 L.Ed. 140 (1896); see also *Flores, supra*, at 305-306, 113 S.Ct. 1439; *Zadvydas*, 533 U.S., at 697, 121 S.Ct. 2491 (distinguishing constitutionally questioned detention there at issue from “detention pending a determination of removability”); *id.*, at 711, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (“Congress’ power to detain aliens in connection with removal or exclusion ... is part of the Legislature’s considerable authority over immigration matters”).^{FN7}

FN7. In fact, prior to 1907 there was no provision permitting bail for *any* aliens during the pendency of their deportation proceedings. See § 20, 34 Stat. 905.

****1718** In *Carlson v. Landon*, 342 U.S. 524, 72 S.Ct. 525, 96 L.Ed. 547 (1952), the Court considered a challenge to the detention of aliens who were deportable because of their participation in Communist activities.*524 The detained aliens did not deny that they were members of the Communist Party or that they were therefore deportable. *Id.*, at 530, 72 S.Ct. 525. Instead, like respondent in the present case, they challenged their detention on the grounds that there had been no finding that they were unlikely to appear for their deportation proceedings when ordered to do so. *Id.*, at 531-532, 72 S.Ct. 525; see also Brief for Petitioner in *Carlson v. Landon*, O.T.1951, No. 35, p. 12 (arguing that legislative determinations could not justify “depriving [an alien] of his liberty without facts personal to the individual”). Although the Attorney General ostensibly had discretion to release detained Communist aliens on bond, the INS had adopted a policy of refusing to grant bail to those aliens in light of what Justice Frankfurter viewed as the mistaken “conception that Congress had made [alien Communists] in effect unailable.” 342 U.S., at 559, 568, 72 S.Ct. 525 (dissenting opinion).

The Court rejected the aliens’ claims that they were entitled to be released from detention if they did not pose a flight risk, explaining “[d]etention is necessarily a part of this deportation procedure.” *Id.*, at 538, 72 S.Ct. 525; see also *id.*, at 535, 72 S.Ct. 525. The Court noted that Congress had chosen to make such aliens deportable based on its “understanding of [Communists’] attitude toward the use of force and violence ... to accomplish their political aims.” *Id.*, at 541, 72 S.Ct. 525. And it concluded that the INS could deny bail to the detainees “by reference to the legislative scheme” even without any finding of flight risk. *Id.*, at 543, 72 S.Ct. 525; see also *id.*, at 550, 72 S.Ct. 525 (Black, J., dissenting) (“Denial [of bail] was not on the ground that if released [the aliens] might try to evade obedience to possible deportation orders”);

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

id., at 551, and n. 6, 72 S.Ct. 525.

The dissent argues that, even though the aliens in *Carlson* were not flight risks, “individualized findings of dangerousness were made” as to each of the aliens. *Post*, at 1744 (opinion of SOUTER, J.). The dissent, again, is mistaken. The aliens in *Carlson* had *not* been found individually dangerous.

*525 The only evidence against them was their membership in the Communist Party and “a degree .. . of participation in Communist activities.” 342 U.S., at 541, 72 S.Ct. 525. There was no “individualized findin[g]” of likely future dangerousness as to any of the aliens and, in at least one case, there was a specific finding of nondangerousness.^{FN8} The Court nonetheless concluded that the denial of bail was permissible “by reference to the legislative scheme to eradicate the evils of Communist activity.” *Id.*, at 543, 72 S.Ct. 525.^{FN9}

FN8. See *Carlson v. Landon*, 342 U.S., at 549, 72 S.Ct. 525 (Black, J., dissenting) (noting that, in at least one case, the alien involved had been found “‘not likely to engage in any subversive activities’” (emphasis added)); see also *id.*, at 550, n. 5, 72 S.Ct. 525 (quoting the District Judge’s finding in case No. 35 that “‘I don’t know whether it is true ... that their release is dangerous to the security of the United States’”); *id.*, at 552, 72 S.Ct. 525 (“[T]he bureau agent is *not* required to prove that a person he throws in jail is ... ‘dangerous’” (emphasis added)); see also *id.*, at 567, 72 S.Ct. 525 (Frankfurter, J., dissenting) (“[T]he Attorney General ... did *not* deny bail from an individualized estimate of ‘the danger to the public safety of [each person’s] presence within the community’” (emphasis added)).

FN9. Apart from its error with respect to the dangerousness determination, the dissent attempts to distinguish *Carlson* from the present case by arguing that the aliens in *Carlson* had engaged in “‘

personal activity’” in support of a political party Congress considered “‘a menace to the public.’” *Post*, at 1742 (opinion of SOUTER, J.). In suggesting that this is a distinction, the dissent ignores the “personal activity” that aliens like respondent have undertaken in committing the crimes that subject them to detention in the first instance—personal activity that has been determined with far greater procedural protections than any finding of “active membership” in the Communist Party involved in *Carlson*. See 342 U.S., at 530, 72 S.Ct. 525 (“[T]he Director made allegation[s], supported by affidavits, that the Service’s dossier of each petitioner contained evidence indicating to him that each was at the time of arrest a member of the Communist Party of the United States and had since 1930 participated ... in the Party’s indoctrination of others”). In the present case, respondent became “deportable” under § 1226(c) only following criminal convictions that were secured following full procedural protections. These convictions, moreover, reflect “personal activity” that Congress considered relevant to future dangerousness. Cf. *Zadvydas v. Davis*, 533 U.S. 678, 714, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001) (KENNEDY, J., dissenting) (noting that “a criminal record accumulated by an admitted alien” is a good indicator of future danger, and that “[a]ny suggestion that aliens who have completed prison terms no longer present a danger simply does not accord with the reality that a significant risk may still exist”).

**1719 *526 In *Reno v. Flores*, 507 U.S. 292, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993), the Court considered another due process challenge to detention during deportation proceedings. The due process challenge there was brought by a class of alien juveniles. The INS had arrested them and was holding them in custody pending their deportation hearings. The aliens challenged the

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

INS' policy of releasing detained alien juveniles only into the care of their parents, legal guardians, or certain other adult relatives. See, e.g., *id.*, at 297, 113 S.Ct. 1439 (citing Detention and Release of Juveniles, 53 Fed.Reg. 17449 (1988) (codified as to deportation at 8 CFR § 242.24 (1992))). The aliens argued that the policy improperly relied “upon a ‘blanket’ presumption of the unsuitability of custodians other than parents, close relatives, and guardians” to care for the detained juvenile aliens. 507 U.S., at 313, 113 S.Ct. 1439. In rejecting this argument, the Court emphasized that “reasonable presumptions and generic rules,” even when made by the INS rather than Congress, are not necessarily impermissible exercises of Congress' traditional power to legislate with respect to aliens. *Ibid.*; see also *id.*, at 313-314, 113 S.Ct. 1439 (“In the case of each detained alien juvenile, the INS makes those determinations that are specific to the individual and necessary to accurate application of the regulation The particularization and individuation need go no further than this”). Thus, as with the prior challenges to detention during deportation proceedings, the Court in *Flores* rejected the due process challenge and upheld the constitutionality of the detention.

Despite this Court's longstanding view that the Government may constitutionally detain deportable aliens during the limited period necessary for their removal proceedings, respondent argues that the narrow detention policy reflected in 8 U.S.C. § 1226(c) violates due process. Respondent, like *527 the four Courts of Appeals that have held § 1226(c) to be unconstitutional, relies heavily upon our recent opinion in *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

In *Zadvydas*, the Court considered a due process challenge to detention of aliens under 8 U.S.C. § 1231 (1994 ed., Supp. V), which governs detention following a final order of removal. Section 1231(a)(6) provides, among other things, that when an alien who has been ordered removed is not in fact removed during the 90-day statutory “removal period,” that alien “may be detained beyond the removal period” in the discretion of the Attorney General. The Court in *Zadvydas* read § 1231 to

authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien's removal. 533 U.S., at 699, 121 S.Ct. 2491.

But *Zadvydas* is materially different from the present case in two respects.

First, in *Zadvydas*, the aliens challenging their detention following final orders of deportation were ones for whom removal was “no longer practically attainable.” *Id.*, at 690, 121 S.Ct. 2491. The Court thus held that the detention there did not serve its purported immigration purpose. *Ibid.* **1720 In so holding, the Court rejected the Government's claim that, by detaining the aliens involved, it could prevent them from fleeing prior to their removal. The Court observed that where, as there, “detention's goal is no longer practically attainable, detention no longer bears a reasonable relation to the purpose for which the individual was committed.” *Ibid.* (internal quotation marks and citation omitted).^{FN10}

FN10. The dissent denies this point, insisting that the detention at issue in *Zadvydas* actually did bear a reasonable relation to its immigration purpose. *Post*, at 1738 (opinion of SOUTER, J.) (“[T]he statute in *Zadvydas* ... served the purpose of preventing aliens ... from fleeing prior to actual deportation”).

In the present case, the statutory provision at issue governs detention of deportable criminal aliens pending their *528 removal proceedings. Such detention necessarily serves the purpose of preventing deportable criminal aliens from fleeing prior to or during their removal proceedings, thus increasing the chance that, if ordered removed, the aliens will be successfully removed. Respondent disagrees, arguing that there is no evidence that mandatory detention is necessary because the Government has never shown that individualized bond hearings would be ineffective. See Brief for Respondent 14. But as discussed above, see *supra*, at 1715-1716, in adopting § 1226(c), Congress had

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

before it evidence suggesting that permitting discretionary release of aliens pending their removal hearings would lead to large numbers of deportable criminal aliens skipping their hearings and remaining at large in the United States unlawfully.

[8] Respondent argues that these statistics are irrelevant and do not demonstrate that individualized bond hearings “are ineffective or burdensome.” Brief for Respondent 33-40. It is of course true that when Congress enacted § 1226, individualized bail determinations had not been tested under optimal conditions, or tested in all their possible permutations. But when the Government deals with deportable aliens, the Due Process Clause does not require it to employ the least burdensome means to accomplish its goal. The evidence Congress had before it certainly supports the approach it selected even if other, hypothetical studies might have suggested different courses of action. Cf., e.g., *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425, 436-437, 122 S.Ct. 1728, 152 L.Ed.2d 670 (2002); *Flores, supra*, at 315, 113 S.Ct. 1439 (“It may well be that other policies would be even better, but ‘we are [not] a legislature charged with formulating public policy’ ” (quoting *Schall v. Martin*, 467 U.S. 253, 281, 104 S.Ct. 2403, 81 L.Ed.2d 207 (1984))).

Zadvydas is materially different from the present case in a second respect as well. While the period of detention at issue in *Zadvydas* was “indefinite” and “potentially permanent,” 533 U.S., at 690-691, 121 S.Ct. 2491, the detention here is of a much shorter duration.

*529 *Zadvydas* distinguished the statutory provision it was there considering from § 1226 on these very grounds, noting that “post-removal-period detention, *unlike detention pending a determination of removability* (3)27, has no obvious termination point.” *Id.*, at 697, 121 S.Ct. 2491 (emphasis added). Under § 1226(c), not only does detention have a definite termination point, in the majority of cases it lasts for less than the 90 days we considered presumptively valid in *Zadvydas*.^{FN11} The Executive**1721 Office for

Immigration Review has calculated that, in 85% of the cases in which aliens are detained pursuant to § 1226(c), removal proceedings are completed in an average time of 47 days and a median of 30 days. Brief for Petitioners 39-40. In the remaining 15% of cases, in which the alien appeals the decision of the Immigration Judge to the Board of Immigration Appeals, appeal takes an average of four months, with a median time that is slightly shorter. *Id.*, at 40.
FN12

FN11. The dissent concedes that “[t]he scheme considered in *Zadvydas* did not provide review immediately [C]ustody review hearings usually occurred within three months of a transfer to a postorder detention unit.” *Post*, at 1735, n. 11 (opinion of SOUTER, J.). Yet, in discussing the present case, the dissent insists that “the due process requirement of an individualized finding of necessity applies to detention periods shorter than” respondent’s. *Post*, at 1742, n. 24 (citing *Schall v. Martin*, 467 U.S. 253, 270, 276-277, 104 S.Ct. 2403, 81 L.Ed.2d 207 (1984), in which “the detainee was entitled to a hearing” when threatened with “a maximum detention period of 17 days”). The dissent makes no attempt to reconcile its suggestion that aliens are entitled to an immediate hearing with the holding in *Zadvydas* permitting aliens to be detained for several months prior to such a hearing.

FN12. The very limited time of the detention at stake under § 1226(c) is not missed by the dissent. See *post*, at 1741 (opinion of SOUTER, J.) (“Successful challenges often require several months”; *post*, at 1742 (considering “[t]he potential for several months [worth] of confinement”); but see *post*, at 1731 (“potentially lengthy detention”).

[9] These statistics do not include the many cases in which removal proceedings are completed while the alien is still serving time for the underlying

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

conviction. *Id.*, at 40, *530 n. 17.^{FN13} In those cases, the aliens involved are never subjected to mandatory detention at all. In sum, the detention at stake under § 1226(c) lasts roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the alien chooses to appeal.^{FN14} Respondent was detained for somewhat*531 longer than the average—spending six months in INS custody prior to the District Court's order granting habeas relief, but respondent himself had requested a continuance of his removal hearing.^{FN15}

FN13. Congress has directed the INS to identify and track deportable criminal aliens while they are still in the criminal justice system, and to complete removal proceedings against them as promptly as possible. See Antiterrorism and Effective Death Penalty Act of 1996, Pub.L. 104-132, §§ 432, 438(a), 110 Stat. 1273-1276; Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub.L. 104-208, §§ 326, 329, 110 Stat. 3009-630 to 3009-631 (codified at 8 U.S.C. § 1228). The INS therefore established the Institutional Hearing Program (IHP) (subsequently subsumed under the “Institutional Removal Program”). By 1997, the General Accounting Office found that nearly half of all deportable criminal aliens' cases were completed through the IHP prior to the aliens' release from prison. See General Accounting Office, Report to the Chairman, Subcommittee on Immigration and Claims of the House Committee on the Judiciary, INS' Efforts to Remove Imprisoned Aliens Continue to Need Improvement 10, Fig. 1 (Oct.1998). The report urged, however, that the INS needed to improve its operations in order to complete removal proceedings against all deportable criminal aliens before their release. *Id.*, at 13. Should this come to pass, of course, § 1226(c) and the temporary detention it mandates would be

rendered obsolete.

FN14. Prior to the enactment of § 1226(c), when the vast majority of deportable criminal aliens were not detained during their deportation proceedings, many filed frivolous appeals in order to delay their deportation. See S. Rep. 104-48, at 2 (“Delays can earn criminal aliens more than work permits and wages—if they delay long enough they may even obtain U.S. citizenship”). Cf. *Zadvydas*, 533 U.S., at 713, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (“[C]ourt ordered release cannot help but encourage dilatory and obstructive tactics by aliens”). Respondent contends that the length of detention required to appeal may deter aliens from exercising their right to do so. Brief for Respondent 32. As we have explained before, however, “the legal system ... is replete with situations requiring the making of difficult judgments as to which course to follow,” and, even in the criminal context, there is no constitutional prohibition against requiring parties to make such choices. *McGautha v. California*, 402 U.S. 183, 213, 91 S.Ct. 1454, 28 L.Ed.2d 711 (1971) (internal quotation marks omitted); accord, *Chaffin v. Stynchcombe*, 412 U.S. 17, 30-31, 93 S.Ct. 1977, 36 L.Ed.2d 714 (1973).

FN15. Respondent was held in custody for three months before filing his habeas petition. His removal hearing was scheduled to occur two months later, but respondent requested and received a continuance to obtain documents relevant to his withholding application. See Brief for Respondent 9, n. 12.

For the reasons set forth above, respondent's claim must fail. Detention during removal proceedings is a constitutionally **1722 permissible part of that process. See, e.g., *Wong Wing*, 163 U.S., at 235, 16 S.Ct. 977 (“We think it clear that detention, or temporary confinement, as part of the means

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

necessary to give effect to the provisions for the exclusion or expulsion of aliens would be valid”); *Carlson v. Landon*, 342 U.S. 524, 72 S.Ct. 525, 96 L.Ed. 547 (1952); *Reno v. Flores*, 507 U.S. 292, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993). The INS detention of respondent, a criminal alien who has conceded that he is deportable, for the limited period of his removal proceedings, is governed by these cases. The judgment of the Court of Appeals is

Reversed.

Justice KENNEDY, concurring.

While the justification for 8 U.S.C. § 1226(c) is based upon the Government's concerns over the risks of flight and danger to the community, *ante*, at 1715-1716, the ultimate purpose behind the detention is premised upon the alien's deportability. As a consequence, due process requires individualized procedures to ensure there is at least some merit to the Immigration and Naturalization Service's (INS) charge and, therefore, sufficient justification to detain a lawful permanent resident alien pending a more formal hearing. See *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001) (“[W]here detention's goal is no longer practically attainable, detention no longer bears a reasonable relation to the purpose for which *532 the individual was committed” (internal quotation marks and brackets omitted)); *id.*, at 718, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention”). If the Government cannot satisfy this minimal, threshold burden, then the permissibility of continued detention pending deportation proceedings turns solely upon the alien's ability to satisfy the ordinary bond procedures—namely, whether if released the alien would pose a risk of flight or a danger to the community. *Id.*, at 721, 121 S.Ct. 2491 (KENNEDY, J., dissenting).

As the Court notes, these procedures were apparently available to respondent in this case. Respondent was entitled to a hearing in which he could have “raise[d] any nonfrivolous argument available to demonstrate that he was not properly

included in a mandatory detention category.” *Ante*, at 1712-1713, and n. 3 (citing 8 CFR § 3.19(h)(2)(ii) (2002); *Matter of Joseph*, 22 I. & N. Dec. 799, 1999 WL 339053 (BIA 1999)). Had he prevailed in such a proceeding, the Immigration Judge then would have had to determine if respondent “could be considered ... for release under the general bond provisions” of § 1226(a). *Id.*, at 809. Respondent, however, did not seek relief under these procedures, and the Court had no occasion here to determine their adequacy. *Ante*, at 1712-1713, n. 3.

For similar reasons, since the Due Process Clause prohibits arbitrary deprivations of liberty, a lawful permanent resident alien such as respondent could be entitled to an individualized determination as to his risk of flight and dangerousness if the continued detention became unreasonable or unjustified. *Zadvydas*, 533 U.S., at 684-686, 121 S.Ct. 2491; *id.*, at 721, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (“[A]liens are entitled to be free from detention that is arbitrary or capricious”). Were there to be an unreasonable delay by the INS in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness,*533 but to incarcerate for other reasons. That is not a proper inference, however, either from the statutory scheme itself or from the circumstances of this case. The Court's careful opinion is consistent with these premises, and I join it in full.

Justice O'CONNOR, with whom Justice SCALIA and Justice THOMAS join, concurring in part and concurring in the judgment.

I join all but Part I of the Court's opinion because, a majority having determined**1723 there is jurisdiction, I agree with the Court's resolution of respondent's challenge on the merits. I cannot join Part I because I believe that 8 U.S.C. § 1226(e) unequivocally deprives federal courts of jurisdiction to set aside “any action or decision” by the Attorney General in detaining criminal aliens under § 1226(c) while removal proceedings are ongoing. That is precisely the nature of the action before us.

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

I

I begin with the text of the statute:

“The Attorney General's discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside *any action or decision* by the Attorney General under this section regarding the detention or release of any alien or the grant, revocation, or denial of bond or parole.” § 1226(e) (emphasis added).

There is no dispute that after respondent's release from prison in 1999, the Attorney General detained him “under this section,” *i.e.*, under § 1226. And, the action of which respondent complains is one “regarding the detention or release of a[n] alien or the grant, revocation, or denial of bond or parole.” § 1226(e). In my view, the only plausible reading of § 1226(e) is that Congress intended to prohibit federal courts from “set[ting] aside” the Attorney General's decision *534 to deem a criminal alien such as respondent ineligible for release during the limited duration of his or her removal proceedings.

I recognize both the “strong presumption in favor of judicial review of administrative action” and our “longstanding rule requiring a clear statement of congressional intent to repeal habeas jurisdiction.” *INS v. St. Cyr*, 533 U.S. 289, 298, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001). I also acknowledge that Congress will not be deemed to have repealed habeas jurisdiction in the absence of a specific and unambiguous statutory directive to that effect. See *id.*, at 312-313, 121 S.Ct. 2271; *Ex parte Yerger*, 8 Wall. 85, 105, 19 L.Ed. 332 (1869). Here, however, the signal sent by Congress in enacting § 1226(e) could not be clearer: “*No court may set aside any action or decision ... regarding the detention or release of any alien.*” (Emphasis added.) There is simply no reasonable way to read this language other than as precluding all review, including habeas review, of the Attorney General's actions or decisions to detain criminal aliens pursuant to § 1226(c).

In *St. Cyr*, the Court held that certain provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 (IIRIRA) do not strip federal courts of their jurisdiction to review an alien's habeas claim that he or she is eligible for a waiver of deportation. 533 U.S., at 312, 121 S.Ct. 2271. I dissented in that case, and continue to believe it was wrongly decided. Nothing in *St. Cyr*, however, requires that we ignore the plain language and clear meaning of § 1226(e).

In *St. Cyr*, the Court stressed the significance of Congress' use of the term “judicial review” in each of the jurisdictional-limiting provisions at issue. In concluding that Congress had not intended to limit habeas jurisdiction by limiting “judicial review,” the Court reasoned as follows:

“The term ‘judicial review’ or ‘jurisdiction to review’ is the focus of each of these three provisions. In the immigration*535 context, ‘judicial review’ and ‘habeas corpus’ have historically distinct meanings. See *Heikkila v. Barber*, 345 U.S. 229[, 73 S.Ct. 603, 97 L.Ed. 972] (1953). In *Heikkila*, the Court concluded that the finality provisions at issue ‘preclud[ed] judicial review’ to the maximum extent possible under the Constitution, and thus concluded that the [Administrative Procedure Act] was inapplicable. *Id.*, at 235[, 73 S.Ct. 603]. Nevertheless, the Court reaffirmed the right to habeas corpus. *Ibid.* Noting **1724 that the limited role played by the courts in habeas corpus proceedings was far narrower than the judicial review authorized by the APA, the Court concluded that ‘it is the scope of inquiry on habeas corpus that differentiates’ habeas review from ‘judicial review.’ ” *Id.*, at 311-312, 121 S.Ct. 2271.

In this case, however, § 1226(e) does not mention any limitations on “judicial review.” To be sure, the first sentence of § 1226(e) precludes “review” of the Attorney General's “discretionary judgment[s]” to detain aliens under § 1226(c). But the second sentence is not so limited, and states unequivocally that “[n]o court may set aside any action or decision” to detain an alien under § 1226(c). It cannot seriously be maintained that the second sentence employs a term of art such that “no court” does not really mean “no court,” or that a decision of the

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

Attorney General may not be “set aside” in actions filed under the Immigration and Naturalization Act but may be set aside on habeas review.

Congress' use of the term “Judicial review” as the title of § 1226(e) does not compel a different conclusion. As the Court stated in *St. Cyr*, “a title alone is not controlling,” *id.*, at 308, 121 S.Ct. 2271, because the title of a statute has no power to give what the text of the statute takes away. Where as here the statutory text is clear, “ ‘the title of a statute ... cannot limit the plain meaning of the text.’ ” *Pennsylvania Dept. of Corrections v. Yeskey*, 524 U.S. 206, 212, 118 S.Ct. 1952, 141 L.Ed.2d 215 (1998) (quoting *Trainmen v. Baltimore & Ohio R. Co.*, 331 U.S. 519, 528-529, 67 S.Ct. 1387, 91 L.Ed. 1646 (1947)).

*536 The Court also focused in *St. Cyr* on the absence of any language in the relevant statutory provisions making explicit reference to habeas review under 28 U.S.C. § 2241. See 533 U.S., at 313, n. 36, 121 S.Ct. 2271. This statutory silence spoke volumes, the Court reasoned, in light of the “historic use of § 2241 jurisdiction as a means of reviewing deportation and exclusion orders,” *ibid.* In contrast, there is no analogous history of routine reliance on habeas jurisdiction to challenge the detention of aliens without bail pending the conclusion of removal proceedings. We have entertained such challenges only twice, and neither was successful on the merits. See *Reno v. Flores*, 507 U.S. 292, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993); *Carlson v. Landon*, 342 U.S. 524, 72 S.Ct. 525, 96 L.Ed. 547 (1952). See also Neuman, *Habeas Corpus, Executive Detention, and the Removal of Aliens*, 98 Colum. L.Rev. 961, 1067, n. 120 (1998) (distinguishing detention pursuant to a final order of removal from the interlocutory detention at issue here). Congress' failure to mention § 2241 in this context therefore lacks the significance that the Court accorded Congress' silence on the issue in *St. Cyr*. In sum, nothing in *St. Cyr* requires us to interpret 8 U.S.C. § 1226(e) to mean anything other than what its plain language says.

I recognize that the two Courts of Appeals that have

considered the issue have held that § 1226(e) does not preclude habeas claims such as respondent's. See *Patel v. Zemski*, 275 F.3d 299 (C.A.3 2001); *Parra v. Perryman*, 172 F.3d 954 (C.A.7 1999). In *Parra*, the Seventh Circuit held that § 1226(e) does not bar “challenges to § 1226(c) itself, as opposed to decisions implementing that subsection.” *Id.*, at 957. Though the Court's opinion today relies heavily on this distinction, I see no basis for importing it into the plain language of the statute.

The Seventh Circuit sought support from our decision in *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (*AADC*), but our holding there supports my reading of § 1226(e). In *AADC*, the Court construed a statute that sharply limits review of claims “arising from the *537 decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against **1725 any alien under this [Act].” 8 U.S.C. § 1252(g) (1994 ed., Supp. III). The Court concluded that this provision imposes jurisdictional limits only on claims addressing one of the three “ ‘decision[s] or action[s]’ ” specifically enumerated in the statute. *AADC*, *supra*, at 482, 119 S.Ct. 936. Nowhere in *AADC* did the Court suggest, however, that the statute's jurisdictional limits might not apply depending on the particular grounds raised by an alien for challenging the Attorney General's decisions or actions in these three areas. *AADC* therefore provides no support for imposing artificial limitations on the broad scope of 8 U.S.C. § 1226(e).

II

Because § 1226(e) plainly deprives courts of federal habeas jurisdiction over claims that mandatory detention under § 1226(c) is unconstitutional, one could conceivably argue that such a repeal violates the Suspension Clause, which provides as follows: “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const., Art. I, § 9, cl. 2. The clarity of §

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

1226(e)'s text makes such a question unavoidable, unlike in *St. Cyr*, where the Court invoked the doctrine of constitutional doubt and interpreted the relevant provisions of AEDPA and IIRIRA not to repeal habeas jurisdiction. *St. Cyr*, *supra*, at 314, 121 S.Ct. 2271; see also *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 57, n. 9, 116 S.Ct. 1114, 134 L.Ed.2d 252 (1996) (where the text of a statute is clear, the "preference for avoiding a constitutional question" cannot be invoked to defeat the plainly expressed intent of Congress).

In my view, any argument that § 1226(e) violates the Suspension Clause is likely unavailing. *St. Cyr* held that "at the absolute minimum, the Suspension Clause protects the writ 'as it existed in 1789.'" 533 U.S., at 301, 121 S.Ct. 2271 (quoting *Felker v. Turpin*, 518 U.S. 651, 663-664, 116 S.Ct. 2333, 135 L.Ed.2d 827 (1996)). The constitutionality *538 of § 1226(e)'s limitation on habeas review therefore turns on whether the writ was generally available to those in respondent's position in 1789 (or, possibly, thereafter) to challenge detention during removal proceedings.

Admittedly, discerning the relevant habeas corpus law for purposes of Suspension Clause analysis is a complex task. Nonetheless, historical evidence suggests that respondent would not have been permitted to challenge his temporary detention pending removal until very recently. Because colonial America imposed few restrictions on immigration, there is little case law prior to that time about the availability of habeas review to challenge temporary detention pending exclusion or deportation. See *St. Cyr*, *supra*, at 305, 121 S.Ct. 2271. The English experience, however, suggests that such review was not available:

"In England, the only question that has ever been made in regard to the power to expel aliens has been whether it could be exercised by the King without the consent of Parliament. It was formerly exercised by the King, but in later times by Parliament, which passed several acts on the subject between 1793 and 1848. Eminent English judges, sitting in the Judicial Committee of the Privy Council, have gone very far in supporting the exclusion or expulsion, by the executive authority

of a colony, of aliens having no absolute right to enter its territory or to remain therein." *Fong Yue Ting v. United States*, 149 U.S. 698, 709, 13 S.Ct. 1016, 37 L.Ed. 905 (1893) (citations omitted).

In this country, Congress did not pass the first law regulating immigration until 1875. See 18 Stat. (pt. 3) 477. In the late 19th century, as statutory controls on immigration tightened, the number of challenges brought by aliens to Government deportation or exclusion decisions also increased. See *St. Cyr*, *supra*, at 305-306, **1726 121 S.Ct. 2271. Because federal immigration laws from 1891 until 1952 made no express provision for judicial review, what limited review existed took the form of petitions*539 for writs of habeas corpus. See, e.g., *Ekiu v. United States*, 142 U.S. 651, 12 S.Ct. 336, 35 L.Ed. 1146 (1892); *Fong Yue Ting v. United States*, *supra*; *The Japanese Immigrant Case*, 189 U.S. 86, 23 S.Ct. 611, 47 L.Ed. 721 (1903); *Chin Yow v. United States*, 208 U.S. 8, 28 S.Ct. 201, 52 L.Ed. 369 (1908); *Kwock Jan Fat v. White*, 253 U.S. 454, 40 S.Ct. 566, 64 L.Ed. 1010 (1920); *Ng Fung Ho v. White*, 259 U.S. 276, 42 S.Ct. 492, 66 L.Ed. 938 (1922). Though the Court was willing to entertain these habeas challenges to Government exclusion and deportation decisions, in no case did the Court question the right of immigration officials to temporarily detain aliens while exclusion or deportation proceedings were ongoing.

By the mid-20th century, the number of aliens in deportation proceedings being released on parole rose considerably. See, e.g., *Carlson v. Landon*, 342 U.S., at 538, n. 31, 72 S.Ct. 525. Nonetheless, until 1952 habeas corpus petitions remained the only means by which deportation orders could be challenged. *Heikkila v. Barber*, 345 U.S. 229, 236-237, 73 S.Ct. 603, 97 L.Ed. 972 (1953). Under this regime, an alien who had been paroled but wished to challenge a final deportation order had to place himself in Government custody before filing a habeas petition challenging the order. *Bridges v. Wixon*, 326 U.S. 135, 140, 65 S.Ct. 1443, 89 L.Ed. 2103 (1945). Given this, it is not surprising that the Court was not faced with

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

numerous habeas claims brought by aliens seeking release from detention pending deportation.

So far as I am aware, not until 1952 did we entertain such a challenge. See *Carlson v. Landon*, *supra*. And there, we reaffirmed the power of Congress to order the temporary detention of aliens during removal proceedings. *Id.*, at 538, 72 S.Ct. 525. In *Reno v. Flores*, we likewise rejected a similar challenge to such detention. And, *Flores* was a wide-ranging class action in which 28 U.S.C. § 2241 was but one of several statutes invoked as the basis for federal jurisdiction. 507 U.S., at 296, 113 S.Ct. 1439. All in all, it appears that in 1789, and thereafter until very recently, the writ was not generally available to aliens to challenge their detention while removal proceedings were ongoing.

***540** Because a majority of the Court has determined that jurisdiction exists over respondent's claims, I need not conclusively decide the thorny question whether 8 U.S.C. § 1226(e) violates the Suspension Clause. For present purposes, it is enough to say that in my view, § 1226(e) unambiguously bars habeas challenges to the Attorney General's decisions regarding the temporary detention of criminal aliens under § 1226(c) pending removal. That said, because a majority of the Court has determined that there is jurisdiction, and because I agree with the majority's resolution of the merits of respondent's challenge, I join in all but Part I of the Court's opinion.

Justice SOUTER, with whom Justice STEVENS and Justice GINSBURG join, concurring in part and dissenting in part.

Respondent Kim is an alien lawfully admitted to permanent residence in the United States. He claims that the Constitution forbids the Immigration and Naturalization Service (INS) from detaining him under 8 U.S.C. § 1226(c) unless his detention serves a government interest, such as preventing flight or danger to the community. He contends that due process affords him a right to a hearing before an impartial official,^{FN1} giving him a chance to show that ****1727** he poses no risk that would justify confining him between the moment the Government claims he is removable and the

adjudication of the Government's claim.

FN1. Kim does not claim a hearing before any specific official. The generality of his claim may reflect the fact, noted just below, that the INS released him on bond without any hearing whatsoever after the District Court entered its judgment in this case. App. 11-13. Accordingly, there is no occasion to enquire whether due process requires access to any particular arbiter, such as one unaffiliated with the INS. I therefore use the neutral term “impartial” in describing the hearing Kim claims.

I join Part I of the Court's opinion, which upholds federal jurisdiction in this case, but I dissent from the Court's disposition ***541** on the merits. The Court's holding that the Constitution permits the Government to lock up a lawful permanent resident of this country when there is concededly no reason to do so forgets over a century of precedent acknowledging the rights of permanent residents, including the basic liberty from physical confinement lying at the heart of due process. The INS has never argued that detaining Kim is necessary to guarantee his appearance for removal ^{FN2} proceedings or to protect anyone from danger in the meantime. Instead, shortly after the District Court issued its order in this case, the INS, *sua sponte* and without even holding a custody hearing, concluded that Kim “would not be considered a threat” and that any risk of flight could be met by a bond of \$5,000. App. 11-13. He was released soon thereafter, and there is no indication that he is not complying with the terms of his release.

FN2. In 1996, Congress combined “deportation” and “exclusion” proceedings into a single “removal” proceeding. Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub.L. 104-208, § 304(a), 110 Stat. 3009-587, adding 8 U.S.C. § 1229a. Because this case requires consideration of cases

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

decided both before and after 1996, this opinion refers to “removal” generally but, where the context requires, distinguishes between “deportation” of aliens who have entered the United States and “exclusion” of aliens who seek entry.

The Court's approval of lengthy mandatory detention can therefore claim no justification in national emergency or any risk posed by Kim particularly. The Court's judgment is unjustified by past cases or current facts, and I respectfully dissent.

I

At the outset, there is the Court's mistaken suggestion that Kim “conceded” his removability, *ante*, at 1712, 1717, and n. 6, 1722. The Court cites no statement before any court conceding removability, and I can find none. At the first opportunity, Kim applied to the Immigration Court for withholding of removal, Brief for Respondent 9, n. 12, and he *542 represents that he intends to assert that his criminal convictions are not for removable offenses and that he is independently eligible for statutory relief from removal, *id.*, at 11-12; see also *ante*, at 1717, n. 6. In his brief before the Ninth Circuit, Kim stated that his removability was “an open question,” that he was “still fighting [his] removal administratively,” and that the Immigration Court had yet to hold a merits hearing. Brief of Petitioner-Appellee in No. 99-17373(CA9), pp. 4, 13-14, 24, 33-34, and n. 28, 48-49. At oral argument here, his counsel stated that Kim was challenging his removability. See Tr. of Oral Arg. 36-38, 44.

The suggestion that Kim should have contested his removability in this habeas corpus petition, *ante*, at 1717, and n. 6, misses the point that all he claims, or could now claim, is that his detention pending removal proceedings violates the Constitution. Challenges to removability itself, and applications for relief from removal, are usually submitted in the first instance to an immigration judge. See 8 U.S.C. § 1229a(a)(3). The Immigration Judge had not yet held an initial hearing on the substantive

issue of removability when Kim filed his habeas petition in the District Court, even though Kim had been detained for over three months under § 1226(c). If Kim's habeas corpus petition had claimed “that he himself was not ‘deportable,’ ” as the Court suggests it should have, *ante*, at 1717, the District Court **1728 would probably have dismissed the claim as unexhausted. *E.g.*, *Espinal v. Filion*, No. 00-CIV-2647-HB-JCF, 2001 WL 395196 (S.D.N.Y., Apr.17, 2001). Kim did not, therefore, “conced[e] that he is deportable,” *ante*, at 1722, by challenging removability before the Immigration Judge and challenging detention in a federal court.^{FN3}

FN3. The Court's effort to explain its reference to a nonexistent concession, *ante*, at 1717, n. 6, seeks to gain an advantage from the fact that the Immigration and Nationality Act uses the word “deportable” in various ways, one being to describe classes of aliens who may be removed if the necessary facts are proven, *e. g.*, § 1227(a), and another to describe aliens who have actually been adjudged as being in the United States unlawfully, *e. g.*, § 1229b. An alien is not adjudged “deportable” until an order enters “concluding that the alien is deportable or ordering deportation,” and such an order is not final until affirmed by the Board of Immigration Appeals or until the time expires for seeking review. §§ 1101(a)(47)(A)-(B). To suggest, as the Court seems to do, that an alien has conceded removability simply because he does not dispute that he has been charged with facts that will render him removable if those facts are later proven is like saying that a civil defendant has conceded liability by failing to move to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) or that a criminal defendant has conceded guilt by failing to dispute the validity of the indictment. But even if the Court's reasoning were sound, it would not cover Kim's situation, for he has

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

stated (and the Court acknowledges) his intent to contest the sufficiency of his criminal convictions as a basis for removal. *Ante*, at 1717, n. 6. This discussion, which the Court calls a “detour,” *ante*, at 1717, is necessary only because of the Court's insistence in stating that Kim conceded that he is “deportable.” *Ante*, at 1712, 1717, 1722.

*543 Kim may continue to claim the benefit of his current status unless and until it is terminated by a final order of removal. 8 CFR § 1.1(p) (2002). He may therefore claim the due process to which a lawful permanent resident is entitled.

II

A

It has been settled for over a century that all aliens within our territory are “persons” entitled to the protection of the Due Process Clause. Aliens “residing in the United States for a shorter or longer time, are entitled, so long as they are permitted by the government of the United States to remain in the country, to the safeguards of the Constitution, and to the protection of the laws, in regard to their rights of person and of property, and to their civil and criminal responsibility.” *Fong Yue Ting v. United States*, 149 U.S. 698, 724, 13 S.Ct. 1016, 37 L.Ed. 905 (1893). *The Japanese Immigrant Case*, 189 U.S. 86, 100-101, 23 S.Ct. 611, 47 L.Ed. 721 (1903), settled any lingering doubt that the Fifth Amendment's Due Process Clause gives aliens a right to challenge mistreatment of their person or property.

The constitutional protection of an alien's person and property is particularly strong in the case of aliens lawfully *544 admitted to permanent residence (LPRs). The immigration laws give LPRs the opportunity to establish a life permanently in this country by developing economic, familial, and social ties indistinguishable from those of a citizen. In fact, the law of the United States goes out of its

way to encourage just such attachments by creating immigration preferences for those with a citizen as a close relation, 8 U.S.C. §§ 1153(a)(1), (3)-(4), and those with valuable professional skills or other assets promising benefits to the United States, §§ 1153(b)(1)-(5).

Once they are admitted to permanent residence, LPRs share in the economic freedom enjoyed by citizens: they may compete for most jobs in the private and public sectors without obtaining job-specific authorization, and apart from the franchise, jury duty, and certain forms of public assistance, their lives are generally indistinguishable from those of United States citizens. That goes for obligations as well as opportunities. Unlike temporary, nonimmigrant aliens, who are generally **1729 taxed only on income from domestic sources or connected with a domestic business, 26 U.S.C. § 872, LPRs, like citizens, are taxed on their worldwide income, 26 CFR §§ 1.1-1(b), 1.871-1(a), 1.871-2(b) (2002). Male LPRs between the ages of 18 and 26 must register under the Selective Service Act of 1948, ch. 625, Tit. I, § 3, 62 Stat. 605. ^{FN4} “Resident aliens, like citizens, pay taxes, support the economy, serve in the Armed Forces, and contribute in myriad other ways to our society.” *In re Griffiths*, 413 U.S. 717, 722, 93 S.Ct. 2851, 37 L.Ed.2d 910 (1973). And if they choose, they may apply for full membership in the national polity through naturalization.

FN4. Although an LPR may seek exemption or discharge from registration on the grounds of alienage, such an action permanently bars the LPR from seeking United States citizenship. 8 U.S.C. § 1426(a).

The attachments fostered through these legal mechanisms are all the more intense for LPRs brought to the United States as children. They grow up here as members of the society around them, probably without much touch with their country of citizenship, probably considering the United *545 States as home just as much as a native-born, younger brother or sister entitled to

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

United States citizenship. “[M]any resident aliens have lived in this country longer and established stronger family, social, and economic ties here than some who have become naturalized citizens.” *Woodby v. INS*, 385 U.S. 276, 286, 87 S.Ct. 483, 17 L.Ed.2d 362 (1966). Kim is an example. He moved to the United States at the age of six and was lawfully admitted to permanent residence when he was eight. His mother is a citizen, and his father and brother are LPRs. LPRs in Kim’s situation have little or no reason to feel or to establish firm ties with any place besides the United States.^{FN5}

FN5. See also *Welch v. Ashcroft*, 293 F.3d 213, 215 (C.A.4 2002) (detainee obtained LPR status at age 10); *Hoang v. Comfort*, 282 F.3d 1247, 1252-1253 (C.A.10 2002) (ages 3 and 15), cert. pending, No. 01-1616 [Reporter’s Note: See *post*, p. 1963].

Our decisions have reflected these realities. As early as 1892, we addressed an issue of statutory construction with the realization that “foreigners who have become domiciled in a country other than their own, acquire rights and must discharge duties in many respects the same as possessed by and imposed upon the citizens of that country, and no restriction on the footing upon which such persons stand by reason of their domicile of choice ... is to be presumed.” *Lau Ow Bew v. United States*, 144 U.S. 47, 61-62, 12 S.Ct. 517, 36 L.Ed. 340.^{FN6} Fifty years later in dealing with a question of evidentiary competence in *Bridges v. Wixon*, 326 U.S. 135, 65 S.Ct. 1443, 89 L.Ed. 2103 (1945), we said that “the notions of fairness on which our legal system is founded” applied with full force to “aliens whose roots may have become, as *546 they are in the present case, deeply fixed in this land,” *id.*, at 154, 65 S.Ct. 1443. And in *Kwong Hai Chew v. Colding*, 344 U.S. 590, 73 S.Ct. 472, 97 L.Ed. 576 (1953), we read the word “excludable” in a regulation as having no application to LPRs, since such a reading would have been questionable given “a resident alien’s constitutional right to due process.” *Id.*, at 598-599, 73 S.Ct. 472. ^{FN7} **1730 Kwong Hai Chew adopted the statement of Justice

Murphy, concurring in *Bridges*, that “ ‘once an alien lawfully enters and resides in this country he becomes invested with the rights guaranteed by the Constitution to all people within our borders. Such rights include those protected by the First and the Fifth Amendments and by the due process clause of the Fourteenth Amendment. None of these provisions acknowledges any distinction between citizens and resident aliens. They extend their inalienable privileges to all “persons” and guard against any encroachment on those rights by federal or state authority.’ ” 344 U.S., at 596-597, n. 5, 73 S.Ct. 472 (quoting *Bridges, supra*, at 161, 65 S.Ct. 1443). See also *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271, 110 S.Ct. 1056, 108 L.Ed.2d 222 (1990) (“[A]liens receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country”); *Woodby, supra*, at 285, 87 S.Ct. 483 (holding that deportation orders must be supported by clear, unequivocal, and convincing evidence owing to the “drastic deprivations that may follow when a resident of this country is compelled by our Government to forsake all the bonds formed here and go to a foreign land where he often has no contemporary identification”); *Johnson v. Eisentrager*, 339 U.S. 763, 770-771, 70 S.Ct. 936, 94 L.Ed. 1255 (1950) (“The alien, to whom the United States has been traditionally*547 hospitable, has been accorded a generous and ascending scale of rights as he increases his identity with our society. ... [A]t least since 1886, we have extended to the person and property of resident aliens important constitutional guaranties—such as the due process of law of the Fourteenth Amendment”).

FN6. In *The Venus*, 8 Cranch 253, 3 L.Ed. 553 (1814), we held that property belonging to American citizens who were resident in England during the War of 1812 was to be treated as belonging to English proprietors for purposes of prize law. We stated that, as permanent residents of England, the American citizens were “bound, by such residence, to

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

the society of which they are members, subject to the laws of the state, and owing a qualified allegiance thereto; they are obliged to defend it, (with an exception in favor of such a subject, in relation to his native country) in return for the protection it affords them, and the privileges which the laws bestow upon them as subjects,” *id.*, at 282.

FN7. “Although the holding [in *Kwong Hai Chew*] was one of regulatory interpretation, the rationale was one of constitutional law. Any doubts that *Chew* recognized constitutional rights in the resident alien returning from a brief trip abroad were dispelled by *Rosenberg v. Fleuti*, [374 U.S. 449, 83 S.Ct. 1804, 10 L.Ed.2d 1000 (1963),] where we described *Chew* as holding ‘that the returning resident alien is entitled as a matter of due process to a hearing on the charges underlying any attempt to exclude him.’ 374 U.S., at 460[, 83 S.Ct. 1804].” *Landon v. Plasencia*, 459 U.S. 21, 33, 103 S.Ct. 321, 74 L.Ed.2d 21 (1982).

The law therefore considers an LPR to be at home in the United States, and even when the Government seeks removal, we have accorded LPRs greater protections than other aliens under the Due Process Clause. In *Landon v. Plasencia*, 459 U.S. 21, 103 S.Ct. 321, 74 L.Ed.2d 21 (1982), we held that a long-term resident who left the country for a brief period and was placed in exclusion proceedings upon return was entitled to claim greater procedural protections under that Clause than aliens seeking initial entry. The LPR’s interest in remaining in the United States is, we said, “without question, a weighty one.” *Id.*, at 34, 103 S.Ct. 321. See also *Rosenberg v. Fleuti*, 374 U.S. 449, 83 S.Ct. 1804, 10 L.Ed.2d 1000 (1963); *Kwong Hai Chew*, *supra*.

Although LPRs remain subject to the federal removal power, that power may not be exercised without due process, and any decision about the requirements of due process for an LPR must

account for the difficulty of distinguishing in practical as well as doctrinal terms between the liberty interest of an LPR and that of a citizen.^{FN8} In evaluating Kim’s challenge to his mandatory detention under 8 U.S.C. § 1226(c), the only reasonable starting point is the traditional doctrine concerning the Government’s physical confinement of individuals.^{FN9}

FN8. This case provides no occasion to determine the constitutionality of mandatory detention of aliens other than LPRs.

FN9. The statement that “[i]n the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens,” *Mathews v. Diaz*, 426 U.S. 67, 79-80, 96 S.Ct. 1883, 48 L.Ed.2d 478 (1976), cannot be read to leave limitations on the liberty of aliens unreviewable. *Ante*, at 1716. *Diaz* involved a federal statute that limited eligibility for a federal medical insurance program to United States citizens and LPRs who had been continuously resident in the United States for five years. 426 U.S., at 69-70, 96 S.Ct. 1883. Reversing a lower court judgment that this statute violated equal protection, we said this:

“In the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens. The exclusion of aliens and the reservation of the power to deport have no permissible counterpart in the Federal Government’s power to regulate the conduct of its own citizenry. The fact that an Act of Congress treats aliens differently from citizens does not in itself imply that such disparate treatment is ‘invidious.’ ” *Id.*, at 79-80, 96 S.Ct. 1883 (footnotes omitted).

Taken in full, the meaning of this paragraph is plain: through the exercise of the deportation and exclusion power,

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

Congress exposes aliens to a treatment (expulsion) that cannot be imposed on citizens. The cases cited in the footnotes to this paragraph accordingly all concern Congress's power to enact grounds of exclusion or deportation. *Id.*, at 80, nn. 14-15, 96 S.Ct. 1883 (citing *Kleindienst v. Mandel*, 408 U.S. 753, 92 S.Ct. 2576, 33 L.Ed.2d 683 (1972); *Galvan v. Press*, 347 U.S. 522, 74 S.Ct. 737, 98 L.Ed. 911 (1954); and *Harisiades v. Shaughnessy*, 342 U.S. 580, 72 S.Ct. 512, 96 L.Ed. 586 (1952)); cf. *ante*, at 1716 (quoting *Diaz, supra*, at 81, n. 17, 96 S.Ct. 1883, in turn quoting *Harisiades*). Nothing in *Diaz* addresses due process protection of liberty or purports to sanction any particular limitation on the liberty of LPRs under circumstances comparable to those here.

Even on its terms, the *Diaz* statement is dictum. We acknowledged immediately that “[t]he real question presented by [*Diaz*] is not whether discrimination between citizens and aliens is permissible; rather, it is whether the statutory discrimination *within* the class of aliens-allowing benefits to some aliens but not to others-is permissible.” 426 U.S., at 80, 96 S.Ct. 1883. Our holding that Congress could consider length of residence and immigration status in allocating medical insurance in no way suggests the existence of a federal power to imprison a long-term resident alien when the Government concedes that there is no need to do so.

The Court does not explain why it believes the *Diaz* dictum to be relevant to this case, other than to repeat it and identify prior instances of its quotation. *Ante*, at 1716. The Court resists calling the statement “ ‘dictum,’ ” *ibid.*, but it does not deny that *Diaz* involved “discrimination *within* the class of aliens” rather than “discrimination between citizens and aliens,” 426 U.S., at 80, 96 S.Ct. 1883, thus making any suggestion about Congress's power to treat citizens and aliens differently unnecessary

to the holding. Nor does the Court deny that *Diaz* dealt with an equal protection challenge to the allocation of medical insurance and had nothing to say on the subject of the right of LPRs to protection of their liberty under the Due Process Clause. See *supra*, at 1728-1730.

****1731 *548 B**

Kim's claim is a limited one: not that the Government may not detain LPRs to ensure their appearance at removal hearings,*549 but that due process under the Fifth Amendment conditions a potentially lengthy detention on a hearing and an impartial decisionmaker's finding that detention is necessary to a governmental purpose. He thus invokes our repeated decisions that the claim of liberty protected by the Fifth Amendment is at its strongest when government seeks to detain an individual. THE CHIEF JUSTICE wrote in 1987 that “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755, 107 S.Ct. 2095, 95 L.Ed.2d 697. See also *Reno v. Flores*, 507 U.S. 292, 316, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993) (O'CONNOR, J., concurring) (“The institutionalization of an adult by the government triggers heightened, substantive due process scrutiny”); *Foucha v. Louisiana*, 504 U.S. 71, 80, 112 S.Ct. 1780, 118 L.Ed.2d 437 (1992) (“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action”); *id.*, at 90, 112 S.Ct. 1780 (KENNEDY, J., dissenting) (“As incarceration of persons is the most common and one of the most feared instruments of state oppression and state indifference, we ought to acknowledge at the outset that freedom from this restraint is essential to the basic definition of liberty in the Fifth and Fourteenth Amendments of the Constitution”).

Accordingly, the Fifth Amendment permits detention only where “heightened, substantive due process scrutiny” finds a “ ‘sufficiently compelling’ ” governmental **1732 need. *Flores, supra*, at

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

316, 113 S.Ct. 1439 (O'CONNOR, J., concurring) (quoting *Salerno*, 481 U.S., at 748, 107 S.Ct. 2095). In deciding in *Salerno* that this principle did not categorically bar pretrial detention of criminal defendants without bail under the Bail Reform Act of 1984, it was crucial that the statute provided that, “[i]n a full-blown adversary hearing, the Government must convince a neutral decisionmaker by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person.” *Id.*, at 750, 107 S.Ct. 2095 (citing 18 U.S.C. § 3142(f)). We stressed that the Act was not a “scattershot attempt to incapacitate those who are merely suspected of” serious offenses, 481 U.S., at 750, 107 S.Ct. 2095, and held that due process allowed some pretrial detention because the Act confined it to a sphere of real need: “[w]hen the Government proves by clear and convincing evidence that an arrestee presents an identified and articulable threat to an individual or the community.” *Id.*, at 751, 107 S.Ct. 2095; see also *Foucha*, *supra*, at 81, 112 S.Ct. 1780 (calling the pretrial detention statute in *Salerno* a “sharply focused scheme”).

We have reviewed involuntary civil commitment statutes the same way. In *Addington v. Texas*, 441 U.S. 418, 99 S.Ct. 1804, 60 L.Ed.2d 323 (1979), we held that a State could not civilly commit the mentally ill without showing by “clear and convincing evidence” that the person was dangerous to others, *id.*, at 433, 99 S.Ct. 1804. The elevated burden of proof was demanded because “[l]oss of liberty calls for a showing that the individual suffers from something more serious than is demonstrated by idiosyncratic behavior.” *Id.*, at 427, 99 S.Ct. 1804. The statutory deficiency was the same in *Foucha*, where we held that Louisiana’s civil commitment statute failed due process because the individual was denied an “adversary hearing at which the State must prove by clear and convincing evidence that he is demonstrably dangerous to the community.” 504 U.S., at 81, 112 S.Ct. 1780. See also *id.*, at 88, 112 S.Ct. 1780 (opinion of O’CONNOR, J.) (civil commitment depends on a “necessary connection between the nature and purposes of confinement”).

In addition to requiring a compelling reason for detention, we held that the class of persons affected must be narrow and, in pretrial-type lockup, the time must be no more than what is reasonably necessary before the merits can be resolved. In the case of the Bail Reform Act, we placed weight on the fact that the statute applied only to defendants suspected of “the most serious of crimes,” *Salerno*, *supra*, at 747, 107 S.Ct. 2095; see also *Foucha*, *supra*, at 81, 112 S.Ct. 1780, while the statute in *Kansas v. Hendricks*, 521 U.S. 346, 117 S.Ct. 2072, 138 L.Ed.2d 501 (1997), likewise provided § 551 only for confinement of “a limited subclass of dangerous persons” who had committed “ ‘a sexually violent offense’ ” and who suffered from “ ‘a mental abnormality or personality disorder’ ” portending “ ‘predatory acts of sexual violence,’ ” *id.*, at 357, 117 S.Ct. 2072 (quoting Kan. Stat. Ann. § 59-29a02(a) (1994)). *Salerno* relied on the restriction of detention “by the stringent time limitations of the Speedy Trial Act,” 481 U.S., at 747, 107 S.Ct. 2095, whereas in *Foucha*, it was a fault that the statute did not impose any comparable limitation, 504 U.S., at 82, 112 S.Ct. 1780 (citing *Salerno*). See also *Jackson v. Indiana*, 406 U.S. 715, 738, 92 S.Ct. 1845, 32 L.Ed.2d 435 (1972) (“At the least, due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed”).

The substantive demands of due process necessarily go hand in hand with the procedural, and the cases insist at the least on an opportunity for a detainee to challenge the reason claimed for committing him. *E.g.*, *Hendricks*, *supra*, at 357, 117 S.Ct. 2072 (stating that civil commitment was permitted where “the confinement takes place pursuant to proper procedures and evidentiary standards”); *Foucha*, *supra*, at **1733 81-82, 112 S.Ct. 1780 (invalidating a statute under which “the State need prove nothing to justify continued detention”); *Salerno*, *supra*, at 751, 107 S.Ct. 2095 (“[T]he procedures by which a judicial officer evaluates the likelihood of future dangerousness are specifically designed to further the accuracy of that determination”); *Addington*, *supra*, at 427, 99 S.Ct. 1804 (requiring a heightened burden of proof “to

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

impress the factfinder with the importance of the decision and thereby perhaps to reduce the chances that inappropriate commitments will be ordered”).

These cases yield a simple distillate that should govern the result here. Due process calls for an individual determination before someone is locked away. In none of the cases cited did we ever suggest that the government could avoid the Due Process Clause by doing what § 1226(c) does, by selecting a class of people for confinement on a categorical basis and denying members of that class any chance to dispute the *552 necessity of putting them away. The cases, of course, would mean nothing if citizens and comparable residents could be shorn of due process by this sort of categorical sleight of hand. Without any “full-blown adversary hearing” before detention, *Salerno, supra*, at 750, 107 S.Ct. 2095, or heightened burden of proof, *Addington, supra*, or other procedures to show the government's interest in committing an individual, *Foucha, supra*; *Jackson, supra*, procedural rights would amount to nothing but mechanisms for testing group membership. Cf. *Foucha, supra*, at 88, 112 S.Ct. 1780 (opinion of O'CONNOR, J.) (“Nor would it be permissible to treat all acquittees alike, without regard for their particular crimes”). And if procedure could be dispensed with so expediently, so presumably could the substantive requirements that the class of detainees be narrow and the detention period strictly limited. *Salerno, supra*; *Hendricks, supra*.

C

We held as much just two Terms ago in *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001), which stands for the proposition that detaining an alien requires more than the rationality of a general detention statute; any justification must go to the alien himself. *Zadvydas* considered detention of two aliens, *Zadvydas* and *Ma*, who had already been ordered removed and therefore enjoyed no lawful immigration status. Their cases arose because actual removal appeared unlikely owing to the refusal of their native countries to accept them, with the result that they had been

detained not only for the standard 90-day removal period, during which time most removal orders are executed, but beyond that period because the INS considered them to be a “ ‘risk to the community’ ” and “ ‘unlikely to comply with the order of removal.’ ” *Id.*, at 682, 121 S.Ct. 2491 (quoting 8 U.S.C. § 1231(a)(6) (1994 ed., Supp. V)). *Zadvydas* and *Ma* challenged their continued and potentially indefinite detention under the Due Process Clause of the Fifth Amendment.

*553 The *Zadvydas* opinion opened by noting the clear applicability of general due process standards: physical detention requires both a “special justification” that “outweighs the ‘individual's constitutionally protected interest in avoiding physical restraint’ ” and “adequate procedural protections.” 533 U.S., at 690, 121 S.Ct. 2491 (quoting *Hendricks*, 521 U.S., at 356, 117 S.Ct. 2072). Nowhere did we suggest that the “constitutionally protected liberty interest” in avoiding physical confinement, even for aliens already ordered removed, was conceptually different from the liberty interest of citizens considered in *Jackson*, *Salerno*, *Foucha*, and *Hendricks*. On the contrary, we cited those cases and expressly adopted their reasoning, even as applied to aliens whose right to remain in the United States had already been declared forfeited. *Zadvydas*, 533 U.S., at 690, 121 S.Ct. 2491.

**1734 Thus, we began by positing commonly accepted substantive standards and proceeded to enquire into any “special justification” that might outweigh the aliens' powerful interest in avoiding physical confinement “under [individually ordered] release conditions that may not be violated.” *Id.*, at 696, 121 S.Ct. 2491. We found nothing to justify the Government's position. The statute was not narrowed to a particularly dangerous class of aliens, but rather affected “aliens ordered removed for many and various reasons, including tourist visa violations.” *Id.*, at 691, 121 S.Ct. 2491. The detention itself was not subject to “stringent time limitations,” *Salerno, supra*, at 747, 107 S.Ct. 2095, but was potentially indefinite or even permanent, *Zadvydas*, 533 U.S., at 691, 121 S.Ct. 2491. Finally, although both *Zadvydas* and *Ma* appeared

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

to be dangerous, this conclusion was undermined by defects in the procedures resulting in the finding of dangerousness. *Id.*, at 692, 121 S.Ct. 2491. The upshot was such serious doubt about the constitutionality of the detention statute that we construed it as authorizing continuing detention only when an alien's removal was "reasonably foreseeable." *Id.*, at 699, 121 S.Ct. 2491. In the cases of *Zadvydas* and *Ma*, the fact that their countries of citizenship were not willing to accept their return weighed *554 against the Government's interest in keeping them at hand for instant removal, even though both were serious flight risks, *id.*, at 684-686, 690, 121 S.Ct. 2491, and we remanded the cases to the Courts of Appeals for a determination of the sufficiency of the Government's interests in *Zadvydas's* and *Ma's* individual detention, *id.*, at 702, 121 S.Ct. 2491.

Our individualized analysis and disposition in *Zadvydas* support Kim's claim for an individualized review of his challenge to the reasons that are supposed to justify confining him prior to any determination of removability. In fact, aliens in removal proceedings have an additional interest in avoiding confinement, beyond anything considered in *Zadvydas*: detention prior to entry of a removal order may well impede the alien's ability to develop and present his case on the very issue of removability. See Brief for Citizens and Immigrants for Equal Justice et al. as *Amici Curiae* 20-23. After all, our recognition that the serious penalty of removal must be justified on a heightened standard of proof, *Woodby v. INS*, 385 U.S. 276, 87 S.Ct. 483, 17 L.Ed.2d 362 (1966), will not mean all that much when the INS can detain, transfer, and isolate aliens away from their lawyers, witnesses, and evidence. Cf. *Stack v. Boyle*, 342 U.S. 1, 4, 72 S.Ct. 1, 96 L.Ed. 3 (1951). Kim's right to defend against removal gives him an even stronger claim than the aliens in *Zadvydas* could raise.

In fact, the principal dissenters in *Zadvydas*, as well as the majority, accepted a theory that would compel success for Kim in this case. The dissent relied on the fact that *Zadvydas* and *Ma* were subject to a "final order of removal" and had "no

right under the basic immigration laws to remain in this country," 533 U.S., at 720, 121 S.Ct. 2491 (opinion of KENNEDY, J.), in distinguishing them "from aliens with a lawful right to remain here," *ibid.*, which is Kim's position. The dissent recognized the right of all aliens, even "removable and inadmissible" ones, to be "free from detention that is arbitrary or capricious," *id.*, at 721, 121 S.Ct. 2491, and the opinion explained that detention would pass the "arbitrary or capricious" test "when *555 necessary to avoid the risk of flight or danger to the community," *ibid.*^{FN10}

FN10. In support of its standard, the dissent relied on a report by the United Nations High Commissioner for Refugees, which likewise countenanced detention only "in cases of *necessity*" and stated, under a heading entitled "Guideline 3: Exceptional Grounds for Detention":

"There should be a presumption against detention. Where there are monitoring mechanisms which can be employed as viable alternatives to detention, (such as reporting obligations or guarantor requirements ...), these should be applied *first* unless there is evidence to suggest that such an alternative will not be effective in the individual case. Detention should therefore only take place after a full consideration of all possible alternatives, or when monitoring mechanisms have been demonstrated not to have achieved the lawful and legitimate purpose." United Nations High Commissioner for Refugees, Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers (Feb.1999) (hereinafter Detention Guidelines) (emphasis in original), cited in *Zadvydas*, 533 U.S., at 721, 121 S.Ct. 2491 (opinion of KENNEDY, J.).

The High Commissioner also referred to the "minimum procedural guarante[e]" for a detainee "either personally or through a representative, to challenge the necessity of the deprivation of liberty at the review

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

hearing, and to rebut any findings made.”
Detention Guidelines, Guideline 5:
Procedural Safeguards.

****1735** Hence the *Zadvydas* dissent's focus on “whether there are adequate procedures” allowing “persons once subject to detention to show that through rehabilitation, new appreciation of their responsibilities, or under other standards, they no longer present special risks or danger if put at large.” *Ibid.*; see also *id.*, at 722-723, 121 S.Ct. 2491. Indeed, there is further support for Kim's claim in the dissent's view that the process afforded to removable aliens like *Zadvydas* and Ma “[went] far toward th[e] objective” of satisfying procedural due process, *id.*, at 722, 121 S.Ct. 2491;^{FN11} that process stands in stark contrast to the total absence ***556** of custody review available in response to Kim's claim that he is neither dangerous nor a flight risk.^{FN12} The removable aliens in *Zadvydas* had the right to a hearing, to representation, and to consideration of facts bearing on risk of flight, including criminal history, evidence of rehabilitation, and ties to the United States. *Ibid.* The references to the “necessity” of an individual's detention and the discussion of the procedural requirements show that the principal *Zadvydas* dissenters envisioned due process as individualized review, and the Court of Appeals in this case correctly held that Kim's mandatory detention without benefit of individualized enquiry violated due process as understood by both the *Zadvydas* majority and Justice KENNEDY in dissent. *Kim v. Ziglar*, 276 F.3d 523, 535-537 (C.A.9 2002). Every Court of Appeals to consider the detention of ***557** an LPR under § 1226(c) after *Zadvydas* reached the ****1736** same conclusion.^{FN13}

FN11. The scheme considered in *Zadvydas* did not provide review immediately after the removability determination; the dissent noted that custody review hearings usually occurred within three months of a transfer to a postorder detention unit, with further reviews annually or more frequently if the alien requested them. 533 U.S., at 722-723, 121 S.Ct. 2491. But the

lag was fitted to the circumstances. In the usual case, removal in fact would come promptly; it is only when it did not that interim custody raised a substantial issue. The issue here, of course, is not timing but the right to individualized review at all.

FN12. The hearing recognized in *Matter of Joseph*, 22 I. & N. Dec. 799, 1999 WL 339053 (BIA 1999), is no response to this deficiency. As the Court notes, the “ ‘*Joseph* hearing’ ” only permits an alien to show that he does not meet the statutory criteria for mandatory detention under § 1226(c). *Ante*, at 1712-1713, and n. 3. Kim argues that, even assuming that he fits under the statute, the statute's application to LPRs like him does not fit under the Due Process Clause.

Justice KENNEDY recognizes that the Due Process Clause requires “an individualized determination as to [an LPR's] risk of flight and dangerousness if the continued detention [becomes] unreasonable or unjustified.” *Ante*, at 1722 (concurring opinion). It is difficult to see how Kim's detention in this case is anything but unreasonable and unjustified, since the Government concedes that detention is not necessary to completion of his removal proceedings or to the community's protection. Certainly the fact that “there is at least some merit to the [INS's] charge” that Kim should be held to be removable, *ibid.*, does not establish a compelling reason for detention. The INS releases many noncriminal aliens on bond or on conditional parole under § 1226(a)(2) pending removal proceedings, and the fact that Kim has been convicted of criminal offenses does not on its own justify his detention, see *supra*, at 1732-1733.

FN13. *Welch v. Ashcroft*, 293 F.3d 213 (C.A.4 2002); *Hoang v. Comfort*, 282 F.3d 1247 (C.A.10 2002), cert. pending, No. 01-1616 [Reporter's Note: See *post*,

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

p. 1963]; *Patel v. Zemski*, 275 F.3d 299 (C.A.3 2001). The Seventh Circuit's decision in *Parra v. Perryman*, 172 F.3d 954 (1999), preceded our decision in *Zadvydas*.

D

In sum, due process requires a “special justification” for physical detention that “outweighs the individual's constitutionally protected interest in avoiding physical restraint” as well as “adequate procedural protections.” *Zadvydas*, 533 U.S., at 690-691, 121 S.Ct. 2491 (internal quotation marks omitted). “There must be a ‘sufficiently compelling’ governmental interest to justify such [an] action, usually a punitive interest in imprisoning the convicted criminal or a regulatory interest in forestalling danger to the community.” *Flores*, 507 U.S., at 316, 113 S.Ct. 1439 (O’CONNOR, J., concurring) (quoting *Salerno*, 481 U.S., at 748, 107 S.Ct. 2095). The class of persons subject to confinement must be commensurately narrow and the duration of confinement limited accordingly. *Zadvydas*, *supra*, at 691, 121 S.Ct. 2491; *Hendricks*, 521 U.S., at 368, 117 S.Ct. 2072; *Foucha*, 504 U.S., at 81-82, 112 S.Ct. 1780; *Salerno*, *supra*, at 747, 750, 107 S.Ct. 2095. Justice KENNEDY’s dissenting view in *Zadvydas*, like that of the majority, disapproved detention that is not “necessary” to counter a risk of flight or danger; it is “arbitrary or capricious” and violates the substantive component of the Due Process Clause. 533 U.S., at 721, 121 S.Ct. 2491. Finally, procedural due process requires, at a minimum, that a detainee have the benefit of an impartial decisionmaker able to consider particular circumstances on the issue of necessity. *Id.*, at 691-692, 121 S.Ct. 2491; *id.*, at 722, 121 S.Ct. 2491 (KENNEDY, J., dissenting); *Foucha*, *supra*, at 81, 112 S.Ct. 1780; *Salerno*, *supra*, at 750, 107 S.Ct. 2095. See also *Kenyeres v. Ashcroft*, *ante*, 538 U.S., at 1305, 123 S.Ct. 1386 (KENNEDY, J., in chambers) (“An opportunity to present one’s meritorious grievances to a court supports the legitimacy and public acceptance of a statutory regime”).

*558 By these standards, Kim’s case is an easy one. “[H]eightedened, substantive due process scrutiny,” *Flores*, *supra*, at 316, 113 S.Ct. 1439 (O’CONNOR, J., concurring), uncovers serious infirmities in § 1226(c). Detention is not limited to dangerous criminal aliens or those found likely to flee, but applies to all aliens claimed to be deportable for criminal convictions, even where the underlying offenses are minor. *E.g.*, *Michel v. INS*, 206 F.3d 253, 256 (C.A.2 2000) (possession of stolen bus transfers); *Matter of Bart*, 20 I. & N. Dec. 436, 1992 WL 195800 (BIA 1992) (issuance of a bad check). Detention under § 1226(c) is not limited by the kind of time limit imposed by the Speedy Trial Act, and while it lasts only as long as the removal proceedings, those proceedings have no deadline and may last over a year. See Brief for Citizens and Immigrants for Equal Justice et al. as *Amici Curiae* 23-26; see also *id.*, at 10-20 (citing examples). Section 1226(c) neither requires nor permits an official to determine whether Kim’s detention was necessary to prevent flight or danger.

Kim’s detention without particular justification in these respects, or the opportunity to enquire into it, violates both components of due process, and I would accordingly affirm the judgment of the Court of Appeals requiring the INS to hold a bail hearing to see whether detention is needed to avoid a risk of flight or a danger to the community.^{FN14} This is surely little enough, given the fact that 8 U.S.C. § 1536 gives an LPR charged with **1737 being a foreign terrorist the right to a release hearing pending a determination that he be removed.

FN14. Although Kim is a convicted criminal, we are not concerned here with a State’s interest in punishing those who violate its criminal laws. Kim completed the criminal sentence imposed by the California courts on February 1, 1999, and California no longer has any interest in incarcerating him.

III

The Court proceeds to the contrary conclusion on

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

the premise that “the Government may constitutionally detain *559 deportable aliens during the limited period necessary for their removal proceedings.” *Ante*, at 1719. Sometimes, maybe often, it may, but that is not the point in contention. Kim has never challenged the INS’s general power to detain aliens in removal proceedings or even its power to detain him in particular, if it affords him a chance to participate in an enquiry whether he poses a flight risk or a danger to society.

The question, rather, is whether Congress has chosen “ ‘a constitutionally permissible means of implementing’ [its immigration] power.” *Zadvydas, supra*, at 695, 121 S.Ct. 2491 (quoting *INS v. Chadha*, 462 U.S. 919, 941-942, 103 S.Ct. 2764, 77 L.Ed.2d 317 (1983)); see also *Carlson v. Landon*, 342 U.S. 524, 537, 72 S.Ct. 525, 96 L.Ed. 547 (1952) (stating that the deportation power “is, of course, subject to judicial intervention under the ‘paramount law of the Constitution’ ”). As in *Zadvydas*, we are here concerned not with the power to remove aliens but with the “important constitutional limitations” on that power’s exercise. *Zadvydas, supra*, at 695, 121 S.Ct. 2491.^{FN15}

FN15. The Court’s citations to *Wong Wing v. United States*, 163 U.S. 228, 16 S.Ct. 977, 41 L.Ed. 140 (1896), are therefore inapposite. *Ante*, at 1717, 1722. In *Wong Wing*, we hypothesized that detention “necessary to give effect” to the removal of an alien “would be valid”; the use of the subjunctive mood makes plain that the issue was not before the Court. 163 U.S., at 235, 16 S.Ct. 977. *Wong Wing* certainly did not hold that detention in aid of removal was exempt from the Due Process Clause.

Moreover, the *Wong Wing* dictum must be understood in light of the common contemporary practice in the federal courts of releasing aliens on bail pending deportation proceedings. While the Court is correct that the first statutory provision permitting Executive officials to release

aliens on bond was enacted in 1907, *ante*, at 1717, n. 7, the Court ignores the numerous judicial grants of bail prior to that year. See, e. g., *United States ex rel. Turner v. Williams*, 194 U.S. 279, 283, 24 S.Ct. 719, 48 L.Ed. 979 (1904) (stating that the lower court admitted the appellant to bail pending appeal to this Court); *Fong Yue Ting v. United States*, 149 U.S. 698, 704, 13 S.Ct. 1016, 37 L.Ed. 905 (1893) (same); *United States v. Moy Yee Tai*, 109 F. 1 (C.A.2 1901) (*per curiam*); *In re Lum Poy*, 128 F. 974, 975 (CC Mont.1904) (noting that “the practice in California, Idaho, and Oregon has been and is to admit Chinese persons to bail pending an investigation into the lawfulness of their residence within the United States, and before any order for deportation has been made”); *In re Ah Tai*, 125 F. 795, 796-797 (Mass.1903) (identifying a practice in several federal districts admitting aliens to bail, both before an initial finding of deportability and during the appeal therefrom); *In re Chow Goo Pooi*, 25 F. 77, 78 (CC Cal. 1884). The breadth of this practice is evident from one court’s statement that “[t]o hold bail altogether inadmissible ... would invalidate hundreds of existing recognizances.” *Ah Tai, supra*, at 797.

As Judge Augustus Hand later noted, the only change in 1907 was that bail decisions were committed to the discretion of Executive officials, rather than judges:

“Prior to the passage by Congress in 1907 of the act empowering the administrative official to fix bail, various courts made it a practice to grant bail to aliens during deportation hearings.... In our opinion that act was intended to place the general determination of granting bail in the hands of the authorities charged with the enforcement of the deportation laws as persons ordinarily best qualified to perform such a function....” *United States ex rel. Potash v. District Director of Immigration and Naturalization*, 169 F.2d

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

747, 751 (C.A.2 1948) (citations omitted). Thus, while *Wong Wing* stated in passing that detention may be used where it was “part of the means necessary” to the removal of aliens, 163 U.S., at 235, 16 S.Ct. 977, that statement was written against the background of the general availability of judicial relief from detention pending deportation proceedings. The judicial grants of bail prior to 1907 arose in federal habeas proceedings. Contrary to Justice O’CONNOR’s objection to federal jurisdiction in this matter, there is indeed a “history of routine reliance on habeas jurisdiction to challenge the detention of aliens without bail pending the conclusion of removal proceedings.” *Ante*, at 1724 (opinion concurring in part and concurring in judgment).

****1738 *560 A**

The Court spends much effort trying to distinguish *Zadvydas*, but even if the Court succeeded, success would not avail it much. *Zadvydas* was an application of principles developed in over a century of cases on the rights of aliens and the limits on the government’s power to confine individuals. While there are differences between detention pending removal proceedings (this case) and detention after entry of a removal order (*Zadvydas*), the differences merely point up *561 that Kim’s is the stronger claim, see *supra*, at 1734-1735. In any case, the analytical framework set forth in *Salerno*, *Foucha*, *Hendricks*, *Jackson*, and other physical confinement cases applies to both, and the two differences the Court relies upon fail to remove Kim’s challenge from the ambit of either the earlier cases or *Zadvydas* itself.^{FN16}

FN16. The Court tellingly does not even mention *Salerno*, *Foucha*, *Hendricks*, or *Jackson*.

First, the Court says that § 1226(c) “serves the purpose of preventing deportable criminal aliens from fleeing prior to or during their removal

proceedings.” *Ante*, at 1720. Yes it does, and the statute in *Zadvydas*, viewed outside the context of any individual alien’s detention, served the purpose of preventing aliens ordered to be deported from fleeing prior to actual deportation. In each case, the fact that a statute serves its purpose in general fails to justify the detention of an individual in particular. Some individual aliens covered by § 1226(c) have meritorious challenges to removability or claims for relief from removal. See Brief for Citizens and Immigrants for Equal Justice et al. as *Amici Curiae* 10-20. As to such aliens, as with *Zadvydas* and *Ma*, the Government has only a weak reason under the immigration laws for detaining them.

The Court appears to respond that Congress may require detention of removable aliens based on a general conclusion that detention is needed for effective removal of criminal aliens on a class-wide basis. But on that logic *Zadvydas* should have come out the other way, for detention of the entire class of aliens who have actually been ordered removed will in general “serv[e] the purpose” of their effective removal, *ante*, at 1720. Yet neither the Court nor Justice KENNEDY in dissent suggested that scrutiny under the Due Process Clause could be satisfied at such a general level. Rather, we remanded the individual cases of *Zadvydas* and *Ma* for determinations of the strength of the Government’s *562 reasons for detaining them in particular. 533 U.S., at 702, 121 S.Ct. 2491.^{FN17} We can insist on nothing less here, since the Government’s justification for detaining individuals like *Zadvydas* and *Ma*, who had no right to remain in this country and were proven flight risks and dangers to society, *id.*, at 684-686, 121 S.Ct. 2491, is certainly stronger (and at least no weaker) than its interest in detaining a lawful permanent resident who has not been **1739 shown (or even claimed) to be either a flight risk or a threat to the community.^{FN18}

FN17. The Court is therefore mistaken in suggesting that I view the detention of the individual aliens in *Zadvydas* as serving a governmental purpose. *Ante*, at 1720, n.

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

10. The Court confuses the “statute in *Zadvydas*, viewed outside the context of any individual alien’s detention,” *supra*, at 1738, with the “detention at issue in *Zadvydas*,” *ante*, at 1720, n. 10, namely, the detention of *Zadvydas* and *Ma* as individuals. The due process analysis in *Zadvydas* concentrated on the latter, holding that the detention of *Zadvydas* and *Ma* would not serve a legitimate immigration purpose if there were no “significant likelihood of removal in the reasonably foreseeable future.” 533 U.S., at 701, 121 S.Ct. 2491. Thus, the Court’s suggestion in this case that “the statutory provision” authorizes “detention” that prevents deportable aliens from fleeing as a general matter, *ante*, at 1720, is no sufficient basis for claiming *Zadvydas* as support for the Court’s methodology or result. Rather, the Court should consider whether the detention of *Kim* as an individual is necessary to a compelling Government interest, just as it did for the detention of *Zadvydas* and *Ma* as individuals. As the Government concedes, *Kim*’s individual detention serves no Government purpose at all.

FN18. Nor can the general risk of recidivism, *ante*, at 1715, justify this measure. The interest in preventing recidivism may be vindicated “by the ordinary criminal processes involving charge and conviction, the use of enhanced sentences for recidivists, and other permissible ways of dealing with patterns of criminal conduct.” *Foucha v. Louisiana*, 504 U.S. 71, 82, 112 S.Ct. 1780, 118 L.Ed.2d 437 (1992). The ability to detain aliens in removal proceedings who pose threats to the community also satisfies this interest. Cf. *United States v. Salerno*, 481 U.S. 739, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987). The alternative to detention, of course, is not unrestricted liberty, but supervised release, which also addresses the risk of recidivism. *Zadvydas*, 533

U.S., at 696, 121 S.Ct. 2491.

The Court’s closest approach to a reason justifying class-wide detention without exception here is a Senate Report stating that over 20% of nondetained criminal aliens failed *563 to appear for removal hearings. *Ante*, at 1715 (citing S.Rep. No. 104-48 (1995) (hereinafter Senate Report)). To begin with, the Senate Report’s statistic treats all criminal aliens alike and does not distinguish between LPRs like *Kim*, who are likely to have developed strong ties within the United States, see *supra*, at 1728-1730, and temporary visitors or illegal entrants. Even more importantly, the statistic tells us nothing about flight risk at all because, as both the Court and the Senate Report recognize, the INS was making its custody determinations not on the ground of likelihood of flight or dangerousness, but “in large part, according to the number of beds available in a particular region.” Senate Report 23, cited *ante*, at 1715; see also H.R.Rep. No. 104-469, p. 124 (1995) (hereinafter House Report) (“[I]n deciding to release a deportable alien, the INS is making a decision that the alien cannot be detained given its limited resources”); App. 26-27. This meant that the INS often could not detain even the aliens who posed serious flight risks. Senate Report 23 (noting that the INS had only 3,500 detention beds for criminal aliens in the entire country and the INS district comprising Pennsylvania, Delaware, and West Virginia had only 15). The desperate lack of detention space likewise had led the INS to set bonds too low, because “if the alien is not able to pay, the alien cannot be released, and a needed bed space is lost.” House Report 124. The Senate Report also recognized that, even when the INS identifies a criminal alien, the INS “often refuses to take action because of insufficient agents to transport prisoners, or because of limited detention space.” Senate Report, at 2. Four former high-ranking INS officials explained the Court’s statistics as follows: “Flight rates were so high in the early 1990s not as a result of chronic discretionary judgment failures by [the] INS in assessing which aliens might pose a flight risk. Rather, the rates were alarmingly high because decisions to release aliens in proceedings were driven overwhelmingly*564 by a lack of

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

detention facilities.” Brief for T. Alexander Aleinikoff et al. as *Amici Curiae* 19.

The Court's recognition that, at the time of the enactment of § 1226(c), “individualized bail determinations had not been tested under optimal conditions” is thus rather an understatement. *Ante*, at 1720. The Court does not explain how the INS's resource-driven decisions to release individuals who pose serious flight risks, and their predictable failure to attend removal hearings, could justify a systemwide denial of any opportunity for release to individuals like Kim who are neither flight risks nor threats to the public.

The Court also cites a report by the Department of Justice relied upon by the Government. Department of Justice, Office of the Inspector General, Immigration and Naturalization Service, Deportation of Aliens After Final Orders Have Been Issued, Rep. No. I-96-03 (Mar.1996) (hereinafter Post-Order Report), cited *ante*, at 1715, 1716. But that report does not even address the issue of detention before a ****1740** determination has been made that an alien is removable. As its title indicates, the Post-Order Report analyzed removal rates only for aliens who had already received final orders of removability.^{FN19} See also Post-Order Report, App. 25 (“This current review was limited to actions taken by INS to remove aliens after [immigration judges or the Board of Immigration Appeals] had issued final orders”).^{FN20}

FN19. Detention of such aliens is governed by the statute at issue in *Zadvydas*, § 1231(a), not by § 1226(c).

FN20. A prior study by the same body noted that nonappearance rates by aliens in deportation proceedings before issuance of orders to deport (aliens, that is, like Kim) were approximately 23% for the first half of 1993 and 21% for all of 1992. Department of Justice, Office of the Inspector General, Case Hearing Process in the Executive Office for Immigration

Review, Rep. No. I-93-03, p. 5 (May 1994) (hereinafter Case Hearing Report). Congress appears to have considered these relevant figures, Senate Report 2 (“Over 20 percent of nondetained criminal aliens fail to appear for deportation proceedings”), without referring to irrelevant postorder numbers. The Government relied on the Post-Order Report in its brief and at oral argument. Brief for Petitioners 7, 19-20, and n. 7; Tr. of Oral Arg. 23. The Government did not cite the Case Hearing Report.

***565** More relevant to this case, and largely ignored by the Court, is a recent study conducted at the INS's request concluding that 92% of criminal aliens (most of whom were LPRs) who were released under supervisory conditions attended all of their hearings. 1 Vera Institute of Justice, Testing Community Supervision for the INS: An Evaluation of the Appearance Assistance Program, pp. ii, 33, 36 (Aug. 1, 2000) (hereinafter Vera Institute Study). Even without supervision, 82% of criminal aliens released on recognizance showed up, as did 77% of those released on bond, leading the reporters to conclude that “supervision was especially effective for criminal aliens” and that “mandatory detention of virtually all criminal aliens is not necessary.” *Id.*, at ii, 36, 42.^{FN21}

FN21. The Court throws in minor criticisms of the Vera Institute Study that have no bearing on its relevance here. The institute's supervised release program included 127 criminal aliens who would be subject to mandatory detention under § 1226(c) because of their criminal histories. Vera Institute Study 33. Since the INS seeks Kim's removal on the grounds of either crimes of moral turpitude or an aggravated felony, see *ante*, at 1712, n. 1, the fact that most of the Vera Institute Study's subjects were convicted of crimes of moral turpitude but not an aggravated felony, *ante*, at 1716, n. 5, is of no moment. Nor were all of the aliens

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

studied subject to intensive supervision, *ibid.*; most were subject to “regular supervision,” which involved no mandatory reporting sessions beyond an initial orientation session with supervision staff and required only that the alien keep the staff apprised of a current mailing address, appear in court, and comply with the orders of the immigration judge, Vera Institute Study 17-18. That the institute considered various screening criteria before authorizing supervised release, *ante*, at 1716, n. 5, does not undermine the value of the study, since any program adopted by the INS in lieu of mandatory detention could do the same. Cf. *Zadvydas*, 533 U.S., at 696, 121 S.Ct. 2491. Finally, the fact that Kim sought and was granted release on bond rather than supervised release, *ante*, at 1716, n. 5, does not detract from the relevance of the Vera Institute Study. Regardless of what methods the INS decides to employ to prevent flight, the study supports the conclusion that mandatory detention under § 1226(c) is “not necessary” to prevent flight, Vera Institute Study 42, and therefore violates the Due Process Clause.

566** The Court nowhere addresses the Vera Institute's conclusion that criminal aliens released under supervisory conditions are overwhelmingly likely to attend their hearings. Instead, the Court fixes on the fact that 23% of the comparison group of aliens released on bond failed to attend all of their hearings. *Ante*, at 1715. Since the bond determinations were made by the INS, the fact remains that resource-driven concerns may well have led the INS to release individuals who were evident flight risks on bonds too low to ensure their attendance. See *supra*, at 1739. The Court's assumption that the INS's bond determinations involved “individualized screening” for flight risk, *ante*, *1741** at 1716, finds no support in the Vera Institute Study. Thus the Court's reliance on the failure rate of aliens released by the INS on bond, whether it comes from the Senate Report or the Vera Institute Study, *ante*, at 1715-1716, does not

support its conclusion.

In sum, the Court's inapposite statistics do not show that detention of criminal LPRs pending removal proceedings, even on a general level, is necessary to ensure attendance at removal hearings, and the Vera Institute Study reinforces the point by establishing the effectiveness of release under supervisory conditions, just as we did in *Zadvydas*, 533 U.S., at 696, 121 S.Ct. 2491 (noting that imprisonment was constitutionally suspect given the possibility of “supervision under release conditions that may not be violated”).^{FN22} The Court's first attempt to distinguish *Zadvydas* accordingly fails.

FN22. This case accordingly presents no issue of “‘court ordered release,’ ” *ante*, at 1721, n. 14 (quoting *Zadvydas*, *supra*, at 713, 121 S.Ct. 2491 (KENNEDY, J., dissenting)); in this case, for example, the INS reached its own determination to release Kim on bond. This case concerns only the uncontroversial requirement that detention serve a compelling governmental interest and that detainees be afforded adequate procedures ensuring against erroneous confinement. *E. g.*, *Salerno*, 481 U.S., at 751, 107 S.Ct. 2095 (“[T]he procedures by which a judicial officer evaluates the likelihood of future dangerousness are specifically designed to further the accuracy of that determination”); see also *Zadvydas*, *supra*, at 721, 121 S.Ct. 2491 (KENNEDY, J., dissenting) (stating that due process requires “adequate procedures” permitting detained aliens to show that “they no longer present special risks or danger” warranting confinement).

***567** The Court's second effort is its claim that mandatory detention under § 1226(c) is generally of a “much shorter duration” than the incarceration at issue in *Zadvydas*. *Ante*, at 1720. While it is true that removal proceedings are unlikely to prove “indefinite and potentially permanent,” 533 U.S., at 696, 121 S.Ct. 2491, they are not formally limited

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

to any period, and often extend beyond the time suggested by the Court, that is, “an average time of 47 days” or, for aliens who exercise their right of appeal, “an average of four months,” *ante*, at 1721; see also Case Hearing Report 12 (finding that the average time from receipt of charging documents by a detained alien to a final decision by the immigration judge was 54 days). Even taking these averages on their face, however, they are no legitimate answer to the due process claim to individualized treatment and hearing.

In the first place, the average time from receipt of charging documents to decision obscures the fact that the alien may receive charging documents only after being detained for a substantial period. Kim, for example, was not charged until five weeks after the INS detained him. Brief for Respondent 9.

Even more revealing is an explanation of the raw numbers that are averaged out. As the Solicitor General conceded, the length of the average detention period in great part reflects the fact that the vast majority of cases involve aliens who raise no challenge to removability at all. Tr. of Oral Arg. 57. LPRs like Kim, however, will hardly fit that pattern. Unlike many illegal entrants and temporary nonimmigrants, LPRs are the aliens most likely to press substantial *568 challenges to removability requiring lengthy proceedings.^{FN23} See Vera Institute Study 33, 37 (stating that many of the criminal aliens studied were “lawful permanent residents who have spent much or all of their adult lives in the United States” and that 40% of those released on supervision “were allowed to stay in the United States”). Successful challenges often require several months of proceedings, see Brief for Citizens**1742 and Immigrants for Equal Justice et al. as *Amici Curiae* 10-20; detention for an open-ended period like this falls far short of the “stringent time limitations” held to be significant in *Salerno*, 481 U.S., at 747, 107 S.Ct. 2095. The potential for several months of confinement requires an individualized finding of necessity under *Zadvydas*.^{FN24}

FN23. Criminal aliens whose “removal

proceedings are completed while [they are] still serving time for the underlying conviction,” *ante*, at 1721, are irrelevant to this case, since they are never detained pending removal proceedings under § 1226(c).

FN24. The Court calls several months of unnecessary imprisonment a “very limited time,” *ante*, at 1721, n. 12. But the due process requirement of an individualized finding of necessity applies to detention periods shorter than Kim's. *Schall v. Martin*, 467 U.S. 253, 104 S.Ct. 2403, 81 L.Ed.2d 207 (1984), involved a maximum detention period of 17 days, *id.*, at 270, 104 S.Ct. 2403, yet our due process analysis noted that the detainee was entitled to a hearing in which he could challenge the necessity of his confinement before an impartial decisionmaker required to state the facts and reasons underlying any decision to detain, *id.*, at 276-277, 104 S.Ct. 2403. The 90-day removal period in § 1231(a)(1) not only has a fixed endpoint, but also applies only after the alien has been adjudged removable, § 1231(a)(1)(B). The discussion of that provision in *Zadvydas* cannot be read to indicate any standard of permissible treatment of an LPR who has not yet been found removable.

B

The Court has failed to distinguish *Zadvydas* in any way that matters. It does no better in its effort to portray its result in this case as controlled by *Carlson v. Landon*, 342 U.S. 524, 72 S.Ct. 525, 96 L.Ed. 547 (1952), and *Reno v. Flores*, 507 U.S. 292, 113 S.Ct. 1439, 123 L.Ed.2d 1 (1993).

*569 1

Carlson did not involve mandatory detention. It involved a system similar to the one Kim contends for here. The aliens' detention pending deportation

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

proceedings in *Carlson* followed a decision on behalf of the Attorney General that custody was preferable to release on bond or on conditional parole. 342 U.S., at 528, n. 5, 72 S.Ct. 525 (citing Internal Security Act of 1950, § 23, 64 Stat. 1011). We sustained that decision because we found that the District Director of the INS, to whom the Attorney General had delegated the authority, did not abuse his discretion in concluding that “evidence of membership [in the Communist Party] plus personal activity in supporting and extending the Party’s philosophy concerning violence” made the aliens “a menace to the public interest.” 342 U.S., at 541, 72 S.Ct. 525. The significance of looking to “personal activity” in our analysis was complemented by our express recognition that there was “no evidence or contention that all persons arrested as deportable ... for Communist membership are denied bail,” *id.*, at 541-542, 72 S.Ct. 525, and by a Government report showing that in fact “the large majority” of aliens arrested on charges comparable to the *Carlson* petitioners’ were allowed bail. *Id.*, at 542, 72 S.Ct. 525; see also *id.*, at 538, n. 31, 72 S.Ct. 525 (noting that it was “quite clear” that “detention without bond has been the exception”).

Indeed, the *Carlson* Court’s constitutional analysis relying on the opportunity for individualized bond determinations simply followed the argument in the brief for the United States in that case. In response to the aliens’ argument that the statute made it “mandatory on the Attorney General to deny bail to alien communists,” the Government stated, “[w]e need not consider the constitutionality of such a law for that is not what the present law provides.” Brief for Respondent in *Carlson v. Landon*, O.T.1951, No. 35, p. 19; see also *id.*, at 20 (“[T]he act itself, by its terms, leaves no doubt that the power to detain is discretionary, not mandatory”). The *570 Government also presented the following excerpt of a statement of the chairman of the House Judiciary Committee:

“No particular hardship is going to be worked on anyone because, bear this fact in mind, *it is not mandatory on the Attorney General to hold people in detention. He is given discretionary power.* **1743 If in his judgment one of the class of

people I have just mentioned ought to be held for paramount national reasons, he may detain him, but he is not obliged to hold anybody, *although I trust that in every case of a subversive or a hardened criminal he will.’* ” *Id.*, at 19 (quoting 96 Cong. Rec. 10449-10450 (1950) (statement of Rep. Walter) (emphasis added in Brief for Respondent in *Carlson v. Landon*, *supra*)).

In short, *Carlson* addressed a very different scheme from the one here.

It is also beside the point for the Court to suggest that “like respondent in the present case,” the *Carlson* petitioners challenged their detention because “there had been no finding that they were unlikely to appear for their deportation proceedings.” *Ante*, at 1718. Each of them was detained after being found to be “a menace to the public interest,” 342 U.S., at 541, 72 S.Ct. 525, and their challenge, unlike Kim’s, was that the INS had locked them up for an impermissible reason (danger to society) whereas only a finding of risk of flight would have justified detention. *Id.*, at 533-534, 72 S.Ct. 525 (“It is urged ... that where there is no evidence to justify a fear of unavailability for the hearings or for the carrying out of a possible judgment of deportation, denial of bail under the circumstances of these cases is an abuse of discretion”); see also *id.*, at 551, 72 S.Ct. 525 (Black, J., dissenting) (“A power to put in jail because dangerous cannot be derived from a power to deport”).^{FN25} *571 We rejected that contention, leaving the petitioners in detention because they were dangerous to the public interest, and on that issue, an official had determined that the *Carlson* petitioners ought to be detained. Here, however, no impartial decisionmaker has determined that detaining Kim is required for any purpose at all, and neither the Government nor the Court even claims such a need.

FN25. Similarly, the question presented in *Butterfield v. Zydok*, argued and decided together with *Carlson*, was “[w]hether, in exercising his discretion to grant or withhold bail pending final determination of the deportability of an alien, the

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

Attorney General is justified in denying bail on the ground that the alien is an active participant in Communist Party affairs, or whether he is bound also to consider other circumstances, particularly the likelihood that the alien will report as ordered.” Pet. for Cert. in *Butterfield v. Zydok*, O.T.1951, No. 136, p. 2.

For the same reason it is beside the point to note that the unsuccessful *Carlson* petitioners' brief raised a claim that detention without reference to facts personal to their individual cases would violate the Due Process Clause. *Ante*, at 1718. As the United States pointed out in its own *Carlson* brief, that issue was never presented, since the District Director's exercise of discretion was based on individualized determinations that the petitioners were dangerous to society. See *supra*, at 1742-1743.^{FN26} Nor is the Court entitled to invoke *Carlson* by saying that the INS “had adopted a policy of refusing to grant bail” to alien Communists, which made the Attorney General's discretion to release aliens on bond merely “ostensibl[e].” *Ante*, at 1718. The *Carlson* Court found that “[t]here is no evidence or contention that all persons*572 arrested as deportable ... for Communist membership are denied**1744 bail.” 342 U.S., at 541-542, 72 S.Ct. 525.

FN26. While a prior conviction may sometimes evidence a risk of future danger, it is not conclusive in all cases, and *Kim* is a good example, given that the Government found that he “would not be considered a threat.” App. 13. Indeed, the Court acknowledges that convictions are only “relevant to” dangerousness, *ante*, at 1719, n. 9; it does not state that they compel a finding of danger in all cases. As even the *Zadvydas* dissent recognized, due process requires that detained criminal aliens be given an opportunity to rebut the necessity of detention by showing “that through rehabilitation, new appreciation of their responsibilities, or under other standards, they no longer present special

risks or danger if put at large.” 533 U.S., at 721, 121 S.Ct. 2491 (opinion of KENNEDY, J.).

The Court refuses to accept the opinion of the *Carlson* Court and the representations made in the successful brief for the Government in that case. The Court not only fails to acknowledge the actual holding of *Carlson*; it improperly adopts as authority statements made in dissent. The Court's emphatic assertion that “[t]here was no ‘individualized findin[g]’ of likely future dangerousness as to any of the aliens,” *ante*, at 1718, rests entirely on opinions voiced in dissent, although the Court only mentions this fact in a footnote, *ante*, at 1718, n. 8 (citing 342 U.S., at 549, 550, n. 5, 552, 72 S.Ct. 525 (Black, J., dissenting), and *id.*, at 567, 72 S.Ct. 525 (Frankfurter, J., dissenting)). Statements made in dissent do not override the *Carlson* Court's express finding that the petitioners in that case were found to be not only members of the Communist Party, but “active in Communist work” and to “a degree, minor perhaps in [one] case, [participants] in Communist activities.” *Id.*, at 541, 72 S.Ct. 525.^{FN27}

FN27. In the footnote immediately following its citation of dissenting opinions, the Court cites a passage from the *Carlson* majority opinion confirming that the *Carlson* petitioners' detention rested on the “allegation, supported by affidavits, that the [INS's] dossier of each petitioner contained evidence” of Communist Party membership and activities “to the prejudice of the public interest.” 342 U.S., at 530, 72 S.Ct. 525 (quoted *ante*, at 1718, n. 9).

Moreover, the *Carlson* dissenters did not suggest that no individualized determinations had occurred; rather, they contended that the District Director's individual findings of dangerousness were unsupported by sufficient reliable evidence. See *id.*, at 549-550, 72 S.Ct. 525 (Black, J., dissenting) (arguing that the aliens were not in fact “ ‘

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

dangerous' ” at all); *id.*, at 552, 72 S.Ct. 525 (arguing that danger findings were based on “the rankest hearsay evidence” instead of the INS being “required to prove” that the detainee was dangerous); *id.*, at 555-556, 72 S.Ct. 525 (arguing that activity within the Communist movement did not make the aliens “dangerous”); *id.*, at 566-567, 72 S.Ct. 525 (Frankfurter, J., *573 dissenting) (arguing that evidence of Communist party membership was “insufficient to show danger”; that evidence of some aliens' activities was stale; and that the history of treatment of the aliens involved forced him to conclude that the Attorney General was not actually exercising discretion on an individual basis).^{FN28} And even if the *Carlson* dissenters were factually correct, all that would show is that the *Carlson* Court was misled (by the Government, no less) into deciding the case on the basis that individualized findings of dangerousness were made. Given that the *Carlson* Court clearly believed that it was deciding a case in which individualized determinations occurred, it is serious error for this Court to treat *Carlson* as deciding a case in which they did not.

FN28. Justice Black's dissenting statement that one of the aliens was “ ‘not likely to engage in any subversive activities,’ ” 342 U.S., at 549, 72 S.Ct. 525, does not amount to a “specific finding of nondangerousness,” *ante*, at 1718. On the contrary, the Court expressly stated that the Government could prove dangerousness based on “personal activity” in the Communist Party; it simply was not required to go so far as to show “specific acts of sabotage or incitement to subversive action.” *Carlson, supra*, at 541, 72 S.Ct. 525. Thus while there was no finding of “subversive action,” there certainly was a finding of “danger,” albeit one that Justice Black found unconvincing. Likewise, Justice Frankfurter's statement in dissent that the Solicitor General of the United States had “advised” that “it has been the Government's policy ... to terminate bail” for aliens awaiting

deportation who were “present active Communists,” 342 U.S., at 568, 72 S.Ct. 525, is difficult to reconcile with the contrary statements in both the majority opinion and the United States's brief in *Carlson*, see *supra*, at 1742-1743. Whatever its basis, Justice Frankfurter's reference to a “policy” of bail denials does not bear the weight that the Court places upon it today.

Finally, the Court gets no help from the isolated passages of the *Carlson* opinion that it quotes. Although the *Carlson* **1745 Court stated that detention was “ ‘a part’ ” of deportation procedure, *ante*, at 1718 (quoting *Carlson*, 342 U.S., at 538, 72 S.Ct. 525), it nowhere said that detention was part of every deportation proceeding. Instead, it acknowledged that “the far larger part” of aliens deportable on “subversive charges” were released *574 on “modest bonds or personal recognizances” pending their deportation proceedings. *Id.*, at 538, n. 31, 72 S.Ct. 525. Contrary to the Court's holding today, the *Carlson* Court understood that discretion to admit to bail was necessary, since “[o]f course [a] purpose to injure [the United States] could not be imputed generally to all aliens subject to deportation.” *Id.*, at 538, 72 S.Ct. 525. It was only in this light that the Court said that the INS could “justify [its] refusal of bail by reference to the legislative scheme to eradicate the evils of Communist activity”; the Court was referring to the INS's power to detain on a finding that a given alien was engaged in Communist activity that threatened society. *Id.*, at 543, 72 S.Ct. 525. The Court nowhere addressed, much less approved, the notion that the INS could justify, or that Congress could compel, an individual's detention without any determination at all that his detention was necessary to some Government purpose. And if there was ever any doubt on this point, it failed to survive our subsequent, unanimous recognition that the detention scheme in *Carlson* required “some level of individualized determination” as a precondition to detention. *INS v. National Center for Immigrants' Rights, Inc.*, 502 U.S. 183, 194-195, 112 S.Ct. 551, 116 L.Ed.2d 546 (1991); see also *Flores*, 507 U.S., at 313, 113 S.Ct. 1439. *Carlson*

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

stands at odds with the Court's outcome in this case.

2

The Court's paragraph on *Flores*, *supra*, is no more help to it. Like *Carlson*, *Flores* did not involve mandatory detention, and the INS regulation at issue in *Flores* actually required that alien juveniles be released pending removal proceedings unless the INS determined that detention was required “ ‘to secure [the juvenile's] timely appearance before the [INS] or the immigration court or to ensure the juvenile's safety or that of others.’ ” 507 U.S., at 297, 113 S.Ct. 1439 (quoting 8 CFR § 242.24(b)(1) (1992)). Again, Kim agrees that such a system is constitutional and contends for it here. *Flores* turned not on the necessity of detention, but on the regulation's restriction*575 that alien juveniles could only be released to the custody of the juvenile's parent, legal guardian, or another specified adult relative. Even this limitation, however, was subject to exception for releasing a juvenile to another person in “ ‘unusual and compelling circumstances and in the discretion of the [INS] district director or chief patrol agent.’ ” 507 U.S., at 297, 113 S.Ct. 1439 (quoting 8 CFR § 242.24(b)(4) (1992)).

Thus, the substantive due process issue in *Flores* was not whether the aliens' detention was necessary to a governmental purpose: “ ‘freedom from physical restraint’ ” was “not at issue” at all because, as juveniles, the aliens were “ ‘always in some form of custody.’ ” 507 U.S., at 302, 113 S.Ct. 1439 (quoting *Schall v. Martin*, 467 U.S. 253, 265, 104 S.Ct. 2403, 81 L.Ed.2d 207 (1984)). Since “ ‘[l]egal custody’ rather than ‘detention’ more accurately describes the reality of the arrangement” in *Flores*, 507 U.S., at 298, 113 S.Ct. 1439, that case has no bearing on this one, which concerns the detention of an adult.^{FN29}

FN29. Nor is it to the point for the Court to quote *Flores* as rejecting the aliens' challenge to a “ ‘blanket’ presumption of the unsuitability of custodians other than

parents, close relatives, and guardians.’ ” *Ante*, at 1719 (quoting 507 U.S., at 313, 113 S.Ct. 1439). *Flores* expressly stated that the regulation did not implicate the core liberty interest in avoiding physical confinement. *Id.*, at 302, 113 S.Ct. 1439 (“The ‘freedom from physical restraint’ ... is not at issue in this case”).

****1746** *Flores* is equally distinguishable at the procedural level. We held that the procedures for the custody decision sufficed constitutionally because any determination to keep the alien “in the custody of the [INS], released on recognizance, or released under bond” was open to review by the immigration court, the Board of Immigration Appeals, and the federal courts. *Id.*, at 308, 113 S.Ct. 1439. Like the aliens in *Carlson*, the juveniles in *Flores* were subject to a different system and raised a different complaint from Kim's.

While *Flores* holds that the INS may use “reasonable presumptions and generic rules” in carrying out its statutory discretion, 507 U.S., at 313, 113 S.Ct. 1439, it gave no *carte blanche* to general*576 legislation depriving an entire class of aliens of liberty during removal proceedings. *Flores* did not disturb established standards that detention of an adult must be justified in each individual instance.^{FN30}

FN30. Indeed, the passages the Court quotes from *Flores* did not concern the regulation's constitutionality at all, but rather its validity as an implementation of the authorizing statute. *Id.*, at 313, 113 S.Ct. 1439 (“Respondents also contend that the INS regulation violates the statute because it relies upon a ‘blanket’ presumption”). *Flores* clearly separated its analysis of the regulation under the Due Process Clause from its analysis of the regulation under the statute. See *id.*, at 300, 113 S.Ct. 1439; see also *id.*, at 318-319, 113 S.Ct. 1439 (O'CONNOR, J., concurring) (pointing out the substantive due process analysis at *id.*, at 301-306, 113

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

S.Ct. 1439, and the procedural due process analysis at *id.*, at 306-309, 113 S.Ct. 1439).

IV

This case is not about the National Government's undisputed power to detain aliens in order to avoid flight or prevent danger to the community. The issue is whether that power may be exercised by detaining a still lawful permanent resident alien when there is no reason for it and no way to challenge it. The Court's holding that the Due Process Clause allows this under a blanket rule is devoid of even ostensible justification in fact and at odds with the settled standard of liberty. I respectfully dissent.

Justice BREYER, concurring in part and dissenting in part.

I agree with the majority that the courts have jurisdiction, and I join Part I of its opinion. If I believed (as the majority apparently believes, see *ante*, at 1712-1713, and n. 3) that Kim had conceded that he is deportable, then I would conclude that the Government could detain him without bail for the few weeks ordinarily necessary for formal entry of a removal order. Brief for Petitioners 39-40; see *ante*, at 1720-1722. Time limits of the kind set forth in *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001), should govern these and longer periods of detention, for an alien's concession that he is deportable *577 seems to me the rough equivalent of the entry of an order of removal. See *id.*, at 699-701, 121 S.Ct. 2491 (reading the statute, under constitutional compulsion, as commonly imposing a presumption of a 6-month "reasonable" time limit for post-removal-order detention).

This case, however, is not one in which an alien concedes deportability. As Justice SOUTER points out, Kim argues to the contrary. See *ante*, at 1727-1728 (opinion concurring in part and dissenting in part). Kim claims that his earlier convictions were neither for an " 'aggravated felony' " nor for two crimes of " 'moral turpitude.' " Brief for Respondent 3, 11-12, 31-32, and n. 29. And given shifting lower court views on such

matters, I cannot say that his arguments are insubstantial or interposed solely for purposes of delay. See, e.g., *United States v. Corona-Sanchez*, 291 F.3d 1201, 1213 (C.A.9 2002) (petty theft with a prior not an "aggravated felony"). Compare *Omagah v. Ashcroft*, 288 F.3d 254, 259 (C.A.5 2002) (" 'Moral turpitude refers generally to conduct that shocks the public conscience as **1747 being inherently base, vile, or depraved' "), with *Guarneri v. Kessler*, 98 F.2d 580, 580-581 (C.A.5 1938) ("Moral turpitude" involves " '[a]nything done contrary to justice, honesty, principle or good morals' "), and *Quilodran-Brau v. Holland*, 232 F.2d 183, 184 (C.A.3 1956) ("The borderline of ' moral turpitude' is not an easy one to locate").

That being so-as long as Kim's legal arguments are neither insubstantial nor interposed solely for purposes of delay-then the immigration statutes, interpreted in light of the Constitution, permit Kim (if neither dangerous nor a flight risk) to obtain bail. For one thing, Kim's constitutional claims to bail in these circumstances are strong. See *ante*, at 1731-1733, 1736 (SOUTER, J., concurring in part and dissenting in part). Indeed, they are strong enough to require us to "ascertain whether a construction of the statute is fairly possible by which the [constitutional] question may *578 be avoided." *Crowell v. Benson*, 285 U.S. 22, 62, 52 S.Ct. 285, 76 L.Ed. 598 (1932); accord, *Zadvydas, supra*, at 689, 121 S.Ct. 2491.

For another, the relevant statutes literally say nothing about an individual who, armed with a strong argument against deportability, might, or might not, fall within their terms. Title 8 U.S.C. § 1226(c) tells the Attorney General to "take into custody any alien who ... *is* deportable" (emphasis added), not one who may, or may not, fall into that category. Indeed, the Government now permits such an alien to obtain bail if his argument against deportability is significantly *stronger* than substantial, *i.e.*, strong enough to make it "substantially unlikely" that the Government will win. *Matter of Joseph*, 22 I. & N. Dec. 799 (BIA 1999). Cf. 8 CFR § 3.19(h)(2)(ii) (2002).

Finally, bail standards drawn from the criminal

123 S.Ct. 1708

Page 42

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245
(Cite as: 538 U.S. 510, 123 S.Ct. 1708)

justice system are available to fill this statutory gap. Federal law makes bail available to a criminal defendant after conviction and pending appeal provided (1) the appeal is “not for the purpose of delay,” (2) the appeal “raises a substantial question of law or fact,” and (3) the defendant shows by “clear and convincing evidence” that, if released, he “is not likely to flee or pose a danger to the safety” of the community. 18 U.S.C. § 3143(b). These standards give considerable weight to any special governmental interest in detention (*e.g.*, process-related concerns or class-related flight risks, see *ante*, at 1720). The standards are more protective of a detained alien's liberty interest than those currently administered in the Immigration and Naturalization Service's *Joseph* hearings. And they have proved workable in practice in the criminal justice system. Nothing in the statute forbids their use when § 1226(c) deportability is in doubt.

I would interpret the (silent) statute as imposing these bail standards. Cf. *Zadvydas, supra*, at 698, 121 S.Ct. 2491; *United States v. Witkovich*, 353 U.S. 194, 201-202, 77 S.Ct. 779, 1 L.Ed.2d 765 (1957); *Kent v. Dulles*, 357 U.S. 116, 129, 78 S.Ct. 1113, 2 L.Ed.2d 1204 (1958). So interpreted, the statute would require the Government to permit a detained alien to seek *579 an individualized assessment of flight risk and dangerousness as long as the alien's claim that he is not deportable is (1) not interposed solely for purposes of delay and (2) raises a question of “law or fact” that is not insubstantial. And that interpretation, in my view, is consistent with what the Constitution demands. I would remand this case to the Ninth Circuit to determine whether Kim has raised such a claim.

With respect, I dissent from the Court's contrary disposition.

U.S.,2003.

Demore v. Kim

538 U.S. 510, 123 S.Ct. 1708, 187 A.L.R. Fed. 633, 155 L.Ed.2d 724, 71 USLW 4315, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245

END OF DOCUMENT

© 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.

KEYCITE

▶ **Demore v. Kim**, 538 U.S. 510, 123 S.Ct. 1708, 155 L.Ed.2d 724, 71 USLW 4315, 187 A.L.R. Fed. 633, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245 (U.S., Apr 29, 2003) (NO. 01-1491)

History

Direct History

- ▶ 1 Kim v. Schiltgen, 1999 WL 33944060 (N.D.Cal. Aug 11, 1999) (NO. C 99-2257 SI)
Affirmed on Other Grounds by
- ▶ 2 Kim v. Ziglar, 276 F.3d 523, 02 Cal. Daily Op. Serv. 192, 2002 Daily Journal D.A.R. 275 (9th Cir.(Cal.) Jan 09, 2002) (NO. 99-17373)
Certiorari Granted by
- H 3 Demore v. Kim, 536 U.S. 956, 122 S.Ct. 2696, 153 L.Ed.2d 833, 70 USLW 3655, 70 USLW 3792, 70 USLW 3798, 2002 Daily Journal D.A.R. 7390 (U.S. Jun 28, 2002) (NO. 01-1491)
AND Judgment Reversed by
- => 4 **Demore v. Kim**, 538 U.S. 510, 123 S.Ct. 1708, 155 L.Ed.2d 724, 71 USLW 4315, 187 A.L.R. Fed. 633, 03 Cal. Daily Op. Serv. 3579, 2003 Daily Journal D.A.R. 4599, 16 Fla. L. Weekly Fed. S 245 (U.S. Apr 29, 2003) (NO. 01-1491)

Negative Citing References (U.S.A.)

Declined to Extend by

- ▶ 5 Ashley v. Ridge, 288 F.Supp.2d 662 (D.N.J. Oct 29, 2003) (NO. CIV.A. 03-4078 (JLL)) ★★★★★
HN: 1,4,6 (S.Ct.)
- ▶ 6 Tijani v. Willis, 430 F.3d 1241, 05 Cal. Daily Op. Serv. 10,461, 2005 Daily Journal D.A.R. 14,335 (9th Cir.(Cal.) Dec 13, 2005) (NO. 04-55285) ★★★★★ **HN: 4,6,7 (S.Ct.)**

Distinguished by

- ▶ 7 Ly v. Hansen, 351 F.3d 263, 2003 Fed.App. 0418P (6th Cir.(Ohio) Nov 26, 2003) (NO. 01-3016), rehearing denied (Mar 30, 2004) ★★★★★ **HN: 1,4,6 (S.Ct.)**
- ▶ 8 Zavala v. Ridge, 310 F.Supp.2d 1071 (N.D.Cal. Mar 01, 2004) (NO. C04-00253 JSW) ★★ **HN: 1,6 (S.Ct.)**
- ▶ 9 Patel v. Ashcroft, 401 F.3d 400, 2005 Fed.App. 0110P (6th Cir. Mar 08, 2005) (NO. 03-3809) ★★ **HN: 1 (S.Ct.)**
- C 10 Moallin v. Cangemi, 427 F.Supp.2d 908 (D.Minn. Apr 12, 2006) (NO. 05-CV-1826(JMR/SRN)) ★★★★★ **HN: 4,6,7 (S.Ct.)**
- C 11 Andreasyan v. Gonzales, 446 F.Supp.2d 1186 (W.D.Wash. Aug 17, 2006) (NO. C06-285C) ★★★★★ **HN: 4,6 (S.Ct.)**
- 12 Haitzacky v. I.N.S., 2007 WL 835407 (D.N.J. Mar 14, 2007) (NO. CIV. 06-4828 (SRC)) ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 13 Ali v. Crawford, 2007 WL 1670165 (D.Ariz. Jun 08, 2007) (NO. CV06-01149-PHX-EHC) ★★★★★ **HN: 4,6,7 (S.Ct.)**
- C 14 Martinez-Herrera v. Crawford, 2007 WL 2023469 (D.Ariz. Jun 20, 2007) (NO. CV07 0267PHX NVW DKD) ★★★★★ **HN: 4,6,7 (S.Ct.)**
- 15 Nikbakhsh-Tali v. Long, 2007 WL 1880075 (D.Ariz. Jun 27, 2007) (NO. CV 06-02121 PHX NVW) ★★★★★ **HN: 4,6,7 (S.Ct.)**
- H 16 Njai v. Gonzales, 2007 WL 2174963 (D.Ariz. Jul 26, 2007) (NO. CV05-3704-PHX-SRB) ★★★★★

Court Documents
Appellate Court Documents (U.S.A.)

U.S. Appellate Briefs

- 17 DeMore v. Kim, 2002 WL 2008201 (Appellate Brief) (U.S. Aug. 28, 2002) **BRIEF OF WASHINGTON LEGAL FOUNDATION; ALLIED EDUCATIONAL FOUNDATION; U.S. REPS. BOB BARR, JOE BARTON** (NO. 01-1491)
- 18 DeMore v. Kim, 2002 WL 31016560 (Appellate Brief) (U.S. Aug. 29, 2002) **BRIEF FOR THE PETITIONERS** (NO. 01-1491)
- 19 DeMore v. Kim, 2002 WL 31444468 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF OF THE AMERICAN BAR ASSOCIATION AS AMICUS CURIAE SUPPORTING RESPONDENT** (NO. 01-1491)
- 20 DeMore v. Kim, 2002 WL 31455513 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF OF AMICI CURIAE CITIZENS AND IMMIGRANTS FOR EQUAL JUSTICE, CAMBODIAN ASSOCIATION OF AMERICA, H** (NO. 01-1491)
- 21 DeMore v. Kim, 2002 WL 31455515 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF OF AMICI CURIAE INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS IN SUPPORT OF RESPONDENT** (NO. 01-1491)
- 22 DeMore v. Kim, 2002 WL 31455518 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF FOR AMICI CURIAE LAW FACULTY IN SUPPORT OF RESPONDENT** (NO. 01-1491)
- 23 DeMore v. Kim, 2002 WL 31455522 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF OF AMICI CURIAE THE NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, LEADERSHIP CONFERENCE ON** (NO. 01-1491)
- 24 DeMore v. Kim, 2002 WL 31455523 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF FOR T. ALEXANDER ALEINIKOFF, DAVID A. MARTIN, DORIS MEISSNER, AND PAUL W. VIRTUE AS AMICI CURI** (NO. 01-1491)
- 25 DeMore v. Kim, 2002 WL 31455525 (Appellate Brief) (U.S. Oct. 28, 2002) **BRIEF FOR THE RESPONDENT** (NO. 01-1491)
- 26 DeMore v. Kim, 2002 WL 31969024 (Appellate Brief) (U.S. Nov. 21, 2002) **Reply Brief for the Petitioners** (NO. 01-1491)

C.A.9 Appellate Briefs

- 27 Hyung Joon KIM, Petitioner-Appellee, v. Thomas SCHILTGEN, District Director, Immigration and Naturalization Service, San Francisco, California, and Janet Reno U.S. Attorney General, Respondents-Appellants., 2000 WL 34004734 (Appellate Brief) (C.A.9 Feb. 11, 2000) **Brief of Appellants** (NO. 99-17373)
[ORIGINAL IMAGE OF THIS DOCUMENT \(PDF\)](#)
- 28 Hyung Joon KIM, Petitioner-Appellee, v. Thomas SCHILTGEN, District Director, Immigration and Naturalization Service, San Francisco, California, and Janet Reno, U.S. Attorney General, Respondents-Appellants., 2000 WL 33983884 (Appellate Brief) (C.A.9 Sep. 22, 2000) **Brief of Petitioner-Appellee** (NO. 99-17373)
[ORIGINAL IMAGE OF THIS DOCUMENT WITH APPENDIX \(PDF\)](#)
- 29 Hyung Joon KIM, Petitioner-Appellee, v. Thomas SCHILTGEN, District Director, Immigration and Naturalization Service, San Francisco, California, et al., Respondents-Appellants., 2000 WL 34004731 (Appellate Brief) (C.A.9 Oct. 06, 2000) **Appellants' Reply Brief** (NO. 99-17373)
[ORIGINAL IMAGE OF THIS DOCUMENT \(PDF\)](#)

U.S. Joint Appendices

- 30 Charles DEMORE, District Director, San Francisco District of Immigration and Naturalization Service, et al., Petitioners, v. Hyung Joon KIM., 2002 WL 32102949 (Joint Appendix) (U.S. Aug. 29, 2002) (NO. 01-1491)

U.S. Oral Arguments

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 31 DeMore v. Kim, 2003 WL 147701 (Oral Argument) (U.S. Jan. 15, 2003) **Oral Argument** (NO. 01-1491)

Dockets (U.S.A.)

U.S.

- 32 CHARLES DEMORE, DISTRICT DIRECTOR, SAN FRANCISCO DISTRICT OF IMMIGRATION AND NATURALIZATION SERVICE, ET AL. v. HYUNG JOON KIM, NO. 01-1491 (Docket) (U.S. Apr. 12, 2002)

C.A.9

- 33 KIM, ET AL v. SCHILTGEN, ET AL, NO. 99-17373 (Docket) (C.A.9 Nov. 10, 1999)

N.D.Cal.

- 34 KIM v. SCHILTGEN, ET AL, NO. 3:99CV02257 (Docket) (N.D.Cal. May 17, 1999)

Citing References

Positive Cases (U.S.A.)

★★★★ Examined

- ▶ 35 Saint Fort v. Ashcroft, 329 F.3d 191, 200+ (1st Cir.(Mass.) May 09, 2003) (NO. 02-2451) **HN: 1,3 (S.Ct.)**
- ◀ 36 Tineo v. Ashcroft, 350 F.3d 382, 388+ (3rd Cir.(N.J.) Dec 04, 2003) (NO. 02-3636) "" **HN: 4,8 (S.Ct.)**
- H 37 Oyelude v. Chertoff, 125 Fed.Appx. 543, 545+ (5th Cir.(Tex.) Mar 11, 2005) (Table, text in WESTLAW, NO. 04-10323) "" **HN: 1,4,6 (S.Ct.)**
- ◀ 38 Gonzalez v. O'Connell, 355 F.3d 1010, 1013+ (7th Cir.(Ill.) Jan 21, 2004) (NO. 03-1527) "" **HN: 1,4,6 (S.Ct.)**
- ▶ 39 Nadarajah v. Gonzales, 443 F.3d 1069, 1080+, 06 Cal. Daily Op. Serv. 2290, 2290+, 2006 Daily Journal D.A.R. 3243, 3243+ (9th Cir.(Cal.) Mar 17, 2006) (NO. 05-56759) "" **HN: 1,4,6 (S.Ct.)**
- H 40 Singh v. Crawford, 2007 WL 2237637, *2+ (D.Ariz. Aug 03, 2007) (NO. CV06-2194-PHX-MHMGEE) "" **HN: 4 (S.Ct.)**
- H 41 Passano v. Gonzalez, 2007 WL 1577908, *1+ (D.Ariz. May 31, 2007) (NO. 2:06-CV-01551JWS) "" **HN: 4,6,7 (S.Ct.)**
- H 42 Njai v. Gonzales, 2006 WL 4682074, *3+ (D.Ariz. Jun 16, 2006) (NO. CV05-03704-PHX-SRB-B) "" **HN: 4,6,7 (S.Ct.)**
- 43 Martinez v. Gonzales, 2007 WL 2402737, *6+ (C.D.Cal. Aug 17, 2007) (NO. CV 06-7609 TJH AJW) **HN: 1,4,6 (S.Ct.)**
- ▶ 44 Fuller v. Gonzales, 2005 WL 818614, *3+ (D.Conn. Apr 08, 2005) (NO. CIV.A.3:04CV2039SRU) "" **HN: 1,4,7 (S.Ct.)**
- ◀ 45 Jean-Henriquez v. Department of Homeland Sec., 2006 WL 1687853, *1+ (N.D.Fla. Jun 15, 2006) (NO. 4:05-CV-00304-MP-WCS) **HN: 1,4,6 (S.Ct.)**
- H 46 Ali v. Achim, 342 F.Supp.2d 769, 773+ (N.D.Ill. Oct 28, 2004) (NO. 04 C 2772) **HN: 1,4,6 (S.Ct.)**
- H 47 Irabor v. Gonzales, 2006 WL 306320, *2+ (W.D.La. Feb 07, 2006) (NO. CIV. A. 05-0493) "" **HN: 1,4,6 (S.Ct.)**
- ▶ 48 Uritsky v. Ridge, 286 F.Supp.2d 842, 843+ (E.D.Mich. Sep 29, 2003) (NO. 03-72814) **HN: 1,4,6 (S.Ct.)**
- ◀ 49 Bah v. Cangemi, 489 F.Supp.2d 905, 918+ (D.Minn. May 01, 2007) (NO. 06 CV 3260 PJS/JSM) "" **HN: 1,4,6 (S.Ct.)**
- H 50 Codina v. Chertoff, 2006 WL 2177673, *4+ (D.N.J. Jul 31, 2006) (NO. CIVA 06-105 MLC) "" **HN: 1,4,8 (S.Ct.)**
- ◀ 51 Mejia v. Ashcroft, 360 F.Supp.2d 647, 652+ (D.N.J. Mar 14, 2005) (NO. 05-CV-0494(WJM)) "" **HN: 4,6,7 (S.Ct.)**
- 52 Marin v. Ashcroft, 2004 WL 3712722, *2+ (D.N.J. Mar 17, 2004) (NO. 04-CV-675 (JAP)) "" **HN: 1,4,7 (S.Ct.)**

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- C** 53 *Pisciotta v. Ashcroft*, 311 F.Supp.2d 445, 449+ (D.N.J. Jan 09, 2004) (NO. 03-5132(JAG)) **HN: 1,4,6 (S.Ct.)**
- 54 *Madrane v. Hogan*, 2007 WL 404032, *1+ (M.D.Pa. Feb 01, 2007) (NO. CIV.A. 1:05-CV-2228) "" **HN: 1,4,6 (S.Ct.)**
- P** 55 *Alafyouny v. Chertoff*, 2006 WL 1581959, *6+ (N.D.Tex. May 19, 2006) (NO. 3:06 CV 0204 M) "" **HN: 1,4,6 (S.Ct.)**
- 56 *Hussain v. Gonzales*, 492 F.Supp.2d 1024, 1031+ (E.D.Wis. May 22, 2007) (NO. 07-C-0268) "" **HN: 1,4,6 (S.Ct.)**
- ★★★ Discussed**
- C** 57 *Aikens v. Reno*, 330 F.3d 547, 547+ (2nd Cir. May 29, 2003) (NO. 02-2534) "" **HN: 4,6,7 (S.Ct.)**
- H** 58 *Zgombic v. Farquharson*, 69 Fed.Appx. 2, 3+ (2nd Cir.(Conn.) May 29, 2003) (Table, text in WESTLAW, NO. 00-6165) "" **HN: 1,4 (S.Ct.)**
- H** 59 *Radoncic v. Zemski*, 74 Fed.Appx. 158, 159+ (3rd Cir.(Pa.) Aug 25, 2003) (Table, text in WESTLAW, NO. 01-1074) "" **HN: 1,4 (S.Ct.)**
- H** 60 *Mironescu v. Costner*, 480 F.3d 664, 674+ (4th Cir.(N.C.) Mar 22, 2007) (NO. 06-6457) **HN: 1,3 (S.Ct.)**
- P** 61 *Shokeh v. Thompson*, 369 F.3d 865, 872+ (5th Cir.(La.) May 10, 2004) (NO. 03-30859) **HN: 1,4,6 (S.Ct.)**
- C** 62 *Dvorkin v. Gonzales*, 173 Fed.Appx. 420, 424+, 2006 Fed.App. 0192N, 0192N+ (6th Cir.(Ohio) Mar 23, 2006) (Table, text in WESTLAW, NO. 03-3245, 02-3851) **HN: 1,4 (S.Ct.)**
- C** 63 *U.S. v. Strong*, 489 F.3d 1055, 1062+, 07 Cal. Daily Op. Serv. 6676, 6676+, 2007 Daily Journal D.A.R. 8532, 8532+ (9th Cir.(Ariz.) Jun 11, 2007) (NO. 06-10566) **HN: 1 (S.Ct.)**
- H** 64 *Beqir v. Clark*, 220 Fed.Appx. 469, 471+ (9th Cir.(Wash.) Jan 25, 2007) (Table, text in WESTLAW, NO. 06-35590) "" **HN: 4,6,7 (S.Ct.)**
- P** 65 *Sissoko v. Rocha*, 412 F.3d 1021, 1032+, 05 Cal. Daily Op. Serv. 5052, 5052+, 2005 Daily Journal D.A.R. 6940, 6940+ (9th Cir.(Cal.) Jun 13, 2005) (NO. 02-56751, 03-55667) **HN: 1,3 (S.Ct.)**
- C** 66 *Martinez-Jaramillo v. Thompson*, 120 Fed.Appx. 714, 716+ (9th Cir.(Cal.) Jan 19, 2005) (Table, text in WESTLAW, NO. 03-56282) **HN: 1,4,6 (S.Ct.)**
- H** 67 *Khotessouvan v. Morones*, 386 F.3d 1298, 1299+, 04 Cal. Daily Op. Serv. 9569, 9601+, 04 Cal. Daily Op. Serv. 9601+, 2004 Daily Journal D.A.R. 13,084, 13093+, 2004 Daily Journal D.A.R. 13,093+ (9th Cir.(Or.) Oct 27, 2004) (NO. 04-35417, 04-35421, 04-35419, 04-35422, 04-35420) "" **HN: 1,4 (S.Ct.)**
- H** 68 *Agyeman v. I.N.S. Assistant District Director Coachman*, 74 Fed.Appx. 691, 693+ (9th Cir.(Ariz.) Jun 23, 2003) (Table, text in WESTLAW, NO. 01-16910) "" **HN: 4,6,7 (S.Ct.)**
- H** 69 *Sosa v. Greene*, 68 Fed.Appx. 901, 902+ (10th Cir.(Colo.) Jun 20, 2003) (Table, text in WESTLAW, NO. 00-1339, 01-1343, 01-1136, 01-1180) "" **HN: 1,4,6 (S.Ct.)**
- H** 70 *Mesic v. Gonzalez*, 2007 WL 1299193, *1+ (D.Ariz. Apr 30, 2007) (NO. CV 06-01056-PHX-FJM) "" **HN: 1,4,6 (S.Ct.)**
- H** 71 *Reid v. Crawford*, 2007 WL 1063413, *8+ (D.Ariz. Jan 31, 2007) (NO. 06-02436 PHX JWS) "" **HN: 4,6 (S.Ct.)**
- H** 72 *Mesic v. Crawford*, 2007 WL 1296947, *2+ (D.Ariz. Jan 19, 2007) (NO. CIV061056-PHXFJMDKD) "" **HN: 4,6,7 (S.Ct.)**
- P** 73 *Maravilla-Alvarez v. Gonzales*, 2006 WL 3499930, *4+ (D.Ariz. Dec 05, 2006) (NO. CV 06-1022-PHX-SMM) **HN: 4,6 (S.Ct.)**
- 74 *Gaspar v. Sepulveda*, 2007 WL 1695090, *1+ (N.D.Cal. Jun 11, 2007) (NO. C-07-2905 RMW) "" **HN: 4,6 (S.Ct.)**
- 75 *Azeke v. Gonzales*, 2007 WL 1223844, *2+ (N.D.Cal. Apr 25, 2007) (NO. C-07-0709 MMC) "" **HN: 1,4,6 (S.Ct.)**
- C** 76 *Longwa v. Bureau of Customs*, 2004 WL 885084, *4+ (D.Conn. Apr 23, 2004) (NO. 3:03CV497(JBA)) "" **HN: 1,4,6 (S.Ct.)**
- C** 77 *Milbin v. Ashcroft*, 293 F.Supp.2d 158, 159+ (D.Conn. Dec 02, 2003) (NO. 3:02CV2227 (JBA)) "" **HN: 1 (S.Ct.)**
- H** 78 *Ali v. Achim*, 2004 WL 1977436, *4+ (N.D.Ill. Aug 30, 2004) (NO. 04 C 2772) **HN: 1 (S.Ct.)**

- 79 Patel v. Ridge, 2004 WL 1595362, *1+ (N.D.Ill. Jul 14, 2004) (NO. 04 C 2109) "" **HN: 1,4,6 (S.Ct.)**
- C** 80 Galarza-Solis v. Ashcroft, 2004 WL 728199, *1+ (N.D.Ill. Mar 30, 2004) (NO. 03 C 9188) "" **HN: 1,4,6 (S.Ct.)**
- 81 Campbell v. Chadbourne, 2007 WL 2475936, *4+ (D.Mass. Jun 28, 2007) (NO. CIV.A.07-10184-PBS) "" **HN: 1,3 (S.Ct.)**
- 82 Diomande v. Wrona, 2005 WL 3369498, *1+ (E.D.Mich. Dec 12, 2005) (NO. 05-73290) **HN: 1,4 (S.Ct.)**
- 83 Mullings v. Chertoff, 2007 WL 1723469, *4+ (D.N.J. Jun 12, 2007) (NO. CIV.A. 07-2525 (WJM)) **HN: 4,6,7 (S.Ct.)**
- 84 Campusano v. Secretary Of Homeland Security, 2007 WL 1035028, *2+ (D.N.J. Apr 03, 2007) (NO. CIV.A.06-1859 JAG) **HN: 1,6 (S.Ct.)**
- 85 Monioudis v. Chertoff, 2007 WL 121433, *2+ (D.N.J. Jan 11, 2007) (NO. CIV. 06-5964 (DMC)) "" **HN: 1,4,6 (S.Ct.)**
- 86 Semakula v. Chertoff, 2006 WL 3751401, *2+ (D.N.J. Dec 19, 2006) (NO. CIV A 06-5215 PGS) **HN: 1,4,6 (S.Ct.)**
- 87 Jaghnaught v. Chertoff, 2006 WL 3491151, *1+ (D.N.J. Dec 04, 2006) (NO. CIV A 06-5727 DMC) "" **HN: 1,4,6 (S.Ct.)**
- 88 Blumenberg v. Nash, 2006 WL 2352527, *2+ (D.N.J. Aug 14, 2006) (NO. CIV.A. 05-5315(NLH)) "" **HN: 1,4,6 (S.Ct.)**
- H** 89 Tavares v. Myers, 2006 WL 1644776, *5+ (D.N.J. Jun 08, 2006) (NO. CIV.A 04-0302 (WHW)) "" **HN: 4,6,7 (S.Ct.)**
- 90 Amunikoro v. Immigration and Customs Enforcement, 2006 WL 1540789, *3+ (D.N.J. May 31, 2006) (NO. CIV.A. 06-171 (KSH)) "" **HN: 1,4,6 (S.Ct.)**
- 91 Wong v. Gonzalez, 2006 WL 995460, *3+ (D.N.J. Apr 12, 2006) (NO. CIV.A. 05-5430(DRD)) "" **HN: 1,4,6 (S.Ct.)**
- C** 92 Singh v. Gonzalez, 2006 WL 436120, *3+ (D.N.J. Feb 21, 2006) (NO. CIV.A. 05-4539 (JAG)) "" **HN: 1,4,6 (S.Ct.)**
- H** 93 Washington v. Ashcroft, 2006 WL 314527, *3+ (D.N.J. Feb 09, 2006) (NO. CIV.A. 05-5213 JLL) "" **HN: 1,4,6 (S.Ct.)**
- H** 94 Roberts v. Department of Homeland Sec., 2005 WL 2216971, *1+ (D.N.J. Sep 12, 2005) (NO. CIV.A. 05-3432 (DMC)) "" **HN: 1,4,6 (S.Ct.)**
- 95 Reyes-Cardenas v. Gonzales, 2007 WL 1290141, *7+ (S.D.N.Y. Apr 30, 2007) (NO. 05 CV 5687 KMW RLE) **HN: 4,6,7 (S.Ct.)**
- H** 96 King v. Ashcroft, 2005 WL 503936, *2+ (E.D.N.Y. Mar 03, 2005) (NO. 02 CV 3847(JG)) **HN: 1,4,6 (S.Ct.)**
- 97 Borges v. McElroy, 2004 WL 1469463, *1+ (S.D.N.Y. Jun 30, 2004) (NO. 04 CIV. 1878 (DC)) **HN: 4,6,7 (S.Ct.)**
- C** 98 Fraser v. Ashcroft, 2003 WL 21143031, *2+ (E.D.N.Y. May 13, 2003) (NO. 02 CV 4417 SJ) "" **HN: 1,4 (S.Ct.)**
- H** 99 Morena v. Gonzales, 2005 WL 3277995, *2+ (M.D.Pa. Dec 02, 2005) (NO. 4:CV 05 0895) "" **HN: 1,4 (S.Ct.)**
- 100 Jules v. I.N.S., 2005 WL 1667399, *1+ (M.D.Pa. Jul 15, 2005) (NO. CIV. 4:CV-05-0498) **HN: 1,4,6 (S.Ct.)**
- P** 101 Haynes v. Department of Homeland Sec., 2005 WL 1606321, *3+ (M.D.Pa. Jul 08, 2005) (NO. 3:CV-05-0339) "" **HN: 1,4,7 (S.Ct.)**
- C** 102 Ghaziaskar v. Ashcroft, 2005 WL 1138377, *3+ (M.D.Pa. Apr 27, 2005) (NO. CIV. 3CV041520) "" **HN: 4,6,7 (S.Ct.)**
- P** 103 Oyedeji v. Ashcroft, 332 F.Supp.2d 747, 751+ (M.D.Pa. Aug 24, 2004) (NO. CIV.A.3:CV-02-2032) "" **HN: 4,6 (S.Ct.)**
- P** 104 Lawson v. Gerlinski, 332 F.Supp.2d 735, 744+ (M.D.Pa. Aug 20, 2004) (NO. 3:CV-02-2366) "" **HN: 1,4,7 (S.Ct.)**
- C** 105 Salimi-Tara v. Ashcroft, 2005 WL 840271, *1+ (N.D.Tex. Apr 08, 2005) (NO. CIV.A.1:04CV201-C) **HN: 1,4,7 (S.Ct.)**

- H** 106 Omari v. Ridge, 2005 WL 130021, *1+ (N.D.Tex. Jan 21, 2005) (NO. 3-04-CV-1980-B) "" **HN: 1,4,6 (S.Ct.)**
- C** 107 Adiemereonwu v. Ashcroft, 2004 WL 2996908, *2+ (N.D.Tex. Dec 28, 2004) (NO. CIV.A. 1:04-CV-210-C) **HN: 1,4,7 (S.Ct.)**
- C** 108 Ondimu v. Ashcroft, 2004 WL 1836198, *2+ (N.D.Tex. Aug 16, 2004) (NO. CIV.A. 1:04-CV-060-C) **HN: 1,4,7 (S.Ct.)**
- C** 109 Akinyode v. Bureau of Citizenship and Immigration Services, 2004 WL 614979, *3+ (N.D.Tex. Feb 26, 2004) (NO. CIV.A. 1:03-CV-156C) **HN: 1,4,7 (S.Ct.)**
- Y** 110 Pequeno-Martinez v. Trominski, 281 F.Supp.2d 902, 922+ (S.D.Tex. Sep 08, 2003) (NO. CIV.B-02-214, CIV.B-02-145, CIV.B-02-144) **HN: 8 (S.Ct.)**
- Y** 111 Stephens v. Estrada, 2003 WL 21499323, *2+ (N.D.Tex. Jun 19, 2003) (NO. 3-03-CV-0860-H) "" **HN: 1,4,7 (S.Ct.)**
- H** 112 Olaseni v. Ashcroft, 2003 WL 21321221, *2+ (N.D.Tex. Jun 05, 2003) (NO. 3:02-CV-2084-AH(P)) "" **HN: 4,7 (S.Ct.)**
- Y** 113 Omari v. Estrada, 2003 WL 21355891, *2+ (N.D.Tex. Jun 05, 2003) (NO. 3:03-CV-0861-N) "" **HN: 4,7 (S.Ct.)**
- 114 Pham v. I.N.S., 2003 WL 21350216, *2+ (N.D.Tex. Jun 04, 2003) (NO. 3:02-CV-2420-H) "" **HN: 4,7 (S.Ct.)**
- H** 115 U.S. v. Esparza-Mendoza, 265 F.Supp.2d 1254, 1266+ (D.Utah May 29, 2003) (NO. 102CR00099 PGC)
- 116 Castellanos-Avalos v. Clark, 2007 WL 1600635, *4+ (W.D.Wash. Jun 01, 2007) (NO. C06-1562-JLRJPD) "" **HN: 1,4,6 (S.Ct.)**
- 117 Escalante-Calmo v. Clark, 2007 WL 1577868, *4+ (W.D.Wash. May 30, 2007) (NO. C06-1575RSL) "" **HN: 4,6,7 (S.Ct.)**
- 118 Jeronimo-Pablo v. Clark, 2007 WL 1585012, *4+ (W.D.Wash. May 29, 2007) (NO. C06-1606 RSL) "" **HN: 4,6,7 (S.Ct.)**

★★ Cited

- H** 119 Weber v. Phu Chan Hoang, 123 S.Ct. 1963, 1963, 538 U.S. 1010, 1010, 155 L.Ed.2d 846, 846, 70 USLW 3698, 3698, 71 USLW 3692, 71 USLW 3697 (U.S. May 05, 2003) (NO. 01-1616) **HN: 1 (S.Ct.)**
- H** 120 Weber v. Sosa, 123 S.Ct. 1963, 1963, 538 U.S. 1010, 1010, 155 L.Ed.2d 846, 846, 70 USLW 3758, 3758, 71 USLW 3693, 71 USLW 3697 (U.S. May 05, 2003) (NO. 01-1752) **HN: 1 (S.Ct.)**
- H** 121 Riley v. Radoncic, 123 S.Ct. 1963, 1963, 538 U.S. 1010, 1010, 155 L.Ed.2d 846, 846, 70 USLW 3642, 3642, 71 USLW 3692, 71 USLW 3697 (U.S. May 05, 2003) (NO. 01-1459) **HN: 1 (S.Ct.)**
- Y** 122 Vacchio v. Ashcroft, 404 F.3d 663, 674+ (2nd Cir.(Vt.) Apr 18, 2005) (NO. 03-2532) **HN: 4 (S.Ct.)**
- C** 123 Vasquez v. Immigration and Customs Enforcement, 160 Fed.Appx. 199, 200 (3rd Cir.(Pa.) Dec 21, 2005) (Table, text in WESTLAW, NO. 05-4517) **HN: 4,6 (S.Ct.)**
- 124 Gordon v. Ashcroft, 117 Fed.Appx. 842, 844+ (3rd Cir. Dec 23, 2004) (Table, text in WESTLAW, NO. 04-1486) "" **HN: 2,3 (S.Ct.)**
- C** 125 Togbah v. Ashcroft, 104 Fed.Appx. 788, 796+ (3rd Cir.(N.J.) Jul 08, 2004) (Table, text in WESTLAW, NO. 03-1753) **HN: 4,6 (S.Ct.)**
- Y** 126 Ponnappula v. Ashcroft, 373 F.3d 480, 501 (3rd Cir.(Pa.) Jun 28, 2004) (NO. 03-1255)
- C** 127 M.A. ex rel. E.S. v. State-Operated School Dist. of City of Newark, 344 F.3d 335, 348, 181 Ed. Law Rep. 38, 38 (3rd Cir.(N.J.) Sep 16, 2003) (NO. 02-1799) ""
- T** 128 Ogbudimkpa v. Ashcroft, 342 F.3d 207, 215+ (3rd Cir.(Pa.) Aug 22, 2003) (NO. 02-1181) "" **HN: 1,3 (S.Ct.)**
- Y** 129 Acosta v. Ashcroft, 341 F.3d 218, 227 (3rd Cir. Aug 15, 2003) (NO. 01-2316) "" **HN: 5 (S.Ct.)**
- H** 130 Welch v. U.S., 409 F.3d 646, 649 (4th Cir.(Md.) May 31, 2005) (NO. 04-1863)
- C** 131 Adiemereonwu v. Gonzales, 161 Fed.Appx. 422, 423 (5th Cir.(Tex.) Jan 09, 2006) (Table, text in WESTLAW, NO. 05-10079) **HN: 4 (S.Ct.)**
- H** 132 Madriz-Alvarado v. Ashcroft, 383 F.3d 321, 332 (5th Cir.(Tex.) Aug 27, 2004) (NO. 03-20126) "" **HN: 5 (S.Ct.)**

- H** 133 Mahmoud v. Ashcroft, 91 Fed.Appx. 359, 360 (5th Cir.(La.) Mar 31, 2004) (Table, text in WESTLAW, NO. 03-30843) **HN: 4,7 (S.Ct.)**
- C** 134 U.S. v. Gomez-Lira, 75 Fed.Appx. 979, 979 (5th Cir.(Tex.) Oct 03, 2003) (Table, text in WESTLAW, NO. 02-51330) **HN: 1 (S.Ct.)**
- H** 135 Velez-Lotero v. Achim, 414 F.3d 776, 782 (7th Cir.(Ill.) Jul 11, 2005) (NO. 04-2466) "" **HN: 1 (S.Ct.)**
- C** 136 Ben Halim v. Ashcroft, 107 Fed.Appx. 1, 6 (7th Cir. Jul 08, 2004) (Table, text in WESTLAW, NO. 03-2148, 03-2149) **HN: 1 (S.Ct.)**
- H** 137 Jama v. I.N.S., 329 F.3d 630, 632+ (8th Cir.(Minn.) May 27, 2003) (NO. 02-2324) **HN: 1 (S.Ct.)**
- H** 138 Crater v. Galaza, 491 F.3d 1119, 1124, 07 Cal. Daily Op. Serv. 8059, 8059, 2007 Daily Journal D.A.R. 10,491, 10491 (9th Cir.(Cal.) Jul 09, 2007) (NO. 05-17027) "" **HN: 1,3 (S.Ct.)**
- H** 139 Carty v. Nelson, 426 F.3d 1064, 1076, 05 Cal. Daily Op. Serv. 9042, 10538, 05 Cal. Daily Op. Serv. 10,538, 2005 Daily Journal D.A.R. 12,341, 12341 (9th Cir.(Cal.) Oct 17, 2005) (NO. 03-56766) "" **HN: 4 (S.Ct.)**
- 140 Averilla v. Schmidt, 116 Fed.Appx. 157, 157 (9th Cir.(Ariz.) Dec 16, 2004) (Table, text in WESTLAW, NO. 03-17042) **HN: 4 (S.Ct.)**
- H** 141 Parra-Morales v. Ashcroft, 76 Fed.Appx. 215, 216 (9th Cir.(Cal.) Sep 30, 2003) (Table, text in WESTLAW, NO. 01-56894, 02-56164)
- H** 142 Ali v. Ashcroft, 346 F.3d 873, 879, 03 Cal. Daily Op. Serv. 8489, 8489, 2003 Daily Journal D.A.R. 10,633, 10633 (9th Cir.(Wash.) Sep 17, 2003) (NO. 03-35096) "" **HN: 1,3 (S.Ct.)**
- 143 Gomez-Diaz v. Gonzales, 158 Fed.Appx. 977, 978 (10th Cir. Dec 14, 2005) (Table, text in WESTLAW, NO. 04-9568)
- H** 144 Soberanes v. Comfort, 109 Fed.Appx. 328, 333 (10th Cir.(Colo.) Sep 21, 2004) (Table, text in WESTLAW, NO. 03-1388) "" **HN: 1 (S.Ct.)**
- H** 145 Soberanes v. Comfort, 388 F.3d 1305, 1311 (10th Cir.(Colo.) Sep 21, 2004) (NO. 03-1388) **HN: 1 (S.Ct.)**
- C** 146 Frech v. U.S. Atty. Gen., 491 F.3d 1277, 1280, 20 Fla. L. Weekly Fed. C 799, 799 (11th Cir. Jul 02, 2007) (NO. 06-11276) "" **HN: 2 (S.Ct.)**
- C** 147 Yusti-Mayor v. U.S. Attorney General, 132 Fed.Appx. 351, 353 (11th Cir. May 27, 2005) (Table, text in WESTLAW, NO. 04-11480)
- H** 148 Diaz v. Gonzales, 2007 WL 735558, *2 (D.Ariz. Mar 06, 2007) (NO. CIV.A.06-1550 PHXDGC) **HN: 4,6 (S.Ct.)**
- H** 149 E.E.O.C. v. GLC Restaurants, Inc., 2007 WL 30269, *7 (D.Ariz. Jan 04, 2007) (NO. CV05 618 PCT DGC)
- 150 Bermudez v. U.S. Immigration and Custom Enforcement, 2007 WL 2127358, *1+ (N.D.Cal. Jul 24, 2007) (NO. C07-2831 VRW (PR), C07-2983 VRW (PR)) **HN: 4,6 (S.Ct.)**
- H** 151 Macalma v. Chertoff, 2007 WL 2070350, *3 (S.D.Cal. Jul 13, 2007) (NO. 06CV2623 WQHAJB)
- H** 152 Gherebi v. Bush, 262 F.Supp.2d 1064, 1069 (C.D.Cal. May 13, 2003) (NO. CV 03-1267-AHM)
- 153 Perez-Cortez v. Maurer, 2003 WL 2427775, *1 (D.Colo. Nov 20, 2003) (NO. CIV.A.03-N-2244(MJW)) **HN: 1 (S.Ct.)**
- 154 Inthathirath v. Maurer, 2003 WL 24282950, *1 (D.Colo. Nov 20, 2003) (NO. CIV.A.03-N-2245(MJW)) **HN: 1 (S.Ct.)**
- H** 155 Abimbola v. Ridge, 2005 WL 2663075, *3 (D.Conn. Oct 15, 2005) (NO. 3:04CV856(MRK)) "" **HN: 4 (S.Ct.)**
- H** 156 Abimbola v. Ridge, 2005 WL 588769, *1 (D.Conn. Mar 07, 2005) (NO. 3:04CV856 (MRK)) **HN: 1,4,6 (S.Ct.)**
- C** 157 Chimbo v. Secretary of Department of Homeland Security, 2004 WL 2713154, *7+ (D.Conn. Nov 18, 2004) (NO. 3:04CV1671 (MRK)) "" **HN: 1,4 (S.Ct.)**
- C** 158 Sadvani v. Chertoff, 460 F.Supp.2d 114, 124 (D.D.C. Nov 06, 2006) (NO. CIV.A.06-1454(JDB)) **HN: 1 (S.Ct.)**
- H** 159 Smith v. U.S., 277 F.Supp.2d 100, 105 (D.D.C. Aug 19, 2003) (NO. CIV.A. 03-0464 (RMU), CR.A. 01-0263-02 (RM, 35)) ""
- 160 Khorrami v. Rolince, 493 F.Supp.2d 1061, 1066+ (N.D.Ill. Jul 05, 2007) (NO. 03 C 6579) "" **HN: 3 (S.Ct.)**

- H** 161 Aquilar v. U.S. Immigration and Customs Enforcement Div. of the Dept. of Homeland Sec., 490 F.Supp.2d 42, 48 (D.Mass. May 07, 2007) (NO. CIV.A. 07-10471-RGS) **HN: 4 (S.Ct.)**
- H** 162 Diossa-Ortiz v. Ashcroft, 334 F.Supp.2d 27, 32 (D.Mass. Jul 21, 2004) (NO. CIV.A.03-12510-PBS) **HN: 1 (S.Ct.)**
- H** 163 Welch v. U.S., 316 F.Supp.2d 252, 253+ (D.Md. May 04, 2004) (NO. CIV. CCB-03-2953) **HN: 1 (S.Ct.)**
- 164 Gjoliku v. Chertoff, 2007 WL 518809, *8 (W.D.Mich. Feb 14, 2007) (NO. 1:06-CV-458) "" **HN: 4 (S.Ct.)**
- 165 Kalasho v. U.S. Dept. of Homeland Sec., 2007 WL 431023, *3 (W.D.Mich. Feb 05, 2007) (NO. 1:06-CV-556) "" **HN: 4 (S.Ct.)**
- P** 166 Parlak v. Baker, 374 F.Supp.2d 551, 559 (E.D.Mich. May 20, 2005) (NO. 05-70826)
- H** 167 Martin v. Mooney, 2007 WL 1306409, *14 (D.Minn. May 03, 2007) (NO. 06-1605 DSD/RLE)
- 168 Ahmed v. Chertoff, 2007 WL 1296657, *3+ (D.N.J. Apr 27, 2007) (NO. CIV. 06-3689 (PGS)) "" **HN: 4,6,7 (S.Ct.)**
- 169 Smith v. Chertoff, 2007 WL 1231779, *3 (D.N.J. Apr 25, 2007) (NO. CIV A 06-2129 MLC) "" **HN: 4,6 (S.Ct.)**
- 170 Silva v. Quinones, 2007 WL 1062991, *2 (D.N.J. Apr 04, 2007) (NO. CIV A 06-5636)
- H** 171 Francois v. B.I.C.E./D.H.S., 2006 WL 3373156, *3 (D.N.J. Nov 20, 2006) (NO. CIV 06-1578 JLL) "" **HN: 4,6 (S.Ct.)**
- C** 172 Joseph v. Department of Homeland Sec., 2006 WL 1644875, *2 (D.N.J. Jun 12, 2006) (NO. CIV A 05-5233 (JLL)) **HN: 4 (S.Ct.)**
- C** 173 Nasrallah v. Quarantillo, 2006 WL 1540807, *3 (D.N.J. May 31, 2006) (NO. CIV.A. 06-527 (FSH)) **HN: 4 (S.Ct.)**
- C** 174 Harvey v. Homeland Sec. (BICE), 2006 WL 314528, *2 (D.N.J. Feb 09, 2006) (NO. CIV.A. 05-413 (SRC))
- 175 Harvey v. Homeland Security, 2005 WL 2205485, *1+ (D.N.J. Sep 09, 2005) (NO. CIV.A. 05-412AET) **HN: 4,6,7 (S.Ct.)**
- H** 176 U.S. v. Vigil, 2007 WL 766345, *3 (D.N.M. Feb 16, 2007) (NO. CR 05 2051 JB) ""
- H** 177 Arar v. Ashcroft, 414 F.Supp.2d 250, 267 (E.D.N.Y. Feb 16, 2006) (NO. CV-04-0249 DGT VVP) "" **HN: 2,3 (S.Ct.)**
- C** 178 Perezaj v. Building Service 32B-J Pension Fund, 2005 WL 1993392, *5 (E.D.N.Y. Aug 17, 2005) (NO. CV-04-3768)
- P** 179 Benabdelmoutaleb v. Ashcroft, 2005 WL 1220934, *2 (E.D.N.Y. May 20, 2005) (NO. 04-CV-3237(NGG)) **HN: 1 (S.Ct.)**
- C** 180 Samuel v. I.N.S., 2005 WL 120221, *7 (S.D.N.Y. Jan 20, 2005) (NO. 01 CIV. 3413 LTRSLE) **HN: 1 (S.Ct.)**
- C** 181 Alexis v. Holmes, 2004 WL 2202646, *2 (W.D.N.Y. Sep 29, 2004) (NO. 03CV0025SC)
- C** 182 Perez v. Ashcroft, 2003 WL 22004901, *4+ (S.D.N.Y. Aug 25, 2003) (NO. 02 CIV. 10292 (NRB)) "" **HN: 4,6 (S.Ct.)**
- P** 183 In re Extradition of Sacirbegovic, 280 F.Supp.2d 81, 84 (S.D.N.Y. Jul 03, 2003) (NO. 03CRIM.MISC.01PAGE19) "" **HN: 5 (S.Ct.)**
- C** 184 Clavis v. Ashcroft, 281 F.Supp.2d 490, 493 (E.D.N.Y. Jun 02, 2003) (NO. 03-CV-1571 ARR) "" **HN: 4 (S.Ct.)**
- P** 185 Lee v. Ashcroft, 2003 WL 21310247, *3+ (E.D.N.Y. May 27, 2003) (NO. 01 CV 0997 (SJ)) "" **HN: 1,3 (S.Ct.)**
- H** 186 Nguyen v. B.I. Inc., 435 F.Supp.2d 1109, 1114+ (D.Or. Apr 12, 2006) (NO. CV 04-1815-PA) **HN: 8 (S.Ct.)**
- 187 Jah v. Chertoff, 2007 WL 2212856, *2+ (M.D.Pa. Jul 31, 2007) (NO. CIV.A 1:07-CV-1260) **HN: 4,6 (S.Ct.)**
- 188 Kargbo v. Bureau of Immigration and Customs Enforcement Interim Field Office Director, 2007 WL 200957, *2 (M.D.Pa. Jan 23, 2007) (NO. CIV 3CV-06-1914) **HN: 6 (S.Ct.)**
- 189 Wright v. Bureau of Immigration and Customs Enforcement, 2007 WL 89263, *1+ (M.D.Pa. Jan 09, 2007) (NO. 1:06-CV-2278) **HN: 1,4,6 (S.Ct.)**
- 190 Oller Sanchez v. Decker, 2006 WL 3325671, *3 (M.D.Pa. Oct 24, 2006) (NO. 3:CV-06-1158)

- 191 Peterson v. Hogan, 2006 WL 2092573, *1 (M.D.Pa. Jul 26, 2006) (NO. 3:CV-05-1829) **HN: 4 (S.Ct.)**
- H** 192 Dennis v. Bureau of Immigration and Customs Enforcement Interim Field Office Director for Detention and Removal for Middle Dist. of Pa., 426 F.Supp.2d 252, 254+ (M.D.Pa. Apr 14, 2006) (NO. CIV.A. 1:CV-05-2145) **HN: 4,6 (S.Ct.)**
- C** 193 Obi v. Hogsten, 2006 WL 42175, *2+ (M.D.Pa. Jan 06, 2006) (NO. CIV. 1:CV-05-2531) **HN: 1,4 (S.Ct.)**
- H** 194 Morena v. Gonzales, 2005 WL 3307100, *2+ (M.D.Pa. Oct 04, 2005) (NO. 4:CV 05 0895) **HN: 4 (S.Ct.)**
- 195 U.S. v. McLaughlin, 2005 WL 2660379, *2 (E.D.Pa. Jul 28, 2005) (NO. CIV.A.03-6779, CRIM.99-00024-01)
- H** 196 Esterman v. Hogan, 2005 WL 1498490, *2 (M.D.Pa. Jun 23, 2005) (NO. CIV.A. 4CV05847, A20397894) **HN: 6 (S.Ct.)**
- H** 197 Christman v. Grace, 2005 WL 1163152, *3 (E.D.Pa. May 16, 2005) (NO. CIV.A. 04-CV-4541)
- 198 Burke v. People, 2004 WL 2381198, *2 (E.D.Pa. Oct 25, 2004) (NO. CIV.A. 04-4404) **HN: 4 (S.Ct.)**
- 199 Arriola-Arenas v. Ridge, 2004 WL 1175823, *1+ (E.D.Pa. May 26, 2004) (NO. CIV.A. 04-1890) **HN: 1,4,7 (S.Ct.)**
- C** 200 Chambers v. Ashcroft, 2004 WL 759645, *1+ (E.D.Pa. Feb 27, 2004) (NO. 03-6762) "" **HN: 4 (S.Ct.)**
- C** 201 Da Rosa Silva v. I.N.S., 263 F.Supp.2d 1005, 1016+ (E.D.Pa. May 08, 2003) (NO. 02-CV-8903) **HN: 4,6 (S.Ct.)**
- H** 202 U.S. v. Garcia-Mejia, 2006 WL 2524091, *1 (S.D.Tex. Aug 31, 2006) (NO. CRIM. H-02-0589) ""
- 203 Kundra v. Barrows, 2006 WL 1499772, *3+ (N.D.Tex. May 31, 2006) (NO. 3-05-CV-2425-N) **HN: 1,4,6 (S.Ct.)**
- 204 Mahmoudi v. Ashcroft, 2005 WL 1503458, *2+ (S.D.Tex. Jun 07, 2005) (NO. CIV.A. H-04-2596) "" **HN: 4,6 (S.Ct.)**
- P** 205 Martinez-Aguero v. Gonzalez, 2005 WL 388589, *21 (W.D.Tex. Feb 02, 2005) (NO. EP-03-CA-411(KC)) ""
- C** 206 McAlpine v. Ridge, 2004 WL 2389448, *4 (N.D.Tex. Oct 25, 2004) (NO. CIV.A.3:04-CV-01236G) **HN: 1 (S.Ct.)**
- H** 207 Adiemereonwu v. Ashcroft, 2004 WL 1620245, *1 (N.D.Tex. Jul 19, 2004) (NO. 3-04-CV-0394-M) **HN: 4 (S.Ct.)**
- H** 208 Allen v. Adams, 2004 WL 838011, *1 (W.D.Tex. Mar 30, 2004) (NO. EP-03-CA-0383(KC)) "" **HN: 2,3 (S.Ct.)**
- H** 209 Gutierrez-Morales v. Homan, 2003 WL 22736558, *4 (W.D.Tex. Nov 20, 2003) (NO. CIV.A.SA03CA0736-XR) **HN: 7 (S.Ct.)**
- C** 210 Hatami v. Chertoff, 467 F.Supp.2d 637, 641+ (E.D.Va. Dec 27, 2006) (NO. 1:06CV1355) **HN: 1 (S.Ct.)**
- 211 Marks v. Clark, 2007 WL 2138753, *5 (W.D.Wash. Jul 23, 2007) (NO. C06-0717 RSL) **HN: 4,6 (S.Ct.)**
- P** 212 Marks v. Clark, 2007 WL 2042243, *4 (W.D.Wash. May 29, 2007) (NO. C06-1796-RSM) **HN: 4,6 (S.Ct.)**
- H** 213 Quezada-Bucio v. Chertoff, 2007 WL 1367599, *2 (W.D.Wash. May 07, 2007) (NO. C03-3668RSL) **HN: 4 (S.Ct.)**
- C** 214 Middleton v. Clark, 2007 WL 1031725, *3 (W.D.Wash. Apr 02, 2007) (NO. C06-1324RSM) **HN: 4 (S.Ct.)**
- C** 215 Del Toro-Chacon v. Chertoff, 431 F.Supp.2d 1135, 1141 (W.D.Wash. May 08, 2006) (NO. C05-1861RSL-MJB) **HN: 1 (S.Ct.)**
- P** 216 Quezada-Bucio v. Ridge, 317 F.Supp.2d 1221, 1227+ (W.D.Wash. May 10, 2004) (NO. C03-3668L) **HN: 1 (S.Ct.)**
- P** 217 Kholyavskiy v. Schlecht, 479 F.Supp.2d 897, 899+ (E.D.Wis. Feb 09, 2007) (NO. 05C0671) **HN: 4 (S.Ct.)**
- C** 218 Bolante v. Achim, 457 F.Supp.2d 898, 902+ (E.D.Wis. Oct 18, 2006) (NO. 06 C 0907) **HN: 1,4 (S.Ct.)**

- H** 219 Canadian Lumber Trade Alliance v. U.S., 425 F.Supp.2d 1321, 1334, 28 ITRD 1438, 1438 (CIT Apr 07, 2006) (NO. 05-00324, SLIP OP 06-48) **HN: 3 (S.Ct.)**
- P** 220 People v. Kim, 59 Cal.Rptr.3d 255, 259, 150 Cal.App.4th 1158, 1163, 07 Cal. Daily Op. Serv. 5515, 5515, 2007 Daily Journal D.A.R. 7037, 7037 (Cal.App. 6 Dist. Apr 25, 2007) (NO. H029324) **HN: 1 (S.Ct.)**
- H** 221 State v. Hadgu, 681 N.W.2d 30, 33 (Minn.App. Jun 15, 2004) (NO. A03-739, A03-1002) **HN: 4,6 (S.Ct.)**
- H** 222 Busy Bee, Inc. v. Wachovia Bank, N.A., 2006 WL 723487, *61 (Pa.Com.Pl. Feb 28, 2006) (NO. 97 CV 5078)
- C** 223 Rutkowski v. Allstate Ins. Co., 2004 WL 3155146, *3155146, 69 Pa. D. & C.4th 10, 46 (Pa.Com.Pl. Nov 10, 2004) (NO. 02 CV 5473)
- P** 224 Castaneda v. State, 138 S.W.3d 304, 314 (Tex.Crim.App. Jul 02, 2003) (NO. 2012-01, 2015-01, 2013-01, 2016-01, 2014-01) (*in dissent*)
- H** 225 In re Detention of Stout, 150 P.3d 86, 93, 159 Wash.2d 357, 370 (Wash. Jan 04, 2007) (NO. 77369-6) "" **HN: 4 (S.Ct.)**
- ★ Mentioned**
- H** 226 Loa-Herrera v. Department of Homeland Sec., 2007 WL 1624804, *5 (5th Cir.(Tex.) Jun 05, 2007) (Table, text in WESTLAW, NO. 06-40561) **HN: 1 (S.Ct.)**
- H** 227 Adefemi v. Gonzales, 228 Fed.Appx. 415, 416 (5th Cir.(La.) Apr 11, 2007) (Table, text in WESTLAW, NO. 06-30899) **HN: 4 (S.Ct.)**
- H** 228 Parlak v. U.S. Immigration and Customs Enforcement, 2006 WL 3634385, *1 (6th Cir. Apr 27, 2006) (NO. 05-2003) **HN: 4 (S.Ct.)**
- H** 229 Bangura v. Hansen, 434 F.3d 487, 494, 2006 Fed.App. 0020P, 0020P (6th Cir.(Ohio) Jan 18, 2006) (NO. 04-3531) **HN: 4 (S.Ct.)**
- H** 230 Sapoundjiev v. Ashcroft, 376 F.3d 727, 730 (7th Cir. Jul 22, 2004) (NO. 04-1435) **HN: 4 (S.Ct.)**
- H** 231 Becker v. Gonzales, 2007 WL 1821302, *3+ (D.Ariz. Jun 25, 2007) (NO. CIV 06-1949-PHX-SMM) **HN: 1,4,6 (S.Ct.)**
- 232 Guerra v. U.S. Dept. of Homeland Sec., 2006 WL 3486017, *2 (D.N.J. Nov 30, 2006) (NO. CIV.A. 06-2344(AET)) **HN: 4,6 (S.Ct.)**
- H** 233 Turkmen v. Ashcroft, 2006 WL 1662663, *28 (E.D.N.Y. Jun 14, 2006) (NO. 02 CV 2307 (JG)) "" **HN: 1 (S.Ct.)**
- C** 234 Chan v. Gantner, 374 F.Supp.2d 363, 368 (S.D.N.Y. Jun 24, 2005) (NO. 04 CIV. 1165 (JES))
- C** 235 Scott v. Bureau of Immigration and Customs Enforcement, 2006 WL 1290381, *3 (M.D.Pa. May 10, 2006) (NO. 4:CV-05-2174) **HN: 6 (S.Ct.)**
- C** 236 Apau v. Ashcroft, 2003 WL 21801154, *2 (N.D.Tex. Jun 17, 2003) (NO. 3:02-CV-2652-D) **HN: 6 (S.Ct.)**
- C** 237 Elghanian v. C.I.R., 2005 WL 459255, *7, T.C. Memo. 2005-37, 2005-37, T.C.M. (RIA) 2005-037, 2005-037 (U.S.Tax Ct. Feb 28, 2005) (NO. 254-03, 256-03) **HN: 4 (S.Ct.)**

Administrative Decisions (U.S.A.)

Board of Immigration Appeals Decisions

- 238 IN RE: JULIO CESAR SERRANO, 2007 WL 2463987, *1 (BIA Jul 31, 2007) (NO. : A29 192 365 - LANC)★
- 239 IN RE: LUIS MARCO MARTINEZ-MARTINEZ, 2007 WL 2197573, *1 (BIA Jul 11, 2007) (NO. : A23 723 256 - TACO) ★★ **HN: 8 (S.Ct.)**
- 240 IN RE: HERZON ANDERSON HERNANDEZ, 2007 WL 1676900, *1 (BIA May 17, 2007) (NO. : A94 206 283 - EL C) ★★ **HN: 6 (S.Ct.)**
- 241 IN RE: MICHAEL T. LAREMONT, 2007 WL 1430921, *1 (BIA Apr 17, 2007) (NO. A38 905 585 - ARLING) ★ **HN: 6 (S.Ct.)**
- 242 IN RE: RICHARD A. WATSON a.k.a. Winston Barrington Watson, 2007 WL 1153542, *1 (BIA Apr 10, 2007) (NO. A99 760 767 - BATAVI)★
- 243 IN RE: ROMEO RAMIREZ-GARCIA, 2007 WL 1153825, *3+ (BIA Apr 05, 2007) (NO. A12 519 653 - ELOY) ★★ **HN: 4 (S.Ct.)**

- 244 IN RE: JOSE DOLORES SUERO-SANTANA, 2007 WL 1153879, *1 (BIA Mar 26, 2007) (NO. A36 688 681 - PEARSA) ★
- C 245 In re Kotliar, 24 I. & N. Dec. 124, 127, Interim Decision (BIA) 3558, 3558, 2007 WL 858345, *3 (BIA Mar 21, 2007) (NO. A79 525 391) ★★ HN: 4 (S.Ct.)
- 246 IN RE: ROBERT BILUS, 2007 WL 1430730, *1 (BIA Mar 20, 2007) (NO. A19 279 088 SAN PEDR) ★
- 247 IN RE: KARLA VANESSA CORNEJO-SANKAN, 2006 WL 3712505, *1 (BIA Nov 16, 2006) (NO. : A92 789 744 - LAS) ★
- 248 IN RE: EDGAR EMMANUEL MONTANEZ-RODRIGUEZ, 2006 WL 3712483, *2 (BIA Nov 13, 2006) (NO. : A71 848 446 - CHIC) ★
- 249 IN RE: ANDREAM THOMAS, 2006 WL 3088968, *1 (BIA Sep 07, 2006) (NO. : A95 958 642 - BATA) ★
- 250 IN RE: DOMENICO GALLO, 2006 WL 2391234, *1 (BIA Jul 05, 2006) (NO. : A41 871 123 - HART) ★
- 251 IN RE: MARK ANTHONY MCKENZIE A.K.A. MARK MCKENZIE A.K.A. MARK ANTHONY MCKENZIE, 2006 WL 1647436, *1 (BIA May 15, 2006) (NO. : A43 338 897 - EL C) ★
- C 252 IN RE: JIMMY ROBERTO JURADO-DELGADO, 2006 WL 1558688, *1 (BIA May 02, 2006) (NO. : A38 846 972 - YORK) ★
- 253 IN RE: GENNADY SLAVIN, 2006 WL 901311, *1+ (BIA Feb 22, 2006) (NO. : A22 181 485 - NEWA) ★★ HN: 4,6 (S.Ct.)
- 254 IN RE: AMJAD ABDEL KARIM AYEYH, 2005 WL 3802120, *1 (BIA Dec 12, 2005) (NO. : A46 090 510 - SAN) ★ HN: 4 (S.Ct.)
- 255 IN RE: MARK STEVE TORRES-VALDEZ, 2005 WL 3802143, *2 (BIA Dec 02, 2005) (NO. : A34 577 024 - SAN) ★
- 256 IN RE: DEVON ANTHONY GLEN A.K.A. CARLTON CASEY A.K.A. LEROY DUNCAN, 2004 WL 3187340, *1 (BIA Dec 13, 2004) (NO. : A37 333 168 - YORK) ★ HN: 6 (S.Ct.)
- 257 IN RE: DORA PALOMA CRUZ-GAXIOLA A.K.A. DORA PALOMA GAXIOLA, 2004 WL 3187341, *1 (BIA Dec 13, 2004) (NO. : A95 133 642 - FLOR) ★ HN: 6 (S.Ct.)
- 258 IN RE: CARLOS JAVIER CONCHA-NOVELO, 2004 WL 3187343, *1 (BIA Dec 13, 2004) (NO. : A22 876 144 - LANC) ★★ HN: 4 (S.Ct.)
- 259 IN RE: BETTY MALLAY A.K.A. BETTY PETER, 2004 WL 2952332, *1 (BIA Dec 07, 2004) (NO. : A36 426 781 - NEW) ★ HN: 6 (S.Ct.)
- C 260 IN RE: MANUEL GARCIA-RAMIREZ, 2004 WL 2952340, *2+ (BIA Dec 07, 2004) (NO. : A16 831 293 - LANC) ★★ HN: 4,6 (S.Ct.)
- 261 IN RE: ADNAN RAJI ISSA AWA JWEINAT, 2004 WL 2952253, *2 (BIA Nov 30, 2004) (NO. : A35 797 688 - BOST) ★★ HN: 4 (S.Ct.)
- C 262 IN RE: HECTOR ELISEO PADILLA-VARGAS, 2004 WL 2943509, *1 (BIA Nov 15, 2004) (NO. : A43 281 648 - BOST) ★ HN: 6 (S.Ct.)
- 263 IN RE: FELIPE AGUILAR-VALADEZ, 2004 WL 2943369, *1 (BIA Oct 14, 2004) (NO. : A92 124 534 - SAN) ★ HN: 1 (S.Ct.)
- 264 IN RE: WUTHICHAJ WARAVUTPRECHAVATE, 2004 WL 2374978, *1 (BIA Sep 16, 2004) (NO. : A24 264 479 - ELOY) ★★
- 265 IN RE: DWIGHT WINSTON STOBBS, 2004 WL 1739106, *1 (BIA Jun 10, 2004) (NO. : A46 243 540 - OAKD) ★ HN: 6 (S.Ct.)
- 266 IN RE: ARIAN ELIEZER CASTILLO, 2004 WL 1739082, *1 (BIA May 20, 2004) (NO. : A27 191 940 - SAN) ★★ HN: 4 (S.Ct.)
- 267 IN RE: OVIDE LABONTE-MANSEAU, 2004 WL 1739084, *1 (BIA May 03, 2004) (NO. : A24 114 275 - LANC) ★ HN: 6 (S.Ct.)
- 268 IN RE: ADAM GIBSON, 2004 WL 1398662, *1 (BIA Apr 22, 2004) (NO. : A14 296 845 - BOST) ★ HN: 6 (S.Ct.)
- 269 IN RE: DAVID SAMUEL YOUNG, 2004 WL 1398665, *1 (BIA Apr 22, 2004) (NO. : A40 140 358 - OAKD) ★ HN: 6 (S.Ct.)
- 270 IN RE: CARLOS EUTON HAYE, 2004 WL 1398695, *1 (BIA Apr 16, 2004) (NO. : A20 125 582 - YORK) ★ HN: 6 (S.Ct.)

- H** 271 IN RE: DANY ALBERTO ROJAS-VEGA, 2004 WL 1398634, *1 (BIA Mar 19, 2004) (NO. : A14 649 662 - EL C) ★★ **HN: 6 (S.Ct.)**
- 272 IN RE: JEFFREY MARK CONNOLLY, 2004 WL 1059586, *1 (BIA Mar 16, 2004) (NO. : A97 338 333 - FLOR) ★ **HN: 6 (S.Ct.)**
- 273 IN RE: JESUS TOVAR-CORTEZ, 2004 WL 848529, *1 (BIA Mar 01, 2004) (NO. : A21 303 478 - IMPE) ★ **HN: 6 (S.Ct.)**
- 274 IN RE: PABLO ARMANDO DISLA-MELENDEZ, 2004 WL 848547, *1+ (BIA Mar 01, 2004) (NO. : A34 422 474 - NEWA)★★
- 275 IN RE: JUAN MARTIN FERNANDEZ-HERNANDEZ, 2004 WL 848425, *1 (BIA Feb 27, 2004) (NO. : A30 267 205 - ELOY) ★ **HN: 6 (S.Ct.)**
- 276 IN RE: MOHAMMED ATEEQ KHAN, 2004 WL 848598, *1 (BIA Feb 26, 2004) (NO. : A34 698 190 - NEWA) ★★ **HN: 4,6 (S.Ct.)**
- 277 IN RE: EARL WAYNE WADE, 2004 WL 848449, *1 (BIA Feb 23, 2004) (NO. : A91 568 374 - OAKD) ★ **HN: 6 (S.Ct.)**
- 278 IN RE: SAMUEL MENDOZA-TIRADO, 2004 WL 848451, *1+ (BIA Feb 23, 2004) (NO. : A44 092 807 - FLOR) ★★ **HN: 1 (S.Ct.)**
- 279 IN RE: ALAN CASTRO-RAMOS, 2004 WL 1167055, *1 (BIA Feb 09, 2004) (NO. : A92 558 097 - BRAD) ★ **HN: 6 (S.Ct.)**
- 280 IN RE: HYUNG JOON KIM, 2004 WL 1059647, *3 (BIA Jan 15, 2004) (NO. : A27 144 740 - SAN) ★★ **HN: 4 (S.Ct.)**
- 281 IN RE: JULIO CESAR ACOSTA-HERNANDEZ, 2003 WL 23508555, *1 (BIA Dec 29, 2003) (NO. : A36 617 337 - FLOR) ★★ **HN: 1,4 (S.Ct.)**
- H** 282 IN RE: RUSLAN IVANOVICH ILCHUK, 2003 WL 23508668, *2 (BIA Dec 24, 2003) (NO. : A71 248 856 - YORK) ★★ **HN: 1 (S.Ct.)**
- H** 283 IN RE: OYENIKE ALAKA, 2003 WL 23508558, *1+ (BIA Dec 23, 2003) (NO. : A91 581 986 - YORK)★★
- 284 IN RE: ALINA MARTINEZ-LOPEZ A.K.A. ALINA MARTINEZ, 2003 WL 23508673, *1+ (BIA Dec 19, 2003) (NO. : A18 218 215 - SAN) ★★ **HN: 1 (S.Ct.)**
- 285 IN RE: ARIS JOSE LOPEZ, 2003 WL 23508675, *1 (BIA Dec 19, 2003) (NO. : A37 196 357 - SAN) ★ **HN: 4 (S.Ct.)**
- 286 IN RE: CARLOS ALFREDO SAMMAN, 2003 WL 23508491, *1 (BIA Nov 26, 2003) (NO. FILLE: A14 907 793 -) ★ **HN: 6 (S.Ct.)**
- 287 IN RE: TAM HOAI TRUONG, 2003 WL 23508519, *1 (BIA Nov 21, 2003) (NO. : A23 753 277 - BRAD) ★ **HN: 6 (S.Ct.)**
- 288 IN RE: DAVE ELIOTT JOHNSON, 2003 WL 23508470, *1 (BIA Nov 20, 2003) (NO. : A43 155 739 - YORK) ★★ **HN: 4 (S.Ct.)**
- 289 IN RE: NEWELL, ANTHWAN ANTHONY, 2003 WL 23508457, *1+ (BIA Nov 19, 2003) (NO. : A34 168 399 - NEWA) ★★ **HN: 4,6 (S.Ct.)**
- 290 IN RE: JEHU ERNESTO PEREZ-PINEDA, 2003 WL 23508437, *1 (BIA Nov 18, 2003) (NO. : A91 817 494 - LANC) ★★ **HN: 6 (S.Ct.)**
- 291 IN RE: RAMON HINOJOS-ARREOLA, 2003 WL 23508439, *1 (BIA Nov 18, 2003) (NO. : A90 110 373 - FLOR) ★★ **HN: 6 (S.Ct.)**
- 292 IN RE: FRANKLIN EDUARDO VILLEGAS-BENAVENTE, 2003 WL 23521923, *1 (BIA Nov 17, 2003) (NO. : A91 347 650 - OAKD) ★ **HN: 6 (S.Ct.)**
- 293 IN RE: ADRIAN MELGOZA-ROMERO, 2003 WL 23521930, *1+ (BIA Nov 17, 2003) (NO. : A44 760 292 - ELOY) ★★ **HN: 4,6 (S.Ct.)**
- 294 IN RE: JONG JIN PARK, 2003 WL 23521911, *1 (BIA Nov 14, 2003) (NO. : A38 483 119 - ELOY) ★★ **HN: 6 (S.Ct.)**
- 295 IN RE: WINSTON GUSTAVUS WADE, 2003 WL 23521898, *1 (BIA Nov 13, 2003) (NO. : A43 875 081 - YORK) ★★ **HN: 1 (S.Ct.)**
- 296 IN RE: RODOLFO VIVEROS-VARGAS, 2003 WL 23521872, *1 (BIA Nov 07, 2003) (NO. : A92 459 524 - LANC) ★★ **HN: 6 (S.Ct.)**
- 297 IN RE: MAROAN TALAL JABER A.K.A. MAROAN ABUZAHRIEH, 2003 WL 23521844, *1 (BIA Nov 05, 2003) (NO. : A40 173 939 - ELOY) ★★ **HN: 1,4 (S.Ct.)**

- 298 IN RE: PAULA SANCHEZ-GARCIA, 2003 WL 23521806, *1 (BIA Oct 31, 2003) (NO. : A90 521 070 - SAN) ★ **HN: 1 (S.Ct.)**
- 299 IN RE: LEOBARDO RAMOS-CASTILLON, 2003 WL 23521799, *1 (BIA Oct 30, 2003) (NO. : A92 794 513 - SAN) ★ **HN: 1 (S.Ct.)**
- 300 IN RE: CLAIRE ELIZABETH SHAPLAND, 2003 WL 23270067, *1 (BIA Oct 23, 2003) (NO. : A43 180 385 - SAN) ★★ **HN: 6 (S.Ct.)**
- 301 IN RE: NATHAN NATHANIEL JONES, 2003 WL 23269944, *1 (BIA Oct 21, 2003) (NO. : A42 674 725 - BALT) ★★ **HN: 1 (S.Ct.)**
- 302 IN RE: BAHJAT ISSA ABDEL JABBAR, 2003 WL 23269996, *1 (BIA Oct 16, 2003) (NO. : A41 665 023 - NEWA) ★★ **HN: 6 (S.Ct.)**
- 303 IN RE: FRANCISCO GRIJALVA-MONGE, 2003 WL 23270202, *1 (BIA Oct 15, 2003) (NO. : A28 713 344 - IMPE) ★★ **HN: 6 (S.Ct.)**
- 304 IN RE: ATA, MHAMED, 2003 WL 23270024, *1 (BIA Oct 09, 2003) (NO. : A71 991 229 - NEWA) ★★ **HN: 1 (S.Ct.)**
- 305 IN RE: ALVAREZ, JAIRO ARMANDO, 2003 WL 23270032, *1 (BIA Oct 08, 2003) (NO. A91 360 190 - NEWARK) ★★ **HN: 1 (S.Ct.)**

State Administrative Materials (U.S.A.)

- 306 POLK COUNTY SCHOOL BOARD, Petitioner v. JAMES NEAL, III, Respondent, 2006 WL 3751239 (Fla.Div.Admin.Hrgs.), *5 (2006) ★★

Registers (U.S.A.)

- 307 Review of Custody Determinations, 71 Federal Register 57873+ (Oct 02, 2006) ★★ ★ **HN: 1,4,6 (S.Ct.)**
- 308 Execution of Removal Orders; Countries to Which Aliens May Be Removed, 69 Federal Register 42901 (Jul 19, 2004) ★★
- 309 Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals, 70 Federal Register 4743 (Jan 31, 2005) ★★ **HN: 7 (S.Ct.)**

Secondary Sources (U.S.A.)

- C** 310 Validity, Construction, and Application of Mandatory Predeportation Detention Provision of Immigration and Nationality Act (8 U.S.C.A. s 1226(c)) As Amended, 187 A.L.R. Fed. 325 (2003) **HN: 1,4,6,7,8 (S.Ct.)**
- 311 Administrative Law and Practice s 13.2, s 13.2. Review precluded by statute (2007) **HN: 2,3 (S.Ct.)**
- 312 Crim. Proc. Checklists, 5th Amend. & 6th Amend. s 10:5, s 10:5. Due process concerns: A defendant's due process rights may be implicated if pretrial detention is excessively long or a defendant's detention interferes with necessary trial preparation (2006) **HN: 1,7 (S.Ct.)**
- 313 Federal Appeals Jurisdiction and Practice, 3d s 2:1, s 2:1. The constitutional and statutory basis of federal appellate jurisdiction (2006) **HN: 1 (S.Ct.)**
- 314 Federal Appeals Jurisdiction and Practice, 3d s 2:16, s 2:16. Review of administrative agency orders (2006) **HN: 1 (S.Ct.)**
- 315 Federal Bail and Detention Handbook s 15.04, State Habeas Petitions, Federal S 2255 Motions, Immigration Hearings, and International Extradition Cases (2007) **HN: 4 (S.Ct.)**
- 316 Federal Court of Appeals Manual s 17:4, s 17:4. What if the statute does not specifically authorize review or expressly bars it? (2007) **HN: 1,3 (S.Ct.)**
- 317 Federal Procedural Forms s 40:542, s 40:542. Arrest, detention, and release (2007) **HN: 1,4 (S.Ct.)**
- 318 Federal Procedural Forms s 40:544, s 40:544. Revocation of bond or parole (2007) **HN: 1,4 (S.Ct.)**
- 319 Federal Procedural Forms s 40:545, s 40:545. Judicial review (2007) **HN: 1 (S.Ct.)**
- 320 Federal Procedural Forms s 40:572, s 40:572. Detention of alien during removal period (2007) **HN: 4 (S.Ct.)**
- 321 Federal Procedural Forms s 40:574, s 40:574. Generally (2007) **HN: 1 (S.Ct.)**

- 322 Federal Procedural Forms s 40:603, s 40:603. Petition--For writ of habeas corpus and order to show cause--Removal order predicated on fraudulent entry, not supported by substantial evidence [8 U.S.C.A. s1252] (2007) **HN: 1 (S.Ct.)**
- 323 Federal Procedural Forms s 40:609, s 40:609. Petition--For writ of habeas corpus--Excessive detention under 8 U.S.C.A. s1226(c) in violation of due process [8 U.S.C.A. ss1157, 1159, 1167, 1226, 1227, 1231, ; 28 U.S.C.A. ss1331, 1391, 2 (2007) **HN: 1,4,7 (S.Ct.)**
- 324 Federal Procedure, Lawyers Edition s 41:53, s 41:53. Supreme Court (2007) **HN: 1 (S.Ct.)**
- 325 Federal Procedure, Lawyers Edition s 45:1581, s 45:1581. Judicial review (2007) **HN: 1,4 (S.Ct.)**
- 326 Federal Procedure, Lawyers Edition s 45:1646, s 45:1646. Detention (2007) **HN: 1,4 (S.Ct.)**
- 327 Immigration Act of 1990 Today s 12:25, s 12:25. Mandatory detention for certain criminal aliens under IIRAIRA (2007) **HN: 1,4 (S.Ct.)**
- 328 2003 Immigration Business News and Comment Daily 66, U.S. Supreme Court Permits Mandatory Detention Without Bond Pending Removal Proceedings (2003) **HN: 1,4 (S.Ct.)**
- 329 2003 Immigration Business News and Comment Daily 77, BICE Issues Enforcement Memorandum in Wake of Supreme Court Decision on Mandatory Detention (2003) **HN: 4,6 (S.Ct.)**
- 330 Immigration Fundamental: Guide to Law & Practice s 7:5.2, Detention Pending Removal Determination (2005) **HN: 1,4 (S.Ct.)**
- 331 Immigration Law and Business s 6:80, s 6:80. Detention pending removal determination (2007) **HN: 4 (S.Ct.)**
- 332 Immigration Law and Crimes s 8:11, s 8:11. IIRAIRA and bond--Permanent mandatory detention (2007) **HN: 1,4,6 (S.Ct.)**
- 333 Immigration Law and Crimes s 8:8, s 8:8. Generally (2007)
- 334 Immigration Law and Defense s 7:12, s 7:12. Release on bond or personal recognizance--Criteria for detention or release--Release from custody under IIRAIRA (2007) **HN: 1,4,6 (S.Ct.)**
- 335 Immigration Law Service 2d s 13:125, s 13:125. Detention of criminal aliens--Generally (2007) **HN: 1,4,6 (S.Ct.)**
- 336 Immigration Law Service 2d s 13:136, s 13:136. Judicial review (2007) **HN: 1,6 (S.Ct.)**
- 337 Immigration Law Service 2d s 16:1, s 16:1. Plenary power of Congress: sources of immigration power and limits on plenary power of Congress (2007) **HN: 5 (S.Ct.)**
- 338 8 Minnesota Practice Series s 15.1, s 15.1. The constitutional right to bail in general (2007) **HN: 4 (S.Ct.)**
- 339 Steel on Immigration Law, 2d s 14:6, s 14:6. Initiation--Custody and bond (2007)
- 340 Treatise on Constitutional Law s 14.5, s 14.5. Which Individuals Are Protected by the Constitutional Guarantees? (2007) **HN: 1,4 (S.Ct.)**
- 341 Treatise on Constitutional Law s 17.4, s 17.4. Liberty--Generally (2007) **HN: 1,4 (S.Ct.)**
- 342 Treatise on Constitutional Law s 18.11, s 18.11. General Status of Aliens--Citizenship, Immigration, Deportation, Naturalization and Expatriation (2007) **HN: 1,4 (S.Ct.)**
- 343 Treatise on Constitutional Law s 22.7, s 22.7. Generally (2007) **HN: 1,4,6 (S.Ct.)**
- 344 West's Federal Administrative Practice s 6800, s 6800. Removal proceeding (2007) **HN: 4 (S.Ct.)**
- 345 West's Federal Administrative Practice s 6942, s 6942. The power to issue the writ (2007) **HN: 1 (S.Ct.)**
- 346 West's Federal Administrative Practice s 8203, s 8203. Review precluded by statute (2007) **HN: 2,3 (S.Ct.)**
- 347 1B West's Federal Forms s 768.1, s 768.1. Preliminary Questions (2007) **HN: 1 (S.Ct.)**
- 348 9 Wisconsin Practice Series s 4.1, s 4.1. Right to release (2007)
- C** 349 12 Wright & Miller: Federal Prac. & Proc. s 3071.2, s 3071.2. Consensual Civil Proceedings Before Magistrate Judges--Consent to the Magistrate Judge's Jurisdiction (2007)
- C** 350 13 Wright & Miller: Federal Prac. & Proc. s 3526, s 3526. Congressional Control of Lower Federal Court Jurisdiction (2007) **HN: 1 (S.Ct.)**
- 351 33 Wright & Miller: Federal Prac. & Proc. s 8391, s 8391. Review Precluded by Statute (2007) **HN: 3 (S.Ct.)**
- C** 352 14A Wright & Miller: Federal Prac. & Proc. s 3661, s 3661. Actions Involving Aliens (2007) **HN: 1 (S.Ct.)**
- C** 353 17B Wright & Miller: Federal Prac. & Proc. s 4261, s 4261. History and Present Statutory Basis (2007)

- 354 Am. Jur. Pl. & Pr. Forms Aliens and Citizens s 11.10, s 11.10. Petition in federal court--For writ of habeas corpus and temporary stay of removal--Court lacked good cause to refuse to grant continuance of Immigration Court proceedings (2007) **HN: 1 (S.Ct.)**
- 355 Am. Jur. Pl. & Pr. Forms Aliens and Citizens s 11.20, s 11.20. Petition in federal court--For writ of habeas corpus, emergency bond hearing, and stay of deportation--Expiration of removal period renders detention unlawful (2007) **HN: 1 (S.Ct.)**
- 356 Am. Jur. Pl. & Pr. Forms Aliens and Citizens s 11.30, s 11.30. Petition in federal court--For writ of habeas corpus--Inadequate translation services at removal hearing and erroneous reliance on un-admitted evidence--Ruling by Immigration Judge based (2007) **HN: 1 (S.Ct.)**
- 357 Am. Jur. Pl. & Pr. Forms Aliens and Citizens s 11.40, s 11.40. Petition in federal court--For writ of habeas corpus--Ineffective assistance of counsel in removal proceedings--Failure of counsel to inform alien of BIA denial of appeal of final deport (2007) **HN: 1 (S.Ct.)**
- 358 Am. Jur. Pl. & Pr. Forms Aliens and Citizens s 11.50, s 11.50. Petition in federal court--For writ of habeas corpus--Excessive detention under Immigration and Nationality Act provisions in violation of due process (2007)
- 359 Am. Jur. Pl. & Pr. Forms Aliens and Citizens s 11.60, s 11.60. Petition in federal court--For writ of habeas corpus--Denial of due process of law--Misapplication of statute--Temporary police custody on charges not "custody" within meaning of Im (2007) **HN: 1 (S.Ct.)**
- 360 13 Am. Jur. Proof of Facts 3d 665, Political Asylum--Well-Founded Fear of Persecution (2007)
- 361 20 Am. Jur. Trials 1, Federal Habeas Corpus Practice (2007)
- 362 26 Am. Jur. Trials 327, Representation of an Alien in Exclusion, Rescission and Deportation Hearings (2007) **HN: 4,6,7 (S.Ct.)**
- 363 39 Am. Jur. Trials 157, Historical Aspects and Procedural Limitations of Federal Habeas Corpus (2007)
- 364 41 Am. Jur. Trials 349, Habeas Corpus: Pretrial Rulings (2007) **HN: 4,6,7 (S.Ct.)**
- C 365 Am. Jur. 2d Aliens and Citizens s 1609, s 1609. Generally (2007) **HN: 4 (S.Ct.)**
- C 366 Am. Jur. 2d Aliens and Citizens s 1613, s 1613. Judicial review (2007) **HN: 1 (S.Ct.)**
- C 367 Am. Jur. 2d Aliens and Citizens s 1739, s 1739. Habeas corpus review (2007) **HN: 1 (S.Ct.)**
- C 368 Am. Jur. 2d Aliens and Citizens s 282, s 282. Powers regarding immigration laws (2007) **HN: 5 (S.Ct.)**
- C 369 Am. Jur. 2d Constitutional Law s 929, s 929. Particular persons (2007)
- 370 Am. Jur. 2d Constitutional Law s 947, s 947. Necessity of hearing; in general--Minimum due process requirements (2007)
- 371 CA Jur. 3d Aliens' Rights s 16, s 16. In general; power to regulate (2007) **HN: 5 (S.Ct.)**
- C 372 CJS Aliens s 1315, s 1315. Detention of criminal aliens--custody (2007)
- 373 CJS Aliens s 1318, s 1318. Detention of criminal aliens--custody--Due process (2007)
- C 374 CJS Aliens s 14, s 14. Rights, duties, obligations, and protections under laws of United States (2007)
- C 375 CJS Aliens s 1744, s 1744. Naturalization defined; congressional authority (2007)
- 376 CJS Aliens s 189, s 189. Introduction (2007)
- C 377 CJS Aliens s 5, s 5. Status (2007)
- C 378 CJS Constitutional Law s 151, s 151. Statutes precluding review (2007) **HN: 2,3 (S.Ct.)**
- 379 CJS Constitutional Law s 1934, s 1934. Admission, exclusion, and deportation (2007) **HN: 4,7 (S.Ct.)**
- C 380 CJS Habeas Corpus s 188, s 188. Generally (2007)
- C 381 CJS Habeas Corpus s 48, s 48. Review by United States Supreme Court (2007)
- 382 S.C. Jur. Aliens and Foreign Representat s 53, s 53. Proceedings (2007) **HN: 1,4,6 (S.Ct.)**
- 383 CHIEF JUSTICE WILLIAM REHNQUIST: HIS LAW-AND-ORDER LEGACY AND IMPACT ON CRIMINAL JUSTICE, 39 Akron L. Rev. 323, 372+ (2006)
- C 384 CHARLES DEMORE V. HYUNG JOON KIM: ANOTHER STEP AWAY FROM FULL DUE PROCESS PROTECTIONS, 38 Akron L. Rev. 207, 252+ (2005) **HN: 1,4,6 (S.Ct.)**
- C 385 THE ROADS LESS TRAVELED: POST CONVICTION RELIEF ALTERNATIVES AND THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996, 30 Am. J. Crim. L. 171, 223 (2003) **HN: 1 (S.Ct.)**

- 386 THE CRIMMIGRATION CRISIS: IMMIGRANTS, CRIME, AND SOVEREIGN POWER, 56 Am. U. L. Rev. 367, 419+ (2006) **HN: 4,6 (S.Ct.)**
- 387 REINTERPRETING THE IMMIGRATION AND NATIONALITY ACT'S CATEGORICAL BAR TO DISCRETIONARY RELIEF FOR "AGGRAVATED FELONS" IN LIGHT OF INTERNATIONAL LAW: EXTENDING BEHARRY v. RENO, 21 Ariz. J. Int'l & Comp. L. 535, 576 (2004) **HN: 6 (S.Ct.)**
- 388 RULE 10B-5 AND THE "UNFITNESS" QUESTION, 47 Ariz. L. Rev. 9, 60 (2005)
- 389 GUILT BY EXPRESSIVE ASSOCIATION: POLITICAL PROFILING, SURVEILLANCE AND THE PRIVACY OF GROUPS, 46 Ariz. L. Rev. 621, 675+ (2004) **HN: 4 (S.Ct.)**
- 390 EXILED ONCE AGAIN: CONSEQUENCES OF THE CONGRESSIONAL EXPANSION OF DEPORTABLE OFFENSES ON THE SOUTHEAST ASIAN REFUGEE COMMUNITY, 12 Asian L.J. 103, 136+ (2005) **HN: 4,5,6 (S.Ct.)**
- 391 MANDATORY DETENTION DURING REMOVAL PROCEEDINGS: CHALLENGING THE APPLICABILITY OF DEMORE V. KIM TO VIETNAMESE AND LAOTIAN DETAINEES, 12 Asian L.J. 231, 244+ (2005) **HN: 1,4,6 (S.Ct.)**
- 392 THE ETHNIC AND RELIGIOUS PROFILING OF NONCITIZENS: NATIONAL SECURITY AND INTERNATIONAL HUMAN RIGHTS, 25 B.C. Third World L.J. 161, 196 (2005)
- 393 THE CONSTITUTIONALITY OF STRICT LIABILITY IN SEX OFFENDER REGISTRATION LAWS, 86 B.U. L. Rev. 295, 370 (2006)
- 394 JUDGING TERROR IN THE "ZONE OF TWILIGHT" : EXIGENCY, INSTITUTIONAL EQUITY, AND PROCEDURE AFTER SEPTEMBER 11, 84 B.U. L. Rev. 383, 443+ (2004) **HN: 1,4 (S.Ct.)**
- 395 CITIZEN STANDING AND IMMIGRATION REFORM: COMMENTARY AND CRITICISMS, 93 Cal. L. Rev. 1479, 1508+ (2005) **HN: 1,4 (S.Ct.)**
- 396 CITIZENSHIP, STANDING, AND IMMIGRATION LAW, 92 Cal. L. Rev. 373, 423 (2004)
- 397 DEMORE V. KIM THE CONSTITUTIONALITY OF MANDATORY DETENTION PENDING REMOVAL PROCEEDINGS FOR CRIMINAL NONCITIZENS, 33 Cap. U. L. Rev. 897, 938+ (2005) **HN: 1,4,6 (S.Ct.)**
- 398 CRIMINAL JUSTICE AND THE 2002-2003 UNITED STATES SUPREME COURT TERM, 32 Cap. U. L. Rev. 859, 899 (2004)
- 399 CHANGES IN IMMIGRATION LAW AND PRACTICE AFTER SEPTEMBER 11: A PRACTITIONER'S PERSPECTIVE, 2 Cardozo Pub. L. Pol'y & Ethics J. 161, 177 (2003)
- 400 THE DANGEROUS WORLD OF INDEFINITE DETENTIONS: VIETNAM TO ABU GHRAIB, 37 Case W. Res. J. Int'l L. 449, 508 (2006) **HN: 1,4 (S.Ct.)**
- 401 SUPREME COURT 2002-2003 REVIEW, 27-DEC Champion 12, 18+ (2003) **HN: 4 (S.Ct.)**
- 402 ANOTHER LIMIT ON FEDERAL COURT JURISDICTION? IMMIGRANT ACCESS TO CLASS-WIDE INJUNCTIVE RELIEF, 53 Clev. St. L. Rev. 11, 39+ (2005) **HN: 1,3 (S.Ct.)**
- 403 IMMIGRATION CONSEQUENCES OF CRIMINAL PLEAS AND CONVICTIONS, 35-OCT Colo. Law. 55, 61 (2006)
- 404 THE IDEA OF HUMANITY: HUMAN RIGHTS AND IMMIGRANTS' RIGHTS, 37 Colum. Hum. Rts. L. Rev. 627, 658 (2006)
- 405 DOING ORIGINALISM, 104 Colum. L. Rev. 32, 38 (2004) **HN: 1 (S.Ct.)**
- 406 SURVEY OF 2002-2003 DEVELOPMENTS IN INTERNATIONAL LAW IN CONNECTICUT, 77 Conn. B.J. 171, 215+ (2003) **HN: 4,5 (S.Ct.)**
- 407 SPEEDY TRIAL, 34 Geo. L.J. Ann. Rev. Crim. Proc. 351, 371 (2005)
- 408 SPEEDY TRIAL, 33 Geo. L.J. Ann. Rev. Crim. Proc. 344, 344 (2004)
- 409 DISSECTING IN RE D-J-: THE ATTORNEY GENERAL, UNCHECKED POWER, AND THE NEW NATIONAL SECURITY THREAT POSED BY HAITIAN ASYLUM SEEKERS, 38 Cornell Int'l L.J. 263, 292+ (2005) **HN: 1,3 (S.Ct.)**
- 410 DEPORTATION AND THE WAR ON INDEPENDENCE, 91 Cornell L. Rev. 369, 409 (2006) **HN: 3 (S.Ct.)**
- 411 A CONSTITUTIONAL ODDITY OF ALMOST BYZANTINE COMPLEXITY: ANALYZING THE EFFICIENCY OF THE POLITICAL FUNCTION DOCTRINE, 90 Cornell L. Rev. 1377, 1409+ (2005) **HN: 4,5 (S.Ct.)**

- 412 THE WAR ON TERRORISM AND THE EXTRATERRITORIAL APPLICATION OF THE CONSTITUTION IN IMMIGRATION LAW, 84 Denv. U. L. Rev. 1017, 1040+ (2007) **HN: 4 (S.Ct.)**
- 413 THE WAR ON TERRORISM AND THE EXTRATERRITORIAL APPLICATION OF THE CONSTITUTION IN IMMIGRATION LAW, 84 Denv. U. L. Rev. 1017, 1040+ (2007) **HN: 4 (S.Ct.)**
- C** 414 THE DUE PROCESS CLAUSE DOES NOT PROHIBIT THE MANDATORY DETENTION OF A CRIMINAL RESIDENT ALIEN PENDING DEPORTATION AND REMOVAL PROCEEDINGS: *Demore v. Hyung Joon Kim*, 42 Duq. L. Rev. 355, 361+ (2004) **HN: 1,4,6 (S.Ct.)**
- C** 415 CONSIDERING RACE IN AMERICAN IMMIGRATION JURISPRUDENCE, 54 Emory L.J. 681, 719+ (2005) **HN: 1,4,6 (S.Ct.)**
- C** 416 JUDICIAL REVIEW OF ADMINISTRATIVE IMMIGRATION DECISIONS Can the Doctrine of "Ejusdem Generis" Save It From Extinction?, 78-JAN Fla. B.J. 32, 38 (2004) **HN: 1 (S.Ct.)**
- C** 417 TYING THE BRAID OF SECOND-PARENT ADOPTIONS-WHERE DUE PROCESS MEETS EQUAL PROTECTION, 74 Fordham L. Rev. 1425, 1473+ (2005)
- C** 418 THE INVISIBLE BORDER: RESTRICTIONS ON SHORT-TERM TRAVEL BY NONCITIZENS, 21 Geo. Immigr. L.J. 201, 238+ (2007)
- C** 419 HOW TO MINIMIZE THE RISK OF VIOLATING DUE PROCESS RIGHTS WHILE PRESERVING THE BIA'S ABILITY TO AFFIRM WITHOUT OPINION, 21 Geo. Immigr. L.J. 277, 318 (2007) **HN: 5 (S.Ct.)**
- C** 420 A POLITICAL RESPONSE TO CRISIS IN THE IMMIGRATION COURTS, 21 Geo. Immigr. L.J. 1, 59 (2006) **HN: 6 (S.Ct.)**
- C** 421 CONGRESS, CATEGORIES, AND THE CONSTITUTION-WHETHER MANDATORY DETENTION OF CRIMINAL ALIENS VIOLATES DUE PROCESS, 18 Geo. Immigr. L.J. 681, 690+ (2004) **HN: 1,4,6 (S.Ct.)**
- C** 422 *DEMORE v. KIM-A DANCE OF POWER AND HUMAN RIGHTS*, 18 Geo. Immigr. L.J. 697, 697+ (2004) **HN: 1,4,6 (S.Ct.)**
- C** 423 THE NEW WORLD OF IMMIGRATION CUSTODY DETERMINATIONS AFTER *ZADVYDAS v. DAVIS*, 18 Geo. Immigr. L.J. 467, 503 (2004) **HN: 1,4 (S.Ct.)**
- C** 424 THE IMMIGRATION RULE OF LENTY AND CHEVRON DEFERENCE, 17 Geo. Immigr. L.J. 515, 582 (2003) **HN: 4 (S.Ct.)**
- C** 425 SELECTIVE ENFORCEMENT OF THE IMMIGRATION LAWS: IS THERE ANY POSSIBLE EXTERNAL CONSTRAINT ON THE EXERCISE OF PROSECUTORIAL DISCRETION?, 18 Geo. J. Legal Ethics 639, 645+ (2005) **HN: 1,4,5 (S.Ct.)**
- C** 426 DECONSTRUCTING HIROTA: HABEAS CORPUS, CITIZENSHIP, AND ARTICLE III, 95 Geo. L.J. 1497, 1554 (2007) **HN: 1 (S.Ct.)**
- C** 427 A TEXTUAL AND HISTORICAL CASE AGAINST A GLOBAL CONSTITUTION, 95 Geo. L.J. 463, 540 (2007)
- C** 428 THE LIBERAL LEGACY OF BUSH v. GORE, 94 Geo. L.J. 1427, 1462+ (2006) **HN: 4 (S.Ct.)**
- C** 429 COLORED SPEECH: CROSS BURNINGS, EPISTEMICS, AND THE TRIUMPH OF THE CRITS?, 93 Geo. L.J. 575, 632 (2005)
- 430 CLEAR SNOWFLAKES, 10 Green Bag 2d 154, 156 (2007) **HN: 3 (S.Ct.)**
- C** 431 OCTOBER TERM 2002, 6 Green Bag 2d 367, 377 (2003)
- C** 432 DOES THE PUNISHMENT FIT THE CRIME? U.S. ALIEN DEPORTATION AND THE REQUIREMENT OF ACCEPTANCE IN *JAMA v. I.N.S.*, 28 Hamline L. Rev. 387, 423 (2005) **HN: 1 (S.Ct.)**
- 433 *CLARK v. MARTINEZ: LIMITED STATUTORY CONSTRUCTION REQUIRED BY CONSTITUTIONAL AVOIDANCE OFFERS FRAGILE PROTECTION FOR INADMISSIBLE IMMIGRANTS FROM INDEFINITE DETENTION*, 40 Harv. C.R.-C.L. L. Rev. 505, 522+ (2005) **HN: 4 (S.Ct.)**
- C** 434 SECRECY IN THE IMMIGRATION COURTS AND BEYOND: CONSIDERING THE RIGHT TO KNOW IN THE ADMINISTRATIVE STATE, 39 Harv. C.R.-C.L. L. Rev. 95, 168 (2004) **HN: 8 (S.Ct.)**

- C** 435 HABEAS CORPUS JURISDICTION, SUBSTANTIVE RIGHTS, AND THE WAR ON TERROR, 120 Harv. L. Rev. 2029, 2112+ (2007) **HN: 4 (S.Ct.)**
- C** 436 MAKING OUTCASTS OUT OF OUTLAWS: THE UNCONSTITUTIONALITY OF SEX OFFENDER REGISTRATION AND CRIMINAL ALIEN DETENTION, 117 Harv. L. Rev. 2731, 2752+ (2004) **HN: 1,4,7 (S.Ct.)**
- C** 437 THE NOT-SO-BRAVE NEW CONSTITUTIONAL ORDER The New Constitutional Order. By Mark Tushnet. 2003. Princeton, N.J.: Princeton University Press. Pp. x, 265. \$29.95 (cloth), 117 Harv. L. Rev. 647, 687 (2003)
- C** 438 CONSTITUTIONAL LAW, 117 Harv. L. Rev. 287, 297+ (2003) **HN: 1,4,7 (S.Ct.)**
- 439 SUPREME COURT VOTING BEHAVIOR: 2002 TERM, 31 Hastings Const. L.Q. 499, 585+ (2004) **HN: 3 (S.Ct.)**
- 440 BICE Issues Enforcement Memorandum in Wake of Supreme Court Decision on Mandatory Detention, 2003 WL 21343511 (Immigr. Bus. News & Comment), *1+ (2003) **HN: 4,6 (S.Ct.)**
- 441 U.S. SUPREME COURT PERMITS MANDATORY DETENTION WITHOUT BOND PENDING REMOVAL PROCEEDINGS, 2003 WL 21262972 (Immigr. Bus. News & Comment), *1+ (2003) **HN: 1,4,6 (S.Ct.)**
- C** 442 HOW MUCH DO WESTERN DEMOCRACIES VALUE FAMILY AND MARRIAGE?: IMMIGRATION LAW'S CONFLICTED ANSWERS, 32 Hofstra L. Rev. 273, 311 (2003) **HN: 4 (S.Ct.)**
- C** 443 DOES THE DEATH PENALTY, BY RISKING EXECUTION OF THE INNOCENT, VIOLATE SUBSTANTIVE DUE PROCESS?, 40 Hous. L. Rev. 1359, 1386+ (2004) **HN: 4 (S.Ct.)**
- C** 444 IN THE NAME OF FEAR: THE MANDATORY DETENTION OF CRIMINAL ALIENS AND DEMORE V. KIM, 48 How. L.J. 999, 1024+ (2005) **HN: 1,4,7 (S.Ct.)**
- 445 05-11 Immigration Briefings 1, LAW OF "ENTRY" AND "ADMISSION": SIMPLE WORDS, COMPLEX CONCEPTS (2005) **HN: 6 (S.Ct.)**
- 446 04-09 Immigration Briefings 1, (2004) **HN: 1,3 (S.Ct.)**
- 447 04-01 Immigration Briefings 1, PERSONAL JURISDICTION IN HABEAS PROCEEDINGS FOR ALIENS IN THE UNITED STATES (2004) **HN: 1 (S.Ct.)**
- 448 NORTH AND SOUTH: THE DISPARATE LEGAL APPROACHES TO HOMOSEXUAL ACTIVITY IN THE UNITED STATES AND NICARAGUA, 15 Ind. Int'l & Comp. L. Rev. 215, 255+ (2004) **HN: 1 (S.Ct.)**
- 449 CLASSIFICATION OF ENEMY COMBATANTS AND THE USURPATION OF JUDICIAL POWER BY THE EXECUTIVE BRANCH, 40 Ind. L. Rev. 177, 203+ (2007)
- C** 450 IMMIGRATION AND NATIONALITY LAW, 38 Int'l Law. 415, 416+ (2004) **HN: 1,4,6 (S.Ct.)**
- 451 83 Interpreter Releases 15, 7. Federal Case Summaries (2006) **HN: 1,4 (S.Ct.)**
- 452 82 Interpreter Releases 1413, 11. Law Review Items (2005)
- 453 82 Interpreter Releases 1113, 9. Law Review Items (2005) **HN: 4 (S.Ct.)**
- 454 82 Interpreter Releases 710, 6. Federal Case Summaries (2005) **HN: 1,4 (S.Ct.)**
- 455 82 Interpreter Releases 578, FEDERAL CASE SUMMARIES (2005) **HN: 4 (S.Ct.)**
- 456 82 Interpreter Releases 539, FEDERAL CASE SUMMARIES (2005) **HN: 1,4 (S.Ct.)**
- 457 82 Interpreter Releases 426, LAW REVIEW ITEMS (2005) **HN: 4 (S.Ct.)**
- 458 81 Interpreter Releases 1278, LAW REVIEW ITEMS (2004) **HN: 1,4 (S.Ct.)**
- 459 81 Interpreter Releases 1139, FEDERAL CASE SUMMARIES (2004) **HN: 4 (S.Ct.)**
- 460 81 Interpreter Releases 248, FEDERAL COURT UPDATE: RECENT IMMIGRATION DECISIONS (2004) **HN: 1,4 (S.Ct.)**
- 461 81 Interpreter Releases 73, SUPREME COURT REFUSES DETENTION SECRECY CASE; ACCEPTS MARIEL CUBAN'S INDEFINITE DETENTION CHALLENGE; UPHOLDS DETENTION DURING REMOVAL PROCEEDINGS (2004) **HN: 1,4 (S.Ct.)**
- 462 80 Interpreter Releases 677, JUDICIAL REVIEW OF BCIS DECISIONS: WILL THERE BE ANY? (2003) **HN: 1 (S.Ct.)**
- C** 463 SUBSTANTIVE DUE PROCESS, PLENARY-POWER DOCTRINE, AND MINIMUM CONTACTS: ARGUMENTS FOR OVERCOMING THE OBSTACLE OF ASSERTING PERSONAL JURISDICTION OVER TERRORISTS UNDER THE ANTI-TERRORISM ACT, 92 Iowa L. Rev. 297, 352+ (2006)

- 464 DEMORE V. KIM: UPHOLDING THE UNNECESSARY DETAINMENT OF LEGAL
PERMANENT RESIDENTS, 94 J. Crim. L. & Criminology 625, 625+ (2004) **HN: 1,4,6 (S.Ct.)**
- 465 GETTING REAL ABOUT PRIVACY: ECCENTRIC EXPECTATIONS IN THE POST-9/11
WORLD, 2005 U. Ill. J.L. Tech. & Pol'y 273, 290 (2005)
- 466 ALIENATING OUR NATION'S LEGAL PERMANENT RESIDENTS: AN ANALYSIS OF
DEMORE V. KIM AND ITS IMPACT ON AMERICA'S IMMIGRATION SYSTEM, 24 J. Nat'l
A. Admin. L. Judges 113, 147+ (2004) **HN: 1,4,6 (S.Ct.)**
- 467 OF CONSTITUTIONAL AMENDMENTS, HUMAN RIGHTS, AND SAME-SEX MARRIAGES,
64 La. L. Rev. 459, 475 (2004)
- 468 DANGEROUS BY DECREE: DETENTION WITHOUT BOND IN IMMIGRATION
PROCEEDINGS, 50 Loy. L. Rev. 149, 171+ (2004) **HN: 4 (S.Ct.)**
- 469 RACIAL PROFILING AFTER SEPTEMBER 11: THE DEPARTMENT OF JUSTICE'S 2003
GUIDELINES, 50 Loy. L. Rev. 67, 87 (2004) **HN: 5 (S.Ct.)**
- 470 DEMORE V. KIM: IS THE SUPREME COURT DECREASING THE RIGHTS OF LAWFUL
PERMANENT RESIDENTS?, 37 Loy. L.A. L. Rev. 1715, 1738+ (2004) **HN: 1,4,6 (S.Ct.)**
- 471 LIBERTY: A HUMAN RIGHT, OR A CITIZEN RIGHT, 36 Loy. U. Chi. L.J. 565, 577+ (2005)
HN: 4,6,7 (S.Ct.)
- 472 DETENTION OF NON-CITIZENS: THE SUPREME COURT'S MUDDLING OF AN ALREADY
COMPLEX ISSUE, 57 Mercer L. Rev. 1221, 1259+ (2006)
- 473 THE IMPOSSIBILITY OF CITIZENSHIP *Semblances of Sovereignty: The Constitution, the State,
and American Citizenship.* By T. Alexander Aleinikoff. Cambridge and London: Harvard
University Press. 2002. Pp. xi, 306. \$45., 101 Mich. L. Rev. 1492, 1511+ (2003) **HN: 5 (S.Ct.)**
- 474 INTERNATIONAL HUMAN RIGHTS CLASS ACTIONS: NEW FRONTIERS FOR GROUP
LITIGATION, 2004 Mich. St. L. Rev. 643, 670 (2004) **HN: 7 (S.Ct.)**
- 475 A CERTAIN MONGREL COURT: CONGRESS'S PAST POWER AND PRESENT POTENTIAL
TO REINFORCE THE SUPREME COURT, 90 Minn. L. Rev. 678, 726 (2006)
- 476 "PREDATOR" DRAGNET DRAWS FIRE A FEDERAL JUDGE HAS DOUBTS ABOUT THE
USE OF AN ADMINISTRATIVE RULE., 1/26/04 Nat'l L.J. 7, col. 1, 7, col. 1 (2004)
- 477 CONSEQUENCES OF A COURT-MARTIAL CONVICTION FOR UNITED STATES SERVICE
MEMBERS WHO ARE NOT UNITED STATES CITIZENS, 51 Naval L. Rev. 53, 90 (2005)
- 478 5 Nev. L.J. 213, DRIVER'S LICENSES AND UNDOCUMENTED IMMIGRANTS: THE
FUTURE OF CIVIL RIGHTS LAW? (2004) **HN: 5 (S.Ct.)**
- 479 DEMORE v. KIM: A DIVIDED SUPREME COURT UPHOLDS LESSER DUE PROCESS, 10
New Eng. J. Int'l & Comp. L. 137, 137+ (2004) **HN: 4 (S.Ct.)**
- 480 177 New Jersey Law Journal 321, SUBJECTING WAR TO THE LAW COURT RULES ON
POWER TO DETAIN PRISONERS OF THE WAR ON TERROR AND ON THE LIMITS OF
THE "BUSH DOCTRINE" (2004) **HN: 1 (S.Ct.)**
- 481 176 New Jersey Law Journal 148, PISCIOTTA V. ASHCROFT, NO. 03-5132 (2004) **HN: 4,6,7
(S.Ct.)**
- 482 175 New Jersey Law Journal 169, "PREDATOR" DRAGNET OF SEX OFFENDERS TRIGGERS
LITIGATION THREE ON FEDERAL BENCH FROWN AT GOVERNMENT'S USE OF SEPT.
11 RULE AGAINST EVERYDAY CRIMINALS (2004) **HN: 4 (S.Ct.)**
- 483 174 New Jersey Law Journal 526, ASHLEY V. RIDGE ET AL, No. 03-4078 (2003) **HN: 1,4,6
(S.Ct.)**
- 484 REAL DIFFERENCES AND STEREOTYPES-TWO VISIONS OF GENDER, CITIZENSHIP,
AND INTERNATIONAL LAW, 7 N.Y. City L. Rev. 315, 356+ (2004) **HN: 1,4 (S.Ct.)**
- 485 EASTERN DISTRICT Roundup and Detention of Illegal Aliens After 9/11 Ruled 'Crude' but
Lawful, 6/20/2006 N.Y. L.J. 26, col. 3, 26, col. 3 (2006) **HN: 1 (S.Ct.)**
- 486 "EXTRAORDINARY RENDITION," TORTURE IN SYRIA CLAIMS BY CANADIAN CITIZEN
ARE DISMISSED, 2/24/2006 N.Y. L.J. 25, col. 3, 25, col. 3 (2006) **HN: 2,3 (S.Ct.)**
- 487 DECISION OF INTEREST Southern District Guilty Plea to Alien Smuggling Precludes Showing
Of Good Moral Character for Naturalization Purposes, 7/1/2005 N.Y. L.J. 23, col. 3, 23, col. 3
(2005)

- 488 Second Circuit DECISION OF INTEREST U.S. Court of Appeals Habeas Challenge to Immigration Detention Is 'Civil Action' for Purposes of Fees Under EAJA, 4/25/2005 N.Y. L.J. 21, col. 1, 21, col. 1+ (2005)
- 489 DECISION OF INTEREST Southern District, 7/23/2003 N.Y. L.J. 26, col. 5, 26, col. 5 (2003)
- 490 IMMIGRATION LAW Detention Without Bond, 5/28/2003 N.Y. L.J. 3, col. 1, 3, col. 1+ (2003)
- C** 491 MAKING PAPER DOLLS: HOW RESTRICTIONS ON JUDICIAL REVIEW AND THE ADMINISTRATIVE PROCESS INCREASE IMMIGRATION CASES IN THE FEDERAL COURTS, 51 N.Y.L. Sch. L. Rev. 37, 73 (2007) **HN: 4 (S.Ct.)**
- C** 492 DETAINING DUE PROCESS: THE NEED FOR PROCEDURAL REFORM IN "JOSEPH" HEARINGS AFTER DEMORE V. KIM, 31 N.Y.U. Rev. L. & Soc. Change 51, 95+ (2006)
- C** 493 PRESSING PUBLIC NECESSITY: THE UNCONSTITUTIONALITY OF THE ABSCONDER APPREHENSION INITIATIVE, 29 N.Y.U. Rev. L. & Soc. Change 573, 612 (2005) **HN: 1,4 (S.Ct.)**
- C** 494 CRIMINALIZING THE UNDOCUMENTED: IRONIC BOUNDARIES OF THE POST-SEPTEMBER 11TH "PALE OF LAW", 29 N.C. J. Int'l L. & Com. Reg. 639, 670+ (2004) **HN: 7 (S.Ct.)**
- C** 495 CONTINUITY, COHERENCE, AND THE CANONS, 99 Nw. U. L. Rev. 1389, 1461+ (2005) **HN: 1,4 (S.Ct.)**
- C** 496 CITIZENSHIP MATTERS: THE ENEMY COMBATANT CASES, 19 Notre Dame J.L. Ethics & Pub. Pol'y 33, 69 (2005) **HN: 5 (S.Ct.)**
- C** 497 DEMORE V. KIM, 30 Ohio N.U. L. Rev. 279, 294+ (2004) **HN: 1,4,6 (S.Ct.)**
- 498 FOREIGN RELATIONS AS A MATTER OF INTERPRETATION: THE USE AND ABUSE OF CHARMING BETSY, 67 Ohio St. L.J. 1339, 1390+ (2006)
- 499 PRONOUNCEMENTS OF THE U.S. SUPREME COURT-THE FIRST AMENDMENT, 45-DEC Orange County Law. 30, 37 (2003)
- C** 500 THE PLENARY POWER IN A HUMAN RIGHTS PERSPECTIVE, 16 Pace Int'l L. Rev. 65, 107+ (2004) **HN: 1,4,6 (S.Ct.)**
- 501 3 Regent Journal of International Law 115, GIRDING THE NATION'S ARMOR: THE APPROPRIATE USE OF IMMIGRATION LAW TO COMBAT TERRORISM (2005) **HN: 5 (S.Ct.)**
- C** 502 JURISDICTIONAL IMPLICATIONS IN THE REDUCED FUNDING OF LOWER FEDERAL COURTS, 25 Rev. Litig. 1, 77 (2006) **HN: 1 (S.Ct.)**
- C** 503 U.S. TORTURE AS A TORT, 37 Rutgers L.J. 715, 806+ (2006) **HN: 4 (S.Ct.)**
- C** 504 8 San Diego Int'l L.J. 209, U.S. ASYLUM LAW OUT OF SYNC WITH INTERNATIONAL OBLIGATIONS: REAL ID ACT (2006) **HN: 4 (S.Ct.)**
- 505 DESIGNATING THE DANGEROUS: FROM BLACKLISTS TO WATCH LISTS, 30 Seattle U. L. Rev. 65, 118+ (2006) **HN: 4 (S.Ct.)**
- 506 HARMFUL SPEECH AND TRUE THREATS: VIRGINIA V. BLACK AND THE FIRST AMENDMENT IN AN AGE OF TERRORISM, 20 St. John's J. Legal Comment. 531, 563 (2006)
- C** 507 NATIONAL SECURITY AND THE VICTIMS OF IMMIGRATION LAW: CRIMES OF VIOLENCE AFTER LEOCAL V. ASHCROFT, 35 Stetson L. Rev. 1001, 1050 (2006) **HN: 5 (S.Ct.)**
- C** 508 CONSTITUTIONAL LAW - MANDATORY DETENTION OF LAWFUL PERMANENT RESIDENT WITHOUT INDIVIDUALIZED HEARING NOT VIOLATIVE OF DUE PROCESS - DEMORE V. KIM, 538 U.S. 510 (2003)., 28 Suffolk Transnat'l L. Rev. 163, 174+ (2004) **HN: 1,4,6 (S.Ct.)**
- C** 509 5 J. High Tech. L. 79, STATE FARM AND PUNITIVE DAMAGES: CALL THE JURY BACK (2005) **HN: 1 (S.Ct.)**
- 510 CROWD CONTROL: THE MAJORITARIAN COURT AND THE REFLECTION OF PUBLIC OPINION IN DOCTRINE, 39 Suffolk U. L. Rev. 379, 423 (2006) **HN: 1 (S.Ct.)**
- C** 511 THE UNMAKING OF A PRECEDENT, 55 Sup. Ct. Rev. 231, 250+ (2003) **HN: 4,7,8 (S.Ct.)**
- 512 SUPREME COURT REVIEW How will Recent Court Decisions Impact your Practice? Find out Here, 39-SEP Tenn. B.J. 18, 36+ (2003) **HN: 4 (S.Ct.)**
- C** 513 PROCEDURAL DUE PROCESS TO DETERMINE "ENEMY COMBATANT" STATUS IN THE WAR ON TERRORISM, 73 Tenn. L. Rev. 351, 414 (2006) **HN: 4 (S.Ct.)**

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 514 AN OVERVIEW OF U.S. IMMIGRATION LAW AND POLICY SINCE 9/11, 12 Tex. Hisp. J.L. & Pol'y 9, 28+ (2006) **HN: 4 (S.Ct.)**
- 515 TEN REMEDIES YOU MUST UNDERSTAND No mater how well run your practice might be, things can go wrong. And if they do, it helps to know what can happen., 16 NO. 6 Prac. Litigator 41, 41 (2005)
- 516 LIBERTY AND SECURITY: THE YIN AND YANG OF IMMIGRATION LAW, 33 U. Mem. L. Rev. 475, 507+ (2003) **HN: 1,4,6 (S.Ct.)**
- 517 THE FREILICH REPORT: A REVIEW OF 2002-03 U.S. SUPREME COURT DECISIONS DURING AN ERA OF DOMESTIC INSECURITY, 35 Urb. Law. 565, 633+ (2003) **HN: 1,4,5 (S.Ct.)**
- 518 HUMAN RIGHTS: CASUALTY OF THE WAR ON TERROR, 25 T. Jefferson L. Rev. 317, 365 (2003) **HN: 4 (S.Ct.)**
- 519 ARE FOREIGN NATIONALS ENTITLED TO THE SAME CONSTITUTIONAL RIGHTS AS CITIZENS?, 25 T. Jefferson L. Rev. 367, 388+ (2003) **HN: 1,4 (S.Ct.)**
- 520 LAW REVIEW SYMPOSIUM SEPTEMBER 8, 2003, 21 T.M. Cooley L. Rev. 1, 74 (2004) **HN: 9 (S.Ct.)**
- 521 INTRODUCTION, 39 Tulsa L. Rev. 1, 10 (2003)
- 522 FEDERAL HABEAS REVIEW OF DEATH SENTENCES, WHERE ARE WE NOW?: A REVIEW OF WIGGINS V. SMITH AND MILLER-EL V. COCKRELL, 39 Tulsa L. Rev. 49, 73 (2003) **HN: 1 (S.Ct.)**
- 523 2004 UCLA J. L. & Tech. 2, NO COMPUTER EXCEPTION TO THE CONSTITUTION: THE FIFTH AMENDMENT PROTECTS AGAINST COMPELLED PRODUCTION OF AN ENCRYPTED DOCUMENT OR PRIVATE KEY (2004)
- 524 SYMPOSIUM INTRODUCTION Immigration and Civil Rights After September 11: The Impact on California - An Introduction, 38 U.C. Davis L. Rev. 599, 608+ (2005) **HN: 5 (S.Ct.)**
- 525 IMMIGRATION AND CONSTITUTIONAL CONSEQUENCES OF POST-9/11 POLICIES INVOLVING ARABS AND MUSLIMS IN THE UNITED STATES: IS ALIENAGE A DISTINCTION WITHOUT A DIFFERENCE?, 38 U.C. Davis L. Rev. 609, 699 (2005)
- 526 UNITED STATES IMMIGRATION LAW AS WE KNOW IT: EL CLANDESTINO, THE AMERICAN GULAG, ROUNDING UP THE USUAL SUSPECTS, 38 U.C. Davis L. Rev. 747, 814+ (2005) **HN: 1,4,6 (S.Ct.)**
- 527 THE DETENTION AND TREATMENT OF ALIENS THREE YEARS AFTER SEPTEMBER 11: A NEW NEW WORLD?, 38 U.C. Davis L. Rev. 815, 860+ (2005) **HN: 1,4,6 (S.Ct.)**
- 528 IN SEARCH OF A THEORY FOR CONSTITUTIONAL COMPARATIVISM, 52 UCLA L. Rev. 639, 714+ (2005) **HN: 4,5 (S.Ct.)**
- 529 HOSPITALITY: HOW A BIBLICAL VIRTUE COULD TRANSFORM UNITED STATES IMMIGRATION POLICY, 83 U. Det. Mercy L. Rev. 857, 900 (2006) **HN: 4 (S.Ct.)**
- 530 HOW RACIAL PROFILING AND OTHER UNNECESSARY POST-9/11 ANTI-IMMIGRANT MEASURES HAVE EXACERBATED LONG-STANDING DISCRIMINATION AGAINST LATINO CITIZENS AND IMMIGRANTS, 8 U. D.C. L. Rev. 141, 148 (2004)
- 531 THE CHIMERA AND THE COP: LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAW, 8 U. D.C. L. Rev. 83, 140 (2004) **HN: 4 (S.Ct.)**
- 532 CRIMINAL PROCEDURE SURVEY OF RECENT CASES, 52 U. Kan. L. Rev. 771, 896+ (2004) **HN: 1,4,6 (S.Ct.)**
- 533 IMMIGRATION: MIND OVER MATTER, 5 U. Md. L.J. Race, Religion, Gender & Class 201, 227+ (2005) **HN: 4,6 (S.Ct.)**
- 534 TOWARDS BALANCING A NEW IMMIGRATION AND NATIONALITY ACT: ENHANCED IMMIGRATION ENFORCEMENT AND FAIR, HUMANE AND COST-EFFECTIVE TREATMENT OF ALIENS, 5 U. Md. L.J. Race, Religion, Gender & Class 243, 260 (2005) **HN: 4 (S.Ct.)**
- 535 SINK OR SWIM TOGETHER: CITIZENSHIP, SOVEREIGNTY, AND FREE MOVEMENT IN THE EUROPEAN UNION AND THE UNITED STATES, 61 U. Miami L. Rev. 331, 392 (2007) **HN: 5 (S.Ct.)**

- 536 FAILURE TO ADVISE NON-CITIZENS OF IMMIGRATION CONSEQUENCES OF CRIMINAL CONVICTIONS: SHOULD THIS BE GROUNDS TO WITHDRAW A GUILTY PLEA?, 36 U. Mich. J.L. Reform 691, 735+ (2003) **HN: 1,4,6 (S.Ct.)**
- 537 USING PAROLE TO CONSTITUTIONALLY RECONCILE THE CRIMINAL PUNISHMENT GOALS OF DESERT AND INCAPACITATION, 8 U. Pa. J. Const. L. 115, 141 (2006)
- 538 TECHNOLOGY AND INTERNET JURISDICTION, 153 U. Pa. L. Rev. 1951, 1974 (2005) **HN: 4 (S.Ct.)**
- 539 FINALITY OF CONVICTION, THE RIGHT TO APPEAL, AND DEPORTATION UNDER MONTENEGRO V. ASHCROFT: THE CASE OF THE DOG THAT DID NOT BARK, 40 U.S.F. L. Rev. 241, 278+ (2005) **HN: 1,4,6 (S.Ct.)**
- 540 U.S. MILITARY COURTS AND THE WAR IN IRAQ, 39 Vand. J. Transnat'l L. 645, 778+ (2006) **HN: 5 (S.Ct.)**
- 541 EXTRAORDINARY RENDITION AND THE TORTURE CONVENTION, 46 Va. J. Int'l L. 585, 650 (2006)
- 542 SOVEREIGNTY, NOT DUE PROCESS: PERSONAL JURISDICTION OVER NONRESIDENT ALIEN DEFENDANTS, 41 Wake Forest L. Rev. 1, 59+ (2006)
- 543 ON RIGHTS, FEDERAL CITIZENSHIP, AND THE "ALIEN", 46 Washburn L.J. 263, 308 (2007)
- 544 THE NEW PATH OF IMMIGRATION LAW: ASYMMETRIC INCORPORATION OF CRIMINAL JUSTICE NORMS, 64 Wash. & Lee L. Rev. 469, 528 (2007) **HN: 4 (S.Ct.)**
- 545 THE EXECUTIVE'S SCAPEGOAT, THE COURT'S BLIND EYE? IMMIGRANTS' RIGHTS AFTER SEPTEMBER 11, 11 Wash. & Lee Race & Ethnic Anc. L.J. 151, 173+ (2005) **HN: 1,5 (S.Ct.)**
- 546 "CAN I SEE YOUR PAPERS?" LOCAL POLICE ENFORCEMENT OF FEDERAL IMMIGRATION LAW POST 9/11 AND ASIAN AMERICAN PERMANENT FOREIGNNESS, 11 Wash. & Lee Race & Ethnic Anc. L.J. 197, 218+ (2005) **HN: 4,6 (S.Ct.)**
- 547 THE EXERCISE OF PERSONAL JURISDICTION OVER SOME FOREIGN STATE INSTRUMENTALITIES MUST BE CONSISTENT WITH DUE PROCESS, 81 Wash. L. Rev. 447, 472 (2006) **HN: 1 (S.Ct.)**
- 548 DECISIONS OF THE UNITED STATES SUPREME COURT 2002-2003 TERM: FOUR STARS AND AN INTERESTING SUPPORTING CAST, 25 Whittier L. Rev. 695, 767+ (2004) **HN: 4 (S.Ct.)**
- 549 THE ROLE OF ARTICLE III COURTS IN THE WAR ON TERRORISM, 13 Wm. & Mary Bill Rts. J. 1061, 1127 (2005)
- 550 THE USE AND MISUSE OF SECRET EVIDENCE IN IMMIGRATION CASES: A COMPARATIVE STUDY OF THE UNITED STATES, CANADA, AND THE UNITED KINGDOM, 32 Yale J. Int'l L. 219, 253+ (2007) **HN: 1 (S.Ct.)**
- 551 OUR INTERNATIONAL CONSTITUTION, 31 Yale J. Int'l L. 1, 125 (2006)
- 552 THE DETENTION POWER, 22 Yale L. & Pol'y Rev. 153, 195 (2004)
- 553 THE PRIORITY OF MORALITY: THE EMERGENCY CONSTITUTION'S BLIND SPOT, 113 Yale L.J. 1753, 1800+ (2004) **HN: 1,4,6 (S.Ct.)**
- 554 NON-SELF-EXECUTING TREATIES AND THE SUSPENSION CLAUSE AFTER ST. CYR. Ogbudimkpa v. Ashcroft, 342 F.3d 207 (3d Cir. 2003), 113 Yale L.J. 2007, 2014 (2004) **HN: 1 (S.Ct.)**
- 555 BOND ISSUES, SM018 ALI-ABA 341, 345 (2007) **HN: 1,4 (S.Ct.)**
- 556 40 NO. 6 Criminal Law Bulletin 4, Detention of Material Witnesses, Exigency, and the Rule of Law (2004)
- 557 IPMI Massachusetts Continuing Legal Education Materials 1-1, IMMIGRATION LAW: HISTORY, CHALLENGES, AND THE NOBLE AGENDA (2004) **HN: 1,4 (S.Ct.)**
- 558 REFORMING IMMIGRATION DETENTION POLICY, 1390 PLI/Corp 155, 158 (2003) **HN: 4 (S.Ct.)**
- 559 IMMIGRANTS AND CIVIL LIBERTIES POST-9/11: SELECTED LITIGATION AND COURT DECISIONS, 1390 PLI/Corp 337, 339 (2003) **HN: 4,6 (S.Ct.)**
- 560 SUPREME COURT REVIEW - OCTOBER TERM 2002, 703 PLI/Lit 9, 12 (2003) **HN: 4 (S.Ct.)**

Court Documents

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

Appellate Court Documents (U.S.A.)

Appellate Petitions, Motions and Filings

- 561 Hamdan v. Gates, 2007 WL 2140562, *2140562+ (Appellate Petition, Motion and Filing) (U.S. Jul 24, 2007) **Petitioner's Reply Brief** (NO. 07-15)★★
- 562 Cervantes-Manzo v. Gonzales, 2007 WL 445194, *445194+ (Appellate Petition, Motion and Filing) (U.S. Feb 07, 2007) **Petition for Writ of Certiorari** (NO. 06-1115)★★
- 563 Almaghzar v. Gonzales, 2007 WL 215527, *215527+ (Appellate Petition, Motion and Filing) (U.S. Jan 23, 2007) **Petition for Writ of Certiorari** (NO. 06-1029) ★★★ **HN: 1 (S.Ct.)**
- 564 Serafino v. Gonzales, 2006 WL 3880328, *3880328+ (Appellate Petition, Motion and Filing) (U.S. Nov 03, 2006) **Petition for a Writ of Certiorari** (NO. 06-928)★★
- 565 Wallace v. Calogero, 2006 WL 2161307, *2161307+ (Appellate Petition, Motion and Filing) (U.S. Jul 27, 2006) **Brief in Opposition** (NO. 05-1645, 06-11) ★★ **HN: 1,4 (S.Ct.)**
- 566 Tostado-Tostado v. Carlson, 2006 WL 3877335, *3877335+ (Appellate Petition, Motion and Filing) (U.S. Jul 24, 2006) **Petition for a Writ of Certiorari** (NO. 06-6766) ★★ **HN: 1 (S.Ct.)**
- 567 Lu v. Gonzales, 2006 WL 1733981, *1733981+ (Appellate Petition, Motion and Filing) (U.S. Jun 23, 2006) **Petition for Writ of Certiorari** (NO. 05-1632) ★★ **HN: 4,7,8 (S.Ct.)**
- 568 Zamora-Garcia v. Gonzales, 2006 WL 1502925, *1502925+ (Appellate Petition, Motion and Filing) (U.S. May 26, 2006) **Petition for Writ of Certiorari** (NO. 05-1519)★★
- 569 Galindo-Pena v. Gonzales, 2006 WL 895849, *895849+ (Appellate Petition, Motion and Filing) (U.S. Mar 31, 2006) **Petition for a Writ of Certiorari** (NO. 05-1276)★★
- 570 Qassim v. Bush, 2006 WL 838913, *838913+ (Appellate Petition, Motion and Filing) (U.S. Mar 23, 2006) **Amicus Curiae Brief of the American Civil ...** (NO. 05-892)★★
- 571 Welch v. United States of America, 2006 WL 226496, *226496+ (Appellate Petition, Motion and Filing) (U.S. Jan 26, 2006) **Brief for the United States in Opposition** (NO. 05-529)★★★★ **HN: 1,4,6 (S.Ct.)**
- 572 Salazar-Regino v. Moore, 2005 WL 3606452, *3606452+ (Appellate Petition, Motion and Filing) (U.S. Dec 22, 2005) **Petition for Writ of Certiorari** (NO. 05-830) ★★ **HN: 1 (S.Ct.)**
- 573 Lopez v. Gonzales, 2005 WL 2875037, *2875037+ (Appellate Petition, Motion and Filing) (U.S. Oct 31, 2005) **Petition for a Writ of Certiorari** (NO. 05-547) ★★ **HN: 1 (S.Ct.)**
- 574 Welch v. United States of America, 2005 WL 2777348, *2777348+ (Appellate Petition, Motion and Filing) (U.S. Oct 24, 2005) **Petition for Writ of Certiorari** (NO. 05-529) ★★★ **HN: 1,4,6 (S.Ct.)**
- 575 Jifry v. F.A.A., 2005 WL 83272, *83272+ (Appellate Petition, Motion and Filing) (U.S. Jan 10, 2005) **Brief for the Respondents in Opposition** (NO. 04-620) "" ★★ **HN: 1 (S.Ct.)**
- 576 Amana Co. v. Eden Elec., Ltd., 2005 WL 40922, *40922+ (Appellate Petition, Motion and Filing) (U.S. Jan 06, 2005) **Brief in Opposition** (NO. 04-802) ★★ **HN: 8 (S.Ct.)**
- 577 Palahuta v. Ashcroft, 2004 WL 2358232, *2358232+ (Appellate Petition, Motion and Filing) (U.S. Oct 18, 2004) **Petition for Writ of Certiorari** (NO. 04-520) ★★ **HN: 4,7 (S.Ct.)**
- 578 Union Pacific R.R. Co. v. Barber, 2004 WL 2070875, *2070875 (Appellate Petition, Motion and Filing) (U.S. Sep 10, 2004) **Brief in Opposition** (NO. 04-47)★
- 579 Sabri SAMIRAH, Petitioner, v. John D. ASHCROFT, Attorney General of the United States; Cynthia J. O'Connell, Interim District Director for Interior Enforcement, Bureau of Immigration and Customs Enforcement, Respondents., 2004 WL 1121212, *1121212+ (Appellate Petition, Motion and Filing) (U.S. May 17, 2004) **Petitioner's Reply Brief** (NO. 03-1085) ★★ **HN: 1 (S.Ct.)**
- 580 Apparajan GANESAN, Petitioner, v. Sudha VALLABHANENI, Bureau of Immigration and Customs Enforcement, Respondents., 2004 WL 734232, *734232+ (Appellate Petition, Motion and Filing) (U.S. Mar 24, 2004) **Petition for Writ of Certiorari** (NO. 03-1383) "" ★★ **HN: 2,3 (S.Ct.)**
- 581 Jean Marie LOUIS, Petitioner, v. John D. ASHCROFT, Attorney General, Respondent., 2003 WL 23099555, *23099555+ (Appellate Petition, Motion and Filing) (U.S. Dec 23, 2003) **Petition for a Writ of Certiorari** (NO. 03-909) ★★ **HN: 2,3 (S.Ct.)**
- 582 TOP RANK, INC., Petitioner, v. FLORIDA STATE BOXING COMMISSION, et al., Respondents., 2003 WL 22970607, *22970607+ (Appellate Petition, Motion and Filing) (U.S. Dec 16, 2003) **Reply Brief of Petitioner** (NO. 03-549) ★★ **HN: 1 (S.Ct.)**

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 583 Daniel BENITEZ, Petitioner, v. John MATA, Interim Field Office Director, Miami, Bureau Of Immigration And Customs Enforcement., 2003 WL 23173767, *23173767 (Appellate Petition, Motion and Filing) (U.S. Nov 19, 2003) **Brief for the Respondent** (NO. 03-7434) "" ★★ **HN: 4 (S.Ct.)**
- 584 Ernest MOISE, Hedwiche Jeanty, Brunot Colas, Junior Prospere, Peterson Belizaire, and Laurence St. Pierre, on behalf of themselves and all others similarly situated, Petitioners, v. John M. BULGER, Interim District Director, Florida, Bureau of Citizenship and Immigration Services; Thomas Ridge, Secretary, Department of Homeland Security; John Ashcroft, Attorney General of the United States; Department of Homeland Security; Bureau of Immigration and Customs, 2003 WL 22648758, *22648758+ (Appellate Petition, Motion and Filing) (U.S. Nov 04, 2003) **Reply to the Respondents%7D Brief in Opposition** (NO. 03-230) ★★ **HN: 1 (S.Ct.)**
- 585 Yaser Esam HAMDI; Esam Fouad Hamdi, as next friend of Yaser Esam Hamdi, Petitioners, v. Donald RUMSFELD; W. R. Paulette, Commander, Respondents., 2003 WL 23170355, *23170355+ (Appellate Petition, Motion and Filing) (U.S. Oct 01, 2003) **Petition for Writ of Certiorari** (NO. 03-6696) ★★
- 586 FAWZI KHALID ABDULLAH FAHAD AL ODAH, et al., Petitioners, v. UNITED STATES OF AMERICA, et al., Respondents., 2003 WL 22428940, *22428940+ (Appellate Petition, Motion and Filing) (U.S. Sep 02, 2003) **Petition for Writ of Certiorari** (NO. 03-343) ★★ **HN: 1 (S.Ct.)**
- 587 Sergey G. KOTYRLO, Kateryna S. Kotyrlo & Olena A. Kotyrlo Petitioners, v. UNITED STATES DEPARTMENT OF JUSTICE, ATTORNEY GENERAL, Gonzales, Respondents., 2005 WL 5279283, *5279283+ (Appellate Petition, Motion and Filing) (2nd Cir. Dec 15, 2005) **Petitioners' Brief & Special Appendix** (NO. 02-4972(L)02-4976(CO) ★★ **HN: 5 (S.Ct.)**
- 588 Richard A. PAUL, Petitioner, v. UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, Respondent., 2004 WL 5187549, *5187549+ (Appellate Petition, Motion and Filing) (2nd Cir. Feb 27, 2004) **Brief for Respondent** (NO. 01-4027) ★★ **HN: 1,4,6 (S.Ct.)**
- 589 Michelle CHAMBERS, A35 501 023, Petitioner, v. Alberto R. GONZALES, Attorney General, Respondent., 2005 WL 5226744, *5226744+ (Appellate Petition, Motion and Filing) (3rd Cir. Feb 14, 2005) **Brief for Respondent** (NO. 04-1970) "" ★★ **HN: 2 (S.Ct.)**
- 590 Dwight GORDON, Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2004 WL 5215863, *5215863+ (Appellate Petition, Motion and Filing) (3rd Cir. Jun 28, 2004) **Brief for Respondent** (NO. 04-1486) "" ★★ **HN: 1 (S.Ct.)**
- 591 Bhupinder SINGH, Petitioner, v. ATTORNEY GENERAL, USA., 2004 WL 5041748, *5041748 (Appellate Petition, Motion and Filing) (3rd Cir. Jan 24, 2004) **Brief in Support of Petition for Review** (NO. 04-4261) ★★
- 592 Sejid SMRIKO, A71 685 464, Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2003 WL 25289570, *25289570+ (Appellate Petition, Motion and Filing) (3rd Cir. Dec 29, 2003) **Brief for Respondent** (NO. 03-1085) ★★
- 593 Abraham WOLDIGER (A27 907 634), Petitioner, v. John D. ASHCROFT, Attorney General of the United States, Respondent., 2003 WL 24301313, *24301313+ (Appellate Petition, Motion and Filing) (3rd Cir. May 23, 2003) **Brief for Respondent** (NO. 02-3877, 02-4333) "" ★★ **HN: 1,3 (S.Ct.)**
- 594 Lopez-BAUTISTA, Antonino, Agency #76-805-801 (a.k.a. Florencio Hernandez-Sanchez Agency # A91-534-253), Petitioner, v. Tom RIDGE, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, et al., Respondents., 2004 WL 3757538, *3757538 (Appellate Petition, Motion and Filing) (5th Cir. Oct 27, 2004) **Petitioner's Initial Brief** (NO. 04-60470) ★
- 595 SANDRA MARISELA HERNANDEZ DE CERVANTES Also known as, Sandra Cervantes (A75 948 829), Petitioner, v. John ASHCROFT, U. S. Attorney General Respondent., 2004 WL 3607523, *3607523 (Appellate Petition, Motion and Filing) (5th Cir. Oct 22, 2004) **Reply Brief for Petitioner** (NO. 04-60317) ★★ **HN: 4 (S.Ct.)**
- 596 SANDRA MARISELA HERNANDEZ DE CERVANTES (A75 948 829), Petitioner, v. John ASHCROFT, Attorney General of the United States, Respondent., 2004 WL 3607524, *3607524+ (Appellate Petition, Motion and Filing) (5th Cir. Oct 12, 2004) **Brief for Respondent** (NO. 04-60317) "" ★★ **HN: 2,3 (S.Ct.)**

- 597 Raymond NAZIEN, Petitioner, v. John D. ASHCROFT, Attorney General of the United States, Respondent., 2004 WL 3249109, *3249109+ (Appellate Petition, Motion and Filing) (5th Cir. Mar 29, 2004) **Brief for Respondent** (NO. 03-60467) "" ★★ **HN: 2,3 (S.Ct.)**
- 598 Candido Alberto RUBIO (A91 828 903), Petitioner, v. John ASHCROFT, Attorney General of the United States Respondent., 2004 WL 3761182, *3761182+ (Appellate Petition, Motion and Filing) (5th Cir. Feb 26, 2004) **Brief for Respondent** (NO. 03-60864) ★★★ **HN: 1,3 (S.Ct.)**
- 599 OSWALDO CALDERON TERRAZAS, A90-865-331, Appellant-Petitioner, v. John ASHCROFT, United States Attorney General, et al., Appellees-Respondents., 2004 WL 3363901, *3363901+ (Appellate Petition, Motion and Filing) (5th Cir. Feb 13, 2004) **Brief for Appellees-Respondents** (NO. 03-41318) "" ★★ **HN: 8 (S.Ct.)**
- 600 Saeed RASHED, Petitioner - Appellant, v. Hipolito M. ACOSTA, Acting District Director Immigration and Naturalization Ins; John Ashcroft, U.S. Attorney General, Respondents - Appellees., 2003 WL 23924677, *23924677 (Appellate Petition, Motion and Filing) (5th Cir. Jul 07, 2003) **Petition for Rehearing en banc** (NO. 02-20859)★★
- 601 State of Alaska, Office of the Governor, Petitioner, v. UNITED STATES OF AMERICA and the United States Equal Employment Opportunity Commission, Respondents, Margaret Ward, Intervenor., 2007 WL 2041553, *2041553 (Appellate Petition, Motion and Filing) (9th Cir. Jun 04, 2007) **Brief for Respondents the United States and the ...** (NO. 07-70174)★★
- 602 Anastacio HERNANDEZ-MANCILLA, et al., Petitioners, v. Alberto R. GONZALES, Attorney General, Respondent., 2007 WL 916653, *916653+ (Appellate Petition, Motion and Filing) (9th Cir. Jan 30, 2007) **Brief for Respondent** (NO. 06-73086)★★
- 603 Michal CHARZYNSKI (A40 378 035), Petitioner, v. Alberto R. GONZALES, Attorney General of the United States, Respondent., 2006 WL 3495694, *3495694 (Appellate Petition, Motion and Filing) (9th Cir. Jul 12, 2006) **Brief for Respondent** (NO. 05-75828) "" ★★ **HN: 2 (S.Ct.)**
- 604 Teodoro QUIRINO-AGUILAR Agency No.A92-152-643, Petitioner, v. Attorney General Alberto R. GONZALES, Respondent., 2006 WL 3089263, *3089263+ (Appellate Petition, Motion and Filing) (9th Cir. May 30, 2006) **Petitioner's Opening Brief** (NO. 05-74629) "" ★★★ **HN: 2,3 (S.Ct.)**
- 605 Aldo Alonzo JIMENEZ-HERNANDEZ, Petitioner, v. Alberto GONZALES, as Attorney General, Respondent., 2006 WL 3225315, *3225315 (Appellate Petition, Motion and Filing) (9th Cir. Mar 24, 2006) **Petitioner's Opening Brief** (NO. 05-74252)★★
- 606 Carlos Armas RAMIREZ, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2005 WL 4220314, *4220314+ (Appellate Petition, Motion and Filing) (9th Cir. Nov 10, 2005) **Brief for Respondent** (NO. 05-71575) ★★ **HN: 1 (S.Ct.)**
- 607 Christopher Kiankok YEOH, Petitioner, v. Alberto GONZALES, U.S. Attorney General, Respondent., 2005 WL 3126421, *3126421 (Appellate Petition, Motion and Filing) (9th Cir. Sep 09, 2005) **Petitioner's Reply Brief** (NO. 04-74613)★★
- 608 Miles Irvn MCLEOD, Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2005 WL 2572227, *2572227+ (Appellate Petition, Motion and Filing) (9th Cir. Jul 21, 2005) **Petitioner's Opening Brief** (NO. 04-71511, 04-76043)★★
- 609 Marko PEREZ, Agency No. A 92-227-284, Petitioner/Appellant, John ASHCROFT, Attorney General, Respondent/Appellee., 2005 WL 2107971, *2107971+ (Appellate Petition, Motion and Filing) (9th Cir. May 15, 2005) **Appellant's Opening Brief** (NO. 04-73208) ★★ **HN: 4 (S.Ct.)**
- 610 Alberto Rene QUINTERO-SALAZAR, Petitioner, v. Alberto GONZALES, United States Attorney General., Respondent., 2005 WL 1791811, *1791811+ (Appellate Petition, Motion and Filing) (9th Cir. Apr 14, 2005) **Brief for Respondents** (NO. 04-73128) ★★ **HN: 1,3 (S.Ct.)**
- 611 Glenn Aquino MURILLO, A 71-614-090, Petitioner, v. Alberto R. GONZALES, Attorney General, Respondent. Glenn Aquino Murillo, Petitioner, v. John Ashcroft, United States Attorney General, Respondent., 2005 WL 780523, *780523+ (Appellate Petition, Motion and Filing) (9th Cir. Feb 14, 2005) **Brief for Respondent** (NO. 03-71701) ★★ **HN: 6 (S.Ct.)**
- 612 SARAS WATI CHANDRA, Petitioner-Appellant, v. Thomas RIDGE, et. al., Respondents-Appellees., 2005 WL 678821, *678821+ (Appellate Petition, Motion and Filing) (9th Cir. Feb 10, 2005) **Petitioner's Opening Brief** (NO. 04-16921) ★★ **HN: 1,4 (S.Ct.)**

- 613 Randy RIVERA, Petitioner, v. John ASHCROFT, Attorney General Respondent., 2004 WL 3154994, *3154994+ (Appellate Petition, Motion and Filing) (9th Cir. Dec 20, 2004) **Brief for Respondent A93 992 726** (NO. 03-70485) ★★ **HN: 5 (S.Ct.)**
- 614 Michael Gabriel JORDISON, Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2004 WL 3261383, *3261383+ (Appellate Petition, Motion and Filing) (9th Cir. Dec 07, 2004) **Petitioner's Opening Brief** (NO. 04-71026) ★★ **HN: 1 (S.Ct.)**
- 615 Ciaran FERRY, Petitioner, v. Alberto R. GONZALES, Attorney General of the United States et al, Respondents., 2005 WL 2572081, *2572081+ (Appellate Petition, Motion and Filing) (10th Cir. Jul 07, 2005) **Petitioner's Reply Brief** (NO. 03-9542, 03-9526, 04-9555, 05-1014) ★★ **HN: 4 (S.Ct.)**
- 616 Noorullah LAKHANI, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4781931, *4781931 (Appellate Petition, Motion and Filing) (11th Cir. Oct 03, 2005) **Brief for Petitioner Noorullah Lakhani** (NO. 05-13702-I)★★
- 617 Piyarali KHUWAJA, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4781936, *4781936+ (Appellate Petition, Motion and Filing) (11th Cir. Jul 18, 2005) **Brief for Petitioner Piyarali Khuwaja** (NO. 05-11790-D) ★★ **HN: 4 (S.Ct.)**
- 618 Meenaz Amin HEMNANI, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4781904, *4781904+ (Appellate Petition, Motion and Filing) (11th Cir. Jun 17, 2005) **Brief for Petitioner Meenaz Amin Hemnani** (NO. 05-11164-G) ★★ **HN: 4 (S.Ct.)**
- 619 Ladislao ORTEGA, Petitioner, v. John ASHCROFT, Attorney General of the United States, Respondent., 2005 WL 3630352, *3630352+ (Appellate Petition, Motion and Filing) (11th Cir. May 02, 2005) **Brief for Respondent** (NO. 04-16631-BB) "" ★★ **HN: 2,3 (S.Ct.)**
- 620 William TORREZ, A76 453 044 Petitioner, v. Alberto R. GONZALES, Attorney General, Respondent., 2005 WL 3751351, *3751351+ (Appellate Petition, Motion and Filing) (11th Cir. Mar 16, 2005) **Brief for Respondent** (NO. 04-16257-DD) "" ★★ **HN: 2,3 (S.Ct.)**
- 621 Imran Wali MOHAMMAD, Petitioner, v. John ASHCROFT, United States Attorney General, et. al., Respondents., 2005 WL 2572127, *2572127+ (Appellate Petition, Motion and Filing) (11th Cir. Feb 22, 2005) **Brief for Petitioner Imran Wali Mohammad** (NO. 04-16127G)★★
- 622 IVENNE LILLIANNE ALEXIS, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2005 WL 4814408, *4814408+ (Appellate Petition, Motion and Filing) (11th Cir. Feb 18, 2005) **Brief for Respondent** (NO. 04-10805-JJ) "" ★★ **HN: 2,3 (S.Ct.)**
- 623 Fanery YUSTI-MAYOR, A77-479-969, Petitioner, v. John ASHCROFT, United States Attorney Gelloral, Respondent., 2004 WL 3544832, *3544832+ (Appellate Petition, Motion and Filing) (11th Cir. Jun 14, 2004) **Petitioner's Brief** (NO. 04-11480-H) ★★ **HN: 1,4 (S.Ct.)**
- 624 In re ERNESTO H., a Person Coming Under the Juvenile Court Law; People of the State of California, Plaintiff and Respondent, v. Ernesto H., Defendant and Appellant., 2005 WL 779796, *779796 (Appellate Petition, Motion and Filing) (Cal. Jan 13, 2005) **Petition for Review** (NO. S120628)★★

Appellate Briefs

- 625 Boumediene v. Bush, 2007 WL 2441577, *2441577+ (Appellate Brief) (U.S. Aug 24, 2007) **Brief Amicus Curiae of the Federal Public ...** (NO. 06-1195, 06-1196)★★★
- 626 Lopez v. Gonzales, 2006 WL 2474083, *2474083 (Appellate Brief) (U.S. Aug 23, 2006) **Brief of Washington Legal Foundation and Allied ...** (NO. 05-547) ★ **HN: 4 (S.Ct.)**
- 627 Hamdan v. Rumsfeld, 2006 WL 467688, *467688 (Appellate Brief) (U.S. Feb 23, 2006) **Brief of Washington Legal Foundation and Allied ...** (NO. 05-184)★
- 628 Hamdan v. Rumsfeld, 2006 WL 368069, *368069+ (Appellate Brief) (U.S. Feb 15, 2006) **Petitioner's Surreply Regarding Respondents' ...** (NO. 05-184) ★★ **HN: 1 (S.Ct.)**
- 629 Hamdan v. Rumsfeld, 2006 WL 259989, *259989+ (Appellate Brief) (U.S. Jan 31, 2006) **Petitioner's Opposition to Respondent's Motion to ...** (NO. 05-184) "" ★★ **HN: 2,3 (S.Ct.)**
- 630 Whitman v. Department of Transportation, 2005 WL 2738321, *2738321+ (Appellate Brief) (U.S. Oct 20, 2005) **Brief for the Respondents** (NO. 04-1131) "" ★★ **HN: 1,3 (S.Ct.)**
- 631 Whitman v. U.S. Department of Transportation, 2005 WL 2132168, *2132168+ (Appellate Brief) (U.S. Sep 01, 2005) **Brief of American Federation of Government ...** (NO. 04-1131) ""★★ **HN: 1 (S.Ct.)**

- 632 Whitman v. U.S. Department of Transportation, 2005 WL 2138282, *2138282+ (Appellate Brief) (U.S. Sep 01, 2005) **Brief of the Petitioner** (NO. 04-1131) "" ★★ **HN: 2,3 (S.Ct.)**
- 633 Clark v. Martinez, 2004 WL 2006590, *2006590+ (Appellate Brief) (U.S. Sep 07, 2004) **Reply Brief for the Petitioners** (NO. 03-878) ★★★ **HN: 4 (S.Ct.)**
- 634 Crawford v. Martinez, 2004 WL 1742286, *1742286+ (Appellate Brief) (U.S. Aug 02, 2004) **Brief for Amici Curiae the Cuban American Bar ...** (NO. 03-878) ★★ **HN: 4 (S.Ct.)**
- 635 Crawford v. Martinez, 2004 WL 1881773, *1881773+ (Appellate Brief) (U.S. Aug 02, 2004) **Brief for the Respondent** (NO. 03-878) ★★★ **HN: 1,4,6 (S.Ct.)**
- 636 Crawford v. Martinez, 2004 WL 2006589, *2006589+ (Appellate Brief) (U.S. Aug 02, 2004) **Amicus Curiae Brief of Stuart E. Eizenstat and ...** (NO. 03-878) "" ★★ **HN: 4 (S.Ct.)**
- 637 Jama v. Immigration and Naturalization Service, 2004 WL 1659788, *1659788 (Appellate Brief) (U.S. Jul 22, 2004) **Brief of Washington Legal Foundation and Allied ...** (NO. 03-674) ★ **HN: 4 (S.Ct.)**
- 638 Keyse G. JAMA, Petitioner, v. IMMIGRATION AND NATURALIZATION SERVICE, Respondent., 2004 WL 1136529, *1136529+ (Appellate Brief) (U.S. May 18, 2004) **Brief for Petitioner** (NO. 03-674) ★★ **HN: 1 (S.Ct.)**
- 639 Keyse G. JAMA, Petitioner, v. IMMIGRATION AND NATURALIZATION SERVICE, Respondent., 2004 WL 1153712, *1153712+ (Appellate Brief) (U.S. May 18, 2004) **Brief Amici Curiae of International Human Rights ...** (NO. 03-674) ★★ **HN: 1,3 (S.Ct.)**
- 640 Josue LEOCAL, Petitioner, v. UNITED STATES ATTORNEY GENERAL, IMMIGRATION AND NATURALIZATION SERVICE, Respondents., 2004 WL 1080426, *1080426+ (Appellate Brief) (U.S. May 10, 2004) **Brief of Amici Curiae Citizens and Immigrants for ...** (NO. 03-583) ★★ **HN: 4,6 (S.Ct.)**
- 641 Josue LEOCAL, Petitioner, v. John ASHCROFT, Attorney General of the United States, et al., Respondent., 2004 WL 1080428, *1080428+ (Appellate Brief) (U.S. May 10, 2004) **Brief for National Association of Criminal ...** (NO. 03-583) ★★ **HN: 4,6 (S.Ct.)**
- 642 Daniel BENITEZ, Petitioner, v. John MATA, Respondent. Phil CRAWFORD, et al., Petitioners, v. Sergio Suarez MARTINEZ, Respondent., 2004 WL 1062093, *1062093+ (Appellate Brief) (U.S. May 07, 2004) **Brief of Washington Legal Foundation, U.S. ...** (NO. 03-7434, 03-878) "" ★★★ **HN: 4,5 (S.Ct.)**
- 643 Phil CRAWFORD, Interim Field Office Director, Portland, Oregon, UNITED STATES IMMIGRATION and CUSTOMS ENFORCEMENT, et al., Petitioners, v. Sergio Suarez MARTINEZ., 2004 WL 1080689, *1080689+ (Appellate Brief) (U.S. May 07, 2004) **Brief for the Petitioners** (NO. 03-878) ★★★ **HN: 4,6 (S.Ct.)**
- 644 Benitez v. Mata, 2004 WL 2363184, *2363184+ (Appellate Brief) (U.S. May 07, 2004) **Brief for the Respondent** (NO. 03-7434) "" ★★★ **HN: 4,6 (S.Ct.)**
- 645 Donald RUMSFELD, Petitioner, v. Jose PADILLA and Donna R. NEWMAN, as Next Friend of Jose PADILLA, Respondent., 2004 WL 812830, *812830+ (Appellate Brief) (U.S. Apr 12, 2004) **Brief of Respondent** (NO. 03-1027) ★★ **HN: 4 (S.Ct.)**
- 646 Donald RUMSFELD, Secretary of Defense, Petitioner, v. Jose PADILLA and Donna R. NEWMAN, as next Friend of Jose PADILLA, Respondent., 2004 WL 832070, *832070+ (Appellate Brief) (U.S. Apr 12, 2004) **Brief of Amici Curiae Spartacist League and ...** (NO. 03-1027) ★★ **HN: 4 (S.Ct.)**
- 647 Yaser Esam HAMDI and Esam Fouad HAMDI, as Next Friend of Yaser Esam HAMDI, Petitioners, v. Donald RUMSFELD, Secretary of Defense, et al., Respondents., 2004 WL 630590, *630590 (Appellate Brief) (U.S. Mar 25, 2004) **Brief of Washington Legal Foundation, U.S. ...** (NO. 03-6696) ★
- 648 Donald RUMSFELD, Petitioner, v. Jose PADILLA and Donna R. NEWMAN, as next friend of Jose PADILLA, Respondents., 2004 WL 553651, *553651 (Appellate Brief) (U.S. Mar 17, 2004) **Brief of Washington Legal Foundation, U.S. ...** (NO. 03-1027) ★
- 649 Shafiq RASUL, et al., Petitioners, v. George W. BUSH, et al., Respondents. Fawzi Khalid Abdullah Fahad AL ODAH, et al., Petitioners, v. UNITED STATES OF AMERICA, et al., Respondents., 2004 WL 419273, *419273 (Appellate Brief) (U.S. Mar 03, 2004) **Brief of Washington Legal Foundation, Allied ...** (NO. 03-334, 03-343) ★

- 650 Shafiq RASUL, et al., Petitioners, v. George W. BUSH, President of the United States, et al. Fawzi Khalid Abdullah Fahad AL ODAH, et al., Petitioners, v. UNITED STATES OF AMERICA, et al., 2004 WL 425739, *425739+ (Appellate Brief) (U.S. Mar 03, 2004) **Brief for the Respondents** (NO. 03-334, 03-343)★★
- 651 Daniel BENITEZ, Petitioner, v. John MATA, Interim Field Office Director, Miami, Bureau of Immigration and Customs Enforcement, Respondent., 2004 WL 371674, *371674+ (Appellate Brief) (U.S. Feb 25, 2004) **Brief of the American Bar Association Amicus ...** (NO. 03-7434)★★
★ **HN: 1,4 (S.Ct.)**
- 652 Daniel BENITEZ, Petitioner, v. John MATA, Interim Field Office Director, Miami for Bureau of Immigration and Customs Enforcement, Respondent., 2004 WL 419435, *419435+ (Appellate Brief) (U.S. Feb 25, 2004) **Brief for American Immigration Law Foundation ...** (NO. 03-7434) "" ★★★ **HN: 1 (S.Ct.)**
- 653 Daniel BENITEZ, Petitioner, v. John MATA, Interim Field Office Director, Miami, Bureau of Immigration and Customs Enforcement, Respondent., 2004 WL 577505, *577505+ (Appellate Brief) (U.S. Feb 25, 2004) **Brief for Petitioner** (NO. 03-7434) ★★ **HN: 4 (S.Ct.)**
- 654 Shafiq RASUL, et al., Petitioners, v. George W. BUSH, et al., Respondents., 2004 WL 162758, *162758+ (Appellate Brief) (U.S. Jan 22, 2004) **Petitioners' Brief on the Merits** (NO. 03-334) "" ★★★ **HN: 1,4 (S.Ct.)**
- 655 Shafiq RASUL, et al., Petitioners, v. George W. BUSH, et al., Respondents., 2004 WL 96762, *96762+ (Appellate Brief) (U.S. Jan 14, 2004) **Petitioners' Brief on the Merits** (NO. 03-334) "" ★★★ **HN: 1,4 (S.Ct.)**
- 656 UNITED STATES OF AMERICA, Petitioner, v. Manuel FLORES-MONTANO, Respondents., 2003 WL 22873084, *22873084 (Appellate Brief) (U.S. Nov 26, 2003) **Brief of Washington Legal Foundation and Allied ...** (NO. 02-1794)★★
- 657 Ferri v. Ackerman, 1979 WL 214054, *214054 (Appellate Brief) (U.S. Jun 08, 1979) **Brief of Committee of Pennsylvania Public ...** (NO. 78-5981)★★
- 658 Annie WATSON, Plaintiff-Appellee, v. E.S. SUTTON, INC., Defendant-Appellant., 2006 WL 4452900, *4452900+ (Appellate Brief) (2nd Cir. May 02, 2006) **Brief of Defendant-Appellant** (NO. 05-5388-CV)★★
- 659 Ricky Martin Lloyd WALTERS, Petitioner-Appellee, v. John ASHCROFT, Attorney General of the United States; Immigration & Naturalization Service; Edward J. McElroy, Assistant District Director, Respondents-Appellants., 2005 WL 4680747, *4680747+ (Appellate Brief) (2nd Cir. Jun 15, 2005) **Brief for Respondents-Appellants** (NO. 04-0099-PR) ★★ **HN: 4 (S.Ct.)**
- 660 ALFIEN PAUL LEIGHTON GORDON, Petitioner-Appellant, v. Charles MULE, Director, Batavia Prison, Respondent-Appellee., 2005 WL 4961955, *4961955+ (Appellate Brief) (2nd Cir. Apr 28, 2005) **Brief for the Petitioner-Appellant** (NO. 02-2051) "" ★★★ **HN: 1,4 (S.Ct.)**
- 661 Tullio VACCHIO, Petitioner-Appellant, v. John ASHCROFT, as Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; James W. Ziglar, as Commissioner of the Immigration and Naturalization Service, 425 I Street, NW, Room 3260, Washington, D.C. 20536; Jean R. Ouelette, as District Director of the Immigration and Naturalization Service, Portland, Maine District Office, 176 Gannett Drive, South Portland, ME 04106; 2004 WL 3558984, *3558984+ (Appellate Brief) (2nd Cir. Jul 13, 2004) **Reply Brief of Appellant** (NO. 03-2532) ★★★ **HN: 1,4 (S.Ct.)**
- 662 Tullio VACCHIO, Appellant, v. John ASHCROFT, U.S. Attorney General, James W. Ziglar, Commissioner of Immigration & Naturalization Service, Jean R. Ouelette, District Director of Immigration & Naturalization Service, Jamie Shea, Lead Detention Officer, Franklin County Detention Facility, Robert Norris, Franklin County Sheriff, Appellees., 2004 WL 3558985, *3558985+ (Appellate Brief) (2nd Cir. Jun 23, 2004) **Brief of Defendants-Appellees** (NO. 03-2532) "" ★★★ **HN: 1,4,6 (S.Ct.)**

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 663 Tullio VACCHIO, Petitioner-Appellant, v. John ASHCROFT, as Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; James W. Ziglar, as Commissioner of the Immigration and Naturalization Service, 425 I Street, NW, Room 3260, Washington, D.C. 20536; Jean R. Ouelette, as District Director of the Immigration and

- Naturalization Service, Portland, Maine District Office, 176 Gannett Drive, South Portland, ME 04106; 2004 WL 3558986, *3558986+ (Appellate Brief) (2nd Cir. Apr 19, 2004) **Brief of Appellant** (NO. 03-2532) "" ★★★ HN: 1,4,6 (S.Ct.)
- 664 Abdulmalik SANNI, Petitioner-Appellant, v. John ASHCROFT; Immigration and Naturalization Service, Respondents-Appellees., 2003 WL 24046248, *24046248+ (Appellate Brief) (2nd Cir. Sep 23, 2003) **Brief for the Respondents-Appellees** (NO. 03-2353) ★★ HN: 4 (S.Ct.)
- 665 Diosky RODRIGUEZ, Appellant, v. John ASHCROFT, Respondent., 2003 WL 24889021, *24889021 (Appellate Brief) (2nd Cir. Aug 27, 2003) **Letter-Brief in Support of the U.S. National ...** (NO. 03-2244) ★★ HN: 1 (S.Ct.)
- 666 Ruben Amado MEDRANO, Appellant, v. John ASHCROFT, U.S. Attorney General, and, Yvonne Smalls, Acting Assistant District Director for Detention and Removal, New York District, Respondents., 2003 WL 25503377, *25503377 (Appellate Brief) (2nd Cir. Aug 27, 2003) **Brief by Pro Se Appellant** (NO. 03-4988) ★★ HN: 1 (S.Ct.)
- 667 Jose PADILLA, Donna R. Newman as Next Friend of Jose Padilla, Petitioner-Appellee-Cross-Appellant, v. Donald RUMSFELD, Respondent-Appellant-Cross-Appellee., 2003 WL 24309273, *24309273+ (Appellate Brief) (2nd Cir. Aug 18, 2003) **Response Brief for ...** (NO. 03-2235(L)) ★★ HN: 4 (S.Ct.)
- 668 Athanasios THEODOROPOULOS, (A18 849 089) Petitioner-Appellee, v. IMMIGRATION AND NATURALIZATION SERVICE, Respondent-Appellant., 2003 WL 23681741, *23681741+ (Appellate Brief) (2nd Cir. Jul 24, 2003) **Supplemental Reply Brief for Respondent-Appellant ...** (NO. 01-2715) ★★ HN: 3 (S.Ct.)
- 669 ATHANASIOS THEODOROPOULOS, Petitioner-Appellee, v. IMMIGRATION AND NATURALIZATION SERVICE, Respondent-Appellant., 2003 WL 23842529, *23842529+ (Appellate Brief) (2nd Cir. Jul 10, 2003) **Supplemental Brief for Petitioner-Appellee ...** (NO. 01-2715) ★★ HN: 1 (S.Ct.)
- 670 Ghafour (A.K.A. "Billy G.") ASEMANI, Petitioner, v. John ASHCROFT, United States Attorney General, et al., Respondents., 2004 WL 4184676, *4184676+ (Appellate Brief) (3rd Cir. Nov 04, 2004) **Brief of Amicus Curiae, Stephanie Reiss** (NO. 03-4059, 03-4434, 04-1068, 04-1268, 04-1767) ★★ HN: 1 (S.Ct.)
- 671 Mykhailo S. KORYTNYUK, Appellant, v. UNITED STATES DEPARTMENT OF JUSTICE and Immigration Service, Appellees., 2004 WL 3760136, *3760136+ (Appellate Brief) (3rd Cir. May 25, 2004) **Brief for Appellant, Mykhailo Korytnyuk** (NO. 03-4677) ★★★ HN: 1,3 (S.Ct.)
- 672 CONNOR, John R., Executor of the Estate of Helen T. Hanlon, Appellant, v. THOMPSON, Tommy G., Secretary of Health and Human Services., 2004 WL 5027113, *5027113+ (Appellate Brief) (3rd Cir. Apr 30, 2004) **Reply Brief of Appellant** (NO. 04-1122) "" ★★ HN: 1,3 (S.Ct.)
- 673 John R. CONNOR, Executor of the Estate of Helen T. Hanlon, Appellant, v. SECRETARY OF HEALTH AND HUMAN SERVICES., 2004 WL 5027111, *5027111+ (Appellate Brief) (3rd Cir. Apr 13, 2004) **Brief of Appellee** (NO. 04-1122) ★★ HN: 3 (S.Ct.)
- 674 Evelyn BURKE, Appellant, v. IMMIGRATION & NATURALIZATION SERVICE, Appellant., 2004 WL 4184690, *4184690+ (Appellate Brief) (3rd Cir. Feb 06, 2004) **Brief for Appellee Immigration & Naturalization ...** (NO. 03-3442) ★★ HN: 1,4,6 (S.Ct.)
- 675 Murali Krishna PONNAPULA, Appellee, v. John ASHCROFT, United States Attorney General; James W. Ziglar, Commissioner of the Immigration and Naturalization Service; Edward McElroy, New York City District Director of the Immigration and Naturalization Service; Kenneth Elwood, Philadelphia District Director of the Immigration and Naturalization Service, Appellants., 2003 WL 24300909, *24300909+ (Appellate Brief) (3rd Cir. Dec 04, 2003) **Reply Brief For Appellants** (NO. 03-1255) "" ★★★ HN: 1,4,6 (S.Ct.)
- 676 John ASHCROFT, I.N.S., James W. Ziglar, Andrea Quarantillo, Lori Valverde, Ralph Green, Appellants, v. Tarrion M. TOGBAH, Appellee., 2003 WL 24302496, *24302496+ (Appellate Brief) (3rd Cir. Dec 01, 2003) **Reply Brief for Appellants** (NO. 03-1753) "" ★★★ HN: 1,4,6 (S.Ct.)

- 677 John ASHCROFT, Attorney General, Respondent-Appellant, v. Tarrion M. TOGBAH, Petitioner-Appellee., 2003 WL 24302495, *24302495+ (Appellate Brief) (3rd Cir. Nov 04, 2003) **Brief and Supplemental Appendix for ...** (NO. 03-1753) "" ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 678 Tosin ADEGBUJI, Appellant, v. IMMIGRATION & NATURALIZATION SERVICE; Linda Robinson, AAPD; Andrea Quarantillo, District Director, Immigration and Naturalization Service., 2003 WL 25287530, *25287530+ (Appellate Brief) (3rd Cir. Oct 07, 2003) **Brief for Appellees** (NO. 03-2848) ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 679 John ASHCROFT, Attorney General, Respondent-Appellant, v. Tarrion M. TOGBAH, Petitioner-Appellee., 2003 WL 24302494, *24302494+ (Appellate Brief) (3rd Cir. Oct 01, 2003) **Substituted Brief for Respondent-Appellant** (NO. 03-1753) ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 680 In Re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION., 2003 WL 24302552, *24302552+ (Appellate Brief) (3rd Cir. Jul 30, 2003) **Consolidated Brief of Appellees, Class Counsel ...** (NO. 03-2025, 03-2063, 03-2072) ★ **HN: 4 (S.Ct.)**
- 681 Jaime Raul HERNANDEZ, Petitioner-Appellant, v. ACTING FIELD OFFICE DIRECTOR, Department of Homeland Security, Respondent-Appellee., 2006 WL 2622985, *2622985+ (Appellate Brief) (4th Cir. Aug 23, 2006) **Brief for Respondent in No. 05-7845** (NO. 05-1042, 05-7845) "" ★★★★★ **HN: 4 (S.Ct.)**
- 682 Jaime Raul HERNANDEZ, Petitioner, v. Alberto GONZALES, Respondent., 2006 WL 690747, *690747+ (Appellate Brief) (4th Cir. Feb 23, 2006) **Petitioner's Reply Brief** (NO. 05-1042) "" ★ **HN: 6 (S.Ct.)**
- 683 Ajmal JAHED, A27-289-645, Appellant, v. Neil ACRI, Acting Field Office Director for Detention and Removal Operations, Appellee., 2006 WL 325304, *325304+ (Appellate Brief) (4th Cir. Jan 20, 2006) **Brief of the Appellee** (NO. 05-6489) ★★ **HN: 4 (S.Ct.)**
- 684 Ajmal JAHED, A27-289-645, Petitioner-Appellant, v. Neil ACRI Acting Field Office Director for Detention and Removal Operations, et al., Respondents-Appellees., 2005 WL 3957438, *3957438+ (Appellate Brief) (4th Cir. May 24, 2005) **Petitioner-Appellant's Brief** (NO. 05-6489) ★★ **HN: 4 (S.Ct.)**
- 685 Ricardo Antonio WELCH, Jr., Plaintiff-Appellant, v. UNITED STATES OF AMERICA, Defendant-Appellee., 2004 WL 3200592, *3200592+ (Appellate Brief) (4th Cir. Oct 05, 2004) **Brief of Appellee** (NO. 04-1863) ★★★★★ **HN: 1,4 (S.Ct.)**
- 686 Ricardo Antonio WELCH, Jr., Plaintiff-Appellant, v. UNITED STATES OF AMERICA, Defendant-Appellee., 2004 WL 3200593, *3200593+ (Appellate Brief) (4th Cir. Sep 10, 2004) **Brief for Plaintiff-Appellant** (NO. 04-1863) ★★ **HN: 1 (S.Ct.)**
- 687 Felix JUSTIZ-CEPERO, Appellant-Petitioner, v. BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, Anne M. Estrada, District Director, and John Ashcroft, Attorney General, Appellees-Respondents., 2005 WL 2703700, *2703700+ (Appellate Brief) (5th Cir. Feb 02, 2005) **Appellees-Respondents' Sur-Reply Brief** (NO. 04-11027) ★★ **HN: 4 (S.Ct.)**
- 688 Felix JUSTIZ-CEPERO, Appellant-Petitioner, v. BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, Anne M. Estrada, District Director, and John Ashcroft, Attorney General, Appellees-Respondents., 2004 WL 3562205, *3562205 (Appellate Brief) (5th Cir. Dec 27, 2004) **Brief for Appellees-Respondents** (NO. 04-11027) ★★ **HN: 1 (S.Ct.)**
- 689 Owusu YAW, Petitioner-Appellant, v. Hipolito M. ACOSTA, Respondent-Appellee., 2004 WL 3589478, *3589478+ (Appellate Brief) (5th Cir. Sep 27, 2004) **Brief of Plaintiff-Appellee** (NO. 04-20611) ★★ **HN: 1,4,6 (S.Ct.)**
- 690 Oyekunmi OYELUDE, Petitioner-Appellant, v. Tom RIDGE, Secretary, Department of Homeland Security; Angela K. Barrows, Acting Director of the Bureau of Citizenship and Immigrant Services in Dallas, Respondent-Appellee., 2004 WL 3552057, *3552057+ (Appellate Brief) (5th Cir. Jun 25, 2004) **Brief of Appellee** (NO. 04-10323) ★★ **HN: 4,6,7 (S.Ct.)**
- 691 Adalberto ANDRADE, Petitioner- Appellant, v. John ASHCROFT, U.S. Attorney General; James W. Ziglar; Christine G. Davis; Edward J. McElroy; Bureau of Immigration and Customs Enforcement; United States Department of Justice, Respondents - Appellees., 2004 WL 3588394, *3588394+ (Appellate Brief) (5th Cir. May 28, 2004) **Brief on Behalf of Appellees** (NO. 04-30247) ★★★★★ **HN: 1,4,6 (S.Ct.)**

- 692 UNITED STATES OF AMERICA, Plaintiff-Appellee, v. Cecil BEGAY, Defendant-Appellant., 2004 WL 1390417, *1390417+ (Appellate Brief) (5th Cir. May 20, 2004) **Brief of Appellee** (NO. 04-10008) ★★ HN: 4 (S.Ct.)
- 693 Adalberto M. ANDRADE, Petitioner-Appellant, v. John ASHCROFT, United States Attorney General; James W. Ziglar, Commissioner, Immigration and Naturalization Service; Christine G. Davis, INS District Director for Louisiana; Edward J. McElroy, Ins District Director for New York; United States Department of Justice, Respondent-Appellees., 2004 WL 3588395, *3588395+ (Appellate Brief) (5th Cir. Apr 29, 2004) **Brief and Appendix of Petitioner-Appellant ...** (NO. 04-30247) "" ★★★ HN: 1,4,6 (S.Ct.)
- 694 In Matter of Oyekunmi OYELUDE, Petitioner, v. Tom RIDGE, Secretary of the Homeland Security, et al, Respondent., 2004 WL 4054433, *4054433+ (Appellate Brief) (5th Cir. Mar 03, 2004) **Petitioner's Brief** (NO. 04-10323) ★★ HN: 1,4,6 (S.Ct.)
- 695 Bereket AMANUEL, Petitioner-Appellant, v. John ASHCROFT, U.S. Attorney General Respondent-Appellee., 2004 WL 2479836, *2479836+ (Appellate Brief) (5th Cir. Mar 01, 2004) **Brief for Petitioner-Appellant** (NO. 03-60989) ★★ HN: 1 (S.Ct.)
- 696 Paul OLASENI, Petitioner-Appellant, v. John ASHCROFT, U.S. Attorney General; John Ziglar, Ins Commissioner; Francis Holmes, Ins District Director; Chales Mule, Director Buffalo Federal Detention Facility, Respondents-Appellees., 2004 WL 2447917, *2447917+ (Appellate Brief) (5th Cir. Jan 14, 2004) **Brief for the Appellees** (NO. 03-10613) ★★★ HN: 1,4 (S.Ct.)
- 697 Khaled MAHMOUD, Petitioner-Appellant, v. John ASHCROFT; Caryl Thompson, Respondents-Appellees., 2003 WL 23783230, *23783230+ (Appellate Brief) (5th Cir. Dec 08, 2003) **Reply Brief of Appellant** (NO. 03-30843) ★★ HN: 1,6 (S.Ct.)
- 698 Khaled MAHMOUD, Petitioner-Appellant, v. John ASHCROFT, ET AL., Respondent-Appellee., 2003 WL 23783231, *23783231+ (Appellate Brief) (5th Cir. Oct 31, 2003) **Brief for Appellant** (NO. 03-30843) ★★ HN: 1 (S.Ct.)
- 699 Girmay Negash FESSHAYE (A76 434 502), Petitioner, v. John ASHCROFT, Attorney General of the United States Respondent., 2003 WL 23475411, *23475411+ (Appellate Brief) (5th Cir. Oct 22, 2003) **Brief for Respondent** (NO. 03-60393) ★★ HN: 1,3 (S.Ct.)
- 700 Nabih Bassel ASSAAD (a72 824 993), Petitioner, v. John ASHCROFT, Attorney General of the United States, Respondent., 2003 WL 23894564, *23894564+ (Appellate Brief) (5th Cir. Sep 29, 2003) **Brief for Respondent** (NO. 03-60201) ★★ HN: 1,3 (S.Ct.)
- 701 Paul Anthony BYFIELD v. John ASHCROFT, et al., 2003 WL 23313304, *23313304+ (Appellate Brief) (5th Cir. Aug 19, 2003) **Appellee's Brief** (NO. 02-30813) ★★★ HN: 1,4,6 (S.Ct.)
- 702 BYFIELD, v. ASHCROFT., 2003 WL 23313303, *23313303+ (Appellate Brief) (5th Cir. Aug 18, 2003) **Reply Brief** (NO. 02-30813) "" ★★★ HN: 1,4,6 (S.Ct.)
- 703 Jose Luis MIRELES-ZAPATA, Petitioner, v. Tom RIDGE, Secretary of the Department of Homeland Security, Respondent., 2003 WL 23313528, *23313528+ (Appellate Brief) (5th Cir. May 27, 2003) **Brief for Respondent** (NO. 02-61031) "" ★★ HN: 5 (S.Ct.)
- 704 Khaled MAHMOUD, Petitioner-Appellant, v. John ASHCROFT; Caryl Thompson, Respondents-Appellees., 2003 WL 23783232, *23783232+ (Appellate Brief) (5th Cir. 2003) **Brief of Appellees** (NO. 03-30843) "" ★★★ HN: 1,4 (S.Ct.)
- 705 Indu GULATI, Petitioner, v. Alberto R. GONZALES, Attorney General of the United States, Respondent., 2006 WL 3427497, *3427497+ (Appellate Brief) (7th Cir. Nov 13, 2006) **Brief and Required Short Appendix of Petitioner, ...** (NO. 06-3221) ★★ HN: 7 (S.Ct.)
- 706 Tahir Mahmood AFRIDI, Petitioner, v. Alberto R. GONZALES, U.S. Attorney General, Respondent., 2006 WL 1354173, *1354173+ (Appellate Brief) (7th Cir. May 04, 2006) **Brief for Petitioner and Appendix** (NO. 06-1234) ★★ HN: 4 (S.Ct.)
- 707 Evelio DUARTE-VESTAR, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2006 WL 498555, *498555+ (Appellate Brief) (7th Cir. Feb 10, 2006) **Brief for Respondent** (NO. 05-3765) "" ★★★ HN: 1,4,7 (S.Ct.)
- 708 Shaikh W. AHMED, Petitioner, v. Alberto GONZALES, United States Attorney General, Respondent., 2006 WL 304835, *304835+ (Appellate Brief) (7th Cir. Jan 2006) **Petitioner's Brief and Appendix** (NO. 05-3965) ★★ HN: 4 (S.Ct.)

- 709 Ahmed ALI, Petitioner-Appellant, v. Deborah ACHIM, Michael Chertoff, Secretary, and Alberto Gonzales, Respondent-Appellees., 2005 WL 3749336, *3749336+ (Appellate Brief) (7th Cir. Dec 12, 2005) **Reply Brief for the Petitioner-Appellant** (NO. 05-1194, 05-2028, 05-3009) ★★ ★★ **HN: 1,4,6 (S.Ct.)**
- 710 Ahmed ALI, A77 607 113, Petitioner, v. Alberto R. GONZALES, United States Attorney General, et al. Respondents., 2005 WL 3736151, *3736151+ (Appellate Brief) (7th Cir. Nov 14, 2005) **Brief for Respondents** (NO. 05-1194, 05-2028, 05-3009) "" ★★ ★★ **HN: 1,4,6 (S.Ct.)**
- 711 Ahmed ALI, Petitioner-Appellant, v. Deborah ACHIM, Michael Chertoff, Secretary, and Alberto Gonzales, Respondent-Appellees., 2005 WL 3736150, *3736150+ (Appellate Brief) (7th Cir. Aug 31, 2005) **Brief for the Petitioner-Appellant** (NO. 05-1194, 05-2028, 05-3009) "" ★★ ★★ **HN: 1,4,6 (S.Ct.)**
- 712 ARKADIY LEONIDOVICH KHOLYAVSKIY, Petitioner, v. Deborah ACHIM, Chicago ICE Field Office Director, et al., Respondents., 2005 WL 3739494, *3739494+ (Appellate Brief) (7th Cir. Aug 12, 2005) **Brief and Required Short Appendix of Petitioner** (NO. 05-2893) ★★ **HN: 1 (S.Ct.)**
- 713 Atip ISLAMOSKI, Petitioner, v. DEPARTMENT OF HOMELAND SECURITY and Alberto Gonzalez, United States Attorney General, Respondents; Atip Islamoski Appellant, v. Michael Cheroff and Alberto Gonzales, Appellees., 2005 WL 3739384, *3739384+ (Appellate Brief) (7th Cir. Aug 2005) **Petitioner's/Appellant's Brief** (NO. 05-2490, 05-2491) "" ★★ ★★ **HN: 1,3 (S.Ct.)**
- 714 Musarat N. SHARAFI, Petitioner, v. Alberto GONZALES, United States Attorney General, Respondent., 2005 WL 3739365, *3739365+ (Appellate Brief) (7th Cir. 2005) **Petitioner's Brief and Appendix** (NO. 05-2388) ★★ **HN: 1 (S.Ct.)**
- 715 Uday Pal SINGH, Agency No. A73 010 867, Petitioner, v. John ASHCROFT, United States Attorney General, Respondent., 2004 WL 3758888, *3758888+ (Appellate Brief) (7th Cir. Oct 13, 2004) **Brief for Respondent** (NO. 04-2119, 04-2485) ★★ **HN: 1,3 (S.Ct.)**
- 716 GHASSAN MUSTAFA BEN HALIM, A79 290 357 Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2004 WL 587459, *587459+ (Appellate Brief) (7th Cir. Jan 2004) **Brief for Respondent** (NO. 03-2148, 03-2149) ★★ **HN: 1 (S.Ct.)**
- 717 Sumanbhai PATEL, Ushaben Patel, Jignasa Patel, Petitioner, v. John D. ASHCROFT, United States Attorney General, and United States Citizenship and Immigration Services, Respondents., 2004 WL 3685982, *3685982+ (Appellate Brief) (7th Cir. 2004) **Petitioner's Brief and Appendix** (NO. 04-1066) ★★ **HN: 4 (S.Ct.)**
- 718 Carlos GONZALEZ, Petitioner-Appellee, v. Cynthia J. O'CONNELL, et al., Respondents-Appellants., 2003 WL 22721259, *22721259+ (Appellate Brief) (7th Cir. Aug 13, 2003) **Respondents-Appellants' Reply Brief** (NO. 03-1527) "" ★★ ★★ ★★ **HN: 1,4,6 (S.Ct.)**
- 719 Carlos GONZALEZ, Petitioner-Appellee, v. Cynthia J. O'CONNELL, et al., Respondents-Appellants., 2003 WL 22721257, *22721257+ (Appellate Brief) (7th Cir. Jul 22, 2003) **Respondents-Appellants' Brief** (NO. 03-1527) "" ★★ ★★ ★★ **HN: 1,4,6 (S.Ct.)**
- 720 Ismael YANEZ-GARCIA, Petitioner, v. John ASHCROFT, Attorney General of the United States, Respondent., 2003 WL 22736486, *22736486 (Appellate Brief) (7th Cir. Jun 27, 2003) **Reply Brief of Petitioner Ismael Yanez-Garcia** (NO. 02-2538) ★★
- 721 Carlos GONZALEZ, Petitioner-Appellee, v. Cynthia J. O'CONNELL, et al., Respondents-Appellants., 2003 WL 22721258, *22721258+ (Appellate Brief) (7th Cir. Mar 03, 2003) **Petitioner-Appellee's Brief** (NO. 03-1527) ★★ ★★ ★★ **HN: 1,4,6 (S.Ct.)**
- 722 Abdi Gelle MOHAMED, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2006 WL 1287682, *1287682+ (Appellate Brief) (8th Cir. Apr 19, 2006) **Brief for Petitioner DHS Alien Number A75-531-713** (NO. 05-3357) ★★ **HN: 1 (S.Ct.)**
- 723 Amadou Lamine DIOUF, Appellee, v. Alberto R. GONZALES, Attorney General, et. al., Appellants., 2007 WL 2414682, *2414682+ (Appellate Brief) (9th Cir. Jul 17, 2007) **Reply Brief for Appellants** (NO. 07-55337) ★★ ★★ **HN: 4 (S.Ct.)**
- 724 Victor MARTINEZ, Appellee, v. Alberto R. GONZALES, Attorney General, et. al., Appellants., 2007 WL 2414681, *2414681+ (Appellate Brief) (9th Cir. Jul 12, 2007) **Reply Brief for Appellants** (NO. 07-55332) ★★ ★★ **HN: 4 (S.Ct.)**

- 725 Amadou Lamine DIOUF, Petitioner-Appellee, v. Alberto GONZALES, et al., Respondents-Appellants., 2007 WL 2287728, *2287728+ (Appellate Brief) (9th Cir. Jun 20, 2007) **Answering Brief for the Petitioner-Appellee** (NO. 07-55337) ★★★ HN: 4,6 (S.Ct.)
- 726 RADUGA U.S.A. CORPORATION; Nikolai Romanovskiy; Vladlena Yakovleva, Plaintiffs-Appellants, v. U.S. DEPARTMENT OF STATE; Condoleezza Rice, Secretary of State; Maura Harty, Asst. Secretary for Consular Affairs; June Kunsman, Visa Office Acting Managing Director; James Pettit, Consul General, U.S. Embassy, Moscow, Russia; Constance Anderson, Immigrant Visa Chief, U.S. Embassy, Moscow, Russia; U.S. Department of Homeland Security; Michael Chertoff, Homeland, 2007 WL 2195815, *2195815+ (Appellate Brief) (9th Cir. Jun 11, 2007) **Opening Brief for Plaintiffs-Appellants** (NO. 07-55140) "" ★★ HN: 3 (S.Ct.)
- 727 Maudo L. FOFANA, Petitioner-Appellant, v. Michael D. MELENDEZ, Bice, G. Wigen, Warden of Northwest Detention Center, A. Neil Clark, Regional Director of Field Services, Bice; Alberto R. Gonzales, Attorney General, Respondents-Appellees., 2007 WL 2041289, *2041289+ (Appellate Brief) (9th Cir. May 30, 2007) **Brief of Appellee** (NO. 07-35147) ★★ HN: 4,6 (S.Ct.)
- 728 Kamaljit THIND., A76 677 209, Appellant, v. Alberto R. GONZALES, Appellee., 2007 WL 2041224, *2041224+ (Appellate Brief) (9th Cir. May 29, 2007) **Brief for Appellant** (NO. 06-75746) "" ★★ HN: 4,7,8 (S.Ct.)
- 729 Amadou Lamine DIOUF, Appellee, v. Alberto R. GONZALES, Attorney General, et. al., Appellants., 2007 WL 1766581, *1766581+ (Appellate Brief) (9th Cir. May 07, 2007) **Opening Brief for Appellants** (NO. 07-55337) ★★ HN: 1 (S.Ct.)
- 730 Victor MARTINEZ, Appellee, v. Alberto R. GONZALES, Attorney General, Appellant., 2007 WL 1508308, *1508308+ (Appellate Brief) (9th Cir. Apr 13, 2007) **Opening Brief for Appellant** (NO. 07-55332) ★★ HN: 1,4 (S.Ct.)
- 731 Antonio Lorenzo VIDAL CRUZ and Luisa Genis Beltran a/k/a Louisa Henes Veltran, Petitioners, v. Alberto GONZALES, Attorney General of the United States, Respondent., 2007 WL 1308602, *1308602+ (Appellate Brief) (9th Cir. Mar 23, 2007) **Brief for Respondent** (NO. 06-72171, A75-692-824, A75-692-819) ★★ HN: 5 (S.Ct.)
- 732 ANTONIO LORENZO VIDAL CRUZ and Luisa Genis Beltran a/k/a Louisa Henes Veltran A 75-692-824, A75-692-819, Petitioners, v. Alberto R. GONZALES, Attorney General, Respondent., 2007 WL 1475798, *1475798+ (Appellate Brief) (9th Cir. Mar 22, 2007) **Brief for Respondent** (NO. 6-72115) "" ★★ HN: 5 (S.Ct.)
- 733 UNITED STATES OF AMERICA, Appellee, v. Kyulle Jay STRONG, Appellant., 2006 WL 3879165, *3879165+ (Appellate Brief) (9th Cir. Nov 20, 2006) **Appellant's Opening Brief** (NO. CA06-10566) "" ★★★ HN: 1,4 (S.Ct.)
- 734 Xiao Fei ZHENG (a.k.a. Eddy Zheng), Petitioner-Appellant, v. Michael CHERTOFF, in his Official Capacity, Secretary, Department of Homeland Security; Alberto Gonzales, in his Official Capacity, Attorney General, Department of Justice; Nancy Alcantar, in her Official Capacity, Field Office Director, San Francisco, California, United States Bureau of Immigration and Customs Enforcement; and Mark Chandless, in his Official Capacity, Correctional, 2006 WL 3857907, *3857907+ (Appellate Brief) (9th Cir. Oct 30, 2006) **Reply Brief for Petitioner-Appellant** (NO. 06-15085) ★★★ HN: 1,4,6 (S.Ct.)
- 735 Xiao Fei ZHENG (a.k.a. Eddy Zheng), Petitioner-Appellant, v. Michael CHERTOFF, in his Official Capacity, Secretary, Department of Homeland Security; Alberto Gonzales, in his Official Capacity, Attorney General, Department of Justice; Nancy Alcantar, in her Official Capacity, Field Office Director, San Francisco, California, U.S. Bureau of Immigration and Customs Enforcement; and Mark Chandless, Correctional Captain, Yuba County., 2006 WL 3623224, *3623224+ (Appellate Brief) (9th Cir. Oct 11, 2006) **Respondents-Appellees' Answering Brief** (NO. 06-15085) "" ★★★ HN: 1,4,6 (S.Ct.)
- 736 Xiao Fei ZHENG (a.k.a. Eddy Zheng), Petitioner-Appellant, v. Michael CHERTOFF, in his Official Capacity, Secretary, Department of Homeland Security; Alberto Gonzales, in his Official Capacity, Attorney General, Department of Justice; Nancy Alcantar, in her Official Capacity, Field Office Director, San Francisco, California, United States Bureau of Immigration and Customs Enforcement; and Mark Chandless, in his Official Capacity, Correctional, 2006 WL 3380746, *3380746+ (Appellate Brief) (9th Cir. Sep 11, 2006) **Opening Brief for Petitioner-Appellant** (NO. 06-15085) ★★★ HN: 1,4,6 (S.Ct.)

- 737 Jamie Santiago CRUZ-ORTIZ, A95-697-590, Petitioner, v. Alberto R. GONZALES, Attorney General., Respondent., 2006 WL 2630235, *2630235+ (Appellate Brief) (9th Cir. May 05, 2006) **Brief for Respondent** (NO. 05-75558) ★★ **HN: 1,4,6 (S.Ct.)**
- 738 SULEIMAN ABED MAGED QAZZA, Petitioner-Appellant, v. Alberto R. GONZALES, Respondent-Appellee., 2006 WL 2379864, *2379864+ (Appellate Brief) (9th Cir. Apr 25, 2006) **Government's Answering Brief** (NO. 05-73960) ★★★
- 739 HUMANITARIAN LAW PROJECT, et al., Plaintiffs/Cross-Appellants, v. Alberto R. GONZALES, Attorney General of the United States, et al., Defendants/Appellants., 2006 WL 2427532, *2427532 (Appellate Brief) (9th Cir. Apr 13, 2006) **Brief of Washington Legal Foundation and Allied ...** (NO. 05-56753, 05-56846) ★
- 740 Susan ATKINS, W-08304, Petitioner-Appellant, v. John DOVEY, Warden Ciw, Respondent-Appellee., 2006 WL 2981913, *2981913 (Appellate Brief) (9th Cir. Feb 02, 2006) **Opening Brief for Appellant** (NO. 05-56321) ★★
- 741 Gurudayal SINGH, Petitioner-Appellant, v. Michael CHERTOFF, et al., Respondents-Appellees., 2006 WL 2984728, *2984728+ (Appellate Brief) (9th Cir. Jan 26, 2006) **Appellant's Opening Brief** (NO. 06-55635) "" ★★ **HN: 4 (S.Ct.)**
- 742 Naira Nadirovna GUSEINOVA A71-103-694, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2005 WL 4662142, *4662142+ (Appellate Brief) (9th Cir. Dec 23, 2005) **Brief for Respondent** (NO. 05-71687) ★★
- 743 Somnang NHEK, Agency No. A27 300 473, Petitioner, v. Alberto R. GONZALES, Attorney General, Respondent., 2005 WL 4668986, *4668986+ (Appellate Brief) (9th Cir. Dec 21, 2005) **Brief for Respondent** (NO. 05-73776) ★★ **HN: 4 (S.Ct.)**
- 744 Ahilan NADARAJAH, A 79 784 826, Petitioner-Appellant, v. Alberto GONZALES, Attorney General, et al., Respondents-Appellees., 2005 WL 4662117, *4662117+ (Appellate Brief) (9th Cir. Dec 20, 2005) **Appellant's Opening Brief** (NO. 05-56759) ★★★★★ **HN: 4 (S.Ct.)**
- 745 Elvys Padararu RUSU and Rahela Emanuela Paduraru Rusu, Petitioners-Appellants, v. Michael CHERTOFF, Secretary of the Department of Homeland Security; Alberto Gonzales, U.S. Attorney General, Respondents-Appellees., 2005 WL 3577804, *3577804+ (Appellate Brief) (9th Cir. Sep 30, 2005) **Answering Brief of the Respondents-Appellees** (NO. CA05-35332) ★★ **HN: 1 (S.Ct.)**
- 746 Daniel Joshua SIMS, Petitioner-Appellant, v. Alberto R. GONZALES, Attorney General, et al., Respondent-Appellee., 2005 WL 2888177, *2888177+ (Appellate Brief) (9th Cir. Jul 18, 2005) **Opening Brief of Appellant** (NO. 05-15179) "" ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 747 Maria Padernal NYE, Petitioner-Appellant, v. Alberto R. GONZALES, Respondent-Appellee., 2005 WL 2158262, *2158262+ (Appellate Brief) (9th Cir. Jun 01, 2005) **Answering Brief of Respondent - Appellee Alberto ...** (NO. 04-17350) ★★ **HN: 1,4 (S.Ct.)**
- 748 MARIA PADERNAL NYE, Petitioner/Appellant, v. John ASHCROFT, Respondent/Appellee., 2005 WL 1704696, *1704696+ (Appellate Brief) (9th Cir. Apr 05, 2005) **Petitioner's Opening Brief** (NO. 04-17350) "" ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 749 Robert KENNY, Petitioner-Appellant, v. Ronald SMITH, Field Director, San Diego Ice, John Ashcroft, Attorney General, Tom Ridge, Secretary, Department of Homeland Security, Respondents-Appellees., 2005 WL 520427, *520427+ (Appellate Brief) (9th Cir. Jan 11, 2005) **Petitioner-Appellant's Opening Brief** (NO. 04-57049) "" ★★ **HN: 1,3 (S.Ct.)**
- 750 Man Huy CAO, Plaintiff- Appellant, v. UNITED STATES OF AMERICA, Defendant- Appellee., 2004 WL 3960341, *3960341+ (Appellate Brief) (9th Cir. Dec 23, 2004) **Appellee's Answering Brief** (NO. 04-55105) ★★ **HN: 4,6 (S.Ct.)**
- 751 MONSURU OLASUMBO TIJANI A 27-431-266, Petitioner, v. Wayne K. WILLIS, Ins District Director, and Caryl Thompson, Officer in Charge, Respondents., 2004 WL 2606537, *2606537+ (Appellate Brief) (9th Cir. Oct 14, 2004) **Substitute Opening Brief of Habeas Petitioner and ...** (NO. 04-55285) "" ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 752 Claudia RIVERA (A92 705 386), Petitioner, v. John ASHCROFT, U.S. Attorney General, Respondent., 2004 WL 2681786, *2681786+ (Appellate Brief) (9th Cir. Sep 21, 2004) **Brief for Respondent** (NO. 03-74015) ★★ **HN: 1,3 (S.Ct.)**

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 753 Ranulfo MARTINEZ-MERINO, Appellant, v. John ASHCROFT, as Attorney General of the United States; Thomas Ridge, as Secretary of the Department of Homeland Security; Ken Cox, Field Office Director for Detention & Removal, Immigration and Customs Enforcement; and Joseph Schmidt, Supervisor of the Anchorage Correctional Complex, Appellees., 2004 WL

- 2408613, *2408613+ (Appellate Brief) (9th Cir. Sep 07, 2004) **Appellant's Opening Brief** (NO. 04-35432) ★★ **HN: 1,3 (S.Ct.)**
- 754 Monsuru O. TIJANI, Petitioner-Appellant, v. Wayne K. WILLIS, INS District Director, and Caryl Thompson, Officer in Charge, Respondents-Appellees., 2004 WL 1762993, *1762993+ (Appellate Brief) (9th Cir. Jul 06, 2004) **Brief for Appellees Wayne K. Willis, INS District ...** (NO. 04-55285) ★★ **HN: 1,4 (S.Ct.)**
- 755 UNITED STATES OF AMERICA, Plaintiff-Appellee, v. Daniel BRAVO-MUZQUIZ, Defendant-Appellant., 2004 WL 1809918, *1809918+ (Appellate Brief) (9th Cir. Jun 18, 2004) **Appellate's Reply Brief** (NO. 03-50505) ★★ **HN: 5 (S.Ct.)**
- 756 UNITED STATES OF AMERICA, Appellee, v. Cecil BEGAY, Appellant., 2004 WL 1477636, *1477636+ (Appellate Brief) (9th Cir. Jun 01, 2004) **Appellant's Reply Brief** (NO. 04-10008)★★★ **HN: 4 (S.Ct.)**
- 757 Nimma MAYAKI, Petitioner, v. Tom RIDGE, Secretary of Homeland Security Respondent., 2004 WL 1252325, *1252325+ (Appellate Brief) (9th Cir. May 10, 2004) **Brief for Respondent** (NO. 03-72283) ★★ **HN: 5 (S.Ct.)**
- ... Mohammad-Reza MIRMEHDI Mostafa Mirmehdi Mohsen Mirmehdi Mojtaba Mirmehdi, Petitioners-Appellants, v. John ASHCROFT, Attorney General of the United States, et. al. Respondents.,(Appellate Brief) (9th Cir. Apr 19, 2004) **Reply for Petitioner-Appellants** (NO. 03-56261, 03-56272, 03-56273, 03-56724) (Text not available on WESTLAW)★★
- 759 Sonia Soares do CARMO D.C. No. CV-0400379-EHC District of Arizona. Phoenix, Petitioner/Appellant, v. Tom RIDGE, et al., Respondents/Appellees., 2004 WL 1079212, *1079212+ (Appellate Brief) (9th Cir. Mar 31, 2004) **Appellant's Opening Brief** (NO. 04-15443) ★★ **HN: 1 (S.Ct.)**
- 760 Edison Balingasa AVERILLA, Petitioner-Appellant, v. Patricia SCHMIDT, Respondents-Appellee., 2004 WL 870317, *870317+ (Appellate Brief) (9th Cir. Mar 19, 2004) **Brief of Appellee** (NO. 03-17042) ★★★★★ **HN: 1,4,6 (S.Ct.)**
- 761 UNITED STATES OF AMERICA, Plaintiff-Appellee, v. Santos INTERIAN-MATA, Defendant-Appellant., 2004 WL 1080112, *1080112+ (Appellate Brief) (9th Cir. Mar 09, 2004) **Brief for Appellee United States** (NO. 03-50549) "" ★★ **HN: 1 (S.Ct.)**
- 762 Ramiro CORNEJO-BARRETO, Petitioner-Appellant, v. W. H. SIEFERT, Respondent-Appellee., 2004 WL 546103, *546103+ (Appellate Brief) (9th Cir. Feb 11, 2004) **Appellant's Supplemental Brief** (NO. 02-56605) ★★ **HN: 1,3 (S.Ct.)**
- 763 Youn Kyung Higa PARK, Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2004 WL 546298, *546298+ (Appellate Brief) (9th Cir. Feb 09, 2004) **Petitioner's Opening Brief** (NO. 02-74060, 03-72409) ★★ **HN: 4 (S.Ct.)**
- 764 Gurmit SINGH, Petitioner-Appellant, v. Charles H. DEMORE, et. al., Respondents-Appellees., 2004 WL 540037, *540037+ (Appellate Brief) (9th Cir. Jan 20, 2004) **Petitioner-Appellant's Reply Brief** (NO. 03-16209) ★★ **HN: 1 (S.Ct.)**
- 765 Victor MARTINEZ, Petitioner-Appellant, v. Caryl THOMPSON, Officer in Charge, Bureau of Immigration and Customs Enforcement Detention Facility, El Centro, California, Respondent-Appellee., 2004 WL 540175, *540175+ (Appellate Brief) (9th Cir. Jan 14, 2004) **Petitioner-Appellant's Reply Brief** (NO. 03-56282) ★★ **HN: 1 (S.Ct.)**
- 766 Mohammad-Reza MIRMEHDI, et al., Petitioners/Appellants, v. John ASHCROFT, Attorney General of the United States, et al., Respondents/Appellees., 2004 WL 297808, *297808+ (Appellate Brief) (9th Cir. Jan 07, 2004) **Respondents'/Appellees' Brief** (NO. 03-56261, 03-56272, 03-56273, 03-56274) "" ★★★★★ **HN: 1 (S.Ct.)**
- 767 Mohammad-Reza MIRMEHDI, et al., Petitioners/Appellants, v. John ASHCROFT, Attorney General of the United States, et al., Respondents/Appellees., 2004 WL 540173, *540173+ (Appellate Brief) (9th Cir. Jan 06, 2004) **Respondents'/Appellees' Brief** (NO. 03-56261, 03-56272, 03-56273, 03-56274) "" ★★★★★ **HN: 1 (S.Ct.)**

- 768 Victor MARTINEZ, Petitioner-Appellant, v. Caryl THOMPSON, Officer in Charge, Bureau of Immigration and Customs Enforcement Detention Facility, El Centro, California, Respondent-Appellee., 2003 WL 23333061, *23333061+ (Appellate Brief) (9th Cir. Dec 30, 2003) **Brief for Appellee** (NO. 03-56282) "" ★★★ **HN: 1,4,6 (S.Ct.)**
- 769 Joseph KALUBI, Petitioner, v. John ASHCROFT, Attorney General, Respondent., 2003 WL 23010488, *23010488+ (Appellate Brief) (9th Cir. Nov 24, 2003) **Petitioner's Reply Brief** (NO. 02-73945) "" ★★ **HN: 5 (S.Ct.)**
- 770 Victor Manuel MENDOZA-CEBALLOS A13 571 601, Petitioner-Appellee, v. John ASHCROFT, Attorney General., et al., Respondents-Appellants., 2003 WL 22907751, *22907751+ (Appellate Brief) (9th Cir. Nov 07, 2003) **Brief for Respondents-Appellants** (NO. 03-55682) "" ★★★ **HN: 1,4,6 (S.Ct.)**
- 771 Jose Luis CRUZ, Petitioner/Appellant, v. David STILL, Respondent/Appellee., 2003 WL 22767924, *22767924+ (Appellate Brief) (9th Cir. Oct 23, 2003) **Petitioner/Appellant's Opening Brief** (NO. 03-16144) ★★ **HN: 1 (S.Ct.)**
- 772 Chunhong XU and Shihui Li, Petitioner-Appellants, v. John ASHCROFT, Attorney General, Respondent-Appellee., 2003 WL 22716744, *22716744+ (Appellate Brief) (9th Cir. Sep 19, 2003) **Petitioner-Appellants' Reply Brief** (NO. 02-73770) ★★ **HN: 4 (S.Ct.)**
- 773 Victor Manuel MENDOZA-CEBALLOS, A13 571 601, Petitioner-Appellee, v. John ASHCROFT, Attorney General, et al., Respondents-Appellants., 2003 WL 22752775, *22752775+ (Appellate Brief) (9th Cir. Sep 12, 2003) **Brief for Respondents-Appellants** (NO. 03-55682) "" ★★★ **HN: 1,4,6 (S.Ct.)**
- 774 Billie J. SAUNDERS, individually and as Personal Representative of the Estate of James E. Saunders, Deceased; James E. Saunders, deceased, Plaintiffs - Appellants, v. UNITED STATES OF AMERICA, Defendant - Appellee., 2003 WL 22723878, *22723878+ (Appellate Brief) (9th Cir. Aug 20, 2003) **Appellants' Reply Brief** (NO. 03-35157) ★★★
- 775 Silvia-Aguila GARCIA, Petitioner, v. Tom RIDGE, Secretary of Homeland Security, Respondent., 2003 WL 22717110, *22717110+ (Appellate Brief) (9th Cir. Aug 08, 2003) **Brief for Respondent** (NO. 02-73887) ★★ **HN: 5 (S.Ct.)**
- 776 Gregorio PEREZ-GONZALEZ, Petitioner, v. Tom RIDGE, Secretary of the Department of Homeland Security, Respondent., 2003 WL 22752351, *22752351+ (Appellate Brief) (9th Cir. Aug 07, 2003) **Brief for Respondent** (NO. 02-73294) ★★ **HN: 5 (S.Ct.)**
- 777 Federico PASTORI, Plaintiff/Appellant, v. CORRECTIONAL CORPORATION OF AMERICA, United States Immigration and Naturalization Service, California Department of Corrections, Defendants/Appellees., 2003 WL 22717250, *22717250+ (Appellate Brief) (9th Cir. May 29, 2003) **Appellee's Answering Brief** (NO. 03-15448) "" ★★ **HN: 5 (S.Ct.)**
- 778 Federico PASTORI, Plaintiff/Appellant, v. CORRECTIONAL CORPORATION OF AMERICA, United States Immigration and Naturalization Service, California Department of Corrections, Defendants/Appellees., 2003 WL 22717256, *22717256+ (Appellate Brief) (9th Cir. May 29, 2003) **Appellee's Answering Brief** (NO. 03-15448) "" ★★ **HN: 5 (S.Ct.)**
- 779 Gregorio V. DE LEON, Petitioner, v. Tom RIDGE, Secretary of the Department of Homeland Security, Respondent., 2003 WL 22670809, *22670809+ (Appellate Brief) (9th Cir. May 21, 2003) **Brief for Respondent** (NO. 02-71585) ★★ **HN: 5 (S.Ct.)**
- 780 Sokha SUN (Agency # A23-803-384), Petitioner-Appellant, v. John ASHCROFT, Attorney General of the United States; U.S. Department of Homeland Security, formerly known as the U.S. Immigration and Naturalization Service, et al., Respondents-Appellees., 2003 WL 22593676, *22593676+ (Appellate Brief) (9th Cir. May 06, 2003) **Government's Answering Brief** (NO. 02-36132) ★★★ **HN: 4 (S.Ct.)**
- 781 Felix JUSTIZ-CEPERO, Plaintiff-Appellant, v. BOARD OF IMMIGRATION APPEALS, Defendant- Appellee., 2004 WL 3510047, *3510047+ (Appellate Brief) (10th Cir. Nov 16, 2004) **Reply Brief for Plaintiff-Appellant Felix ...** (NO. 03-3135) ★★
- 782 Felix JUSTIZ-CEPERO, Appellant-Petitioner, v. BOARD OF IMMIGRATION APPEALS, Appellee-Respondent., 2004 WL 2956002, *2956002+ (Appellate Brief) (10th Cir. Oct 29, 2004) **Corrected Brief for Appellee-Respondent** (NO. 03-3135) ★★ **HN: 1,4,6 (S.Ct.)**

- 783 Eddy Alfredo Reyes PACHECO, Petitioner-Appellant, v. Barry ROYCE, Interim Acting Officer in Charge, United States Bureau of Citizenship and Immigration Services, Respondent-Appellee., 2003 WL 23356266, *23356266+ (Appellate Brief) (10th Cir. Oct 14, 2003) **Appellant's Opening Brief** (NO. 03-5127) ★★ **HN: 1,3 (S.Ct.)**
- 784 Reymundo Charles ALFONSO-PARRA, Petitioner-Appellant, v. Douglas MAURER, Interim Field Director, U.S. Immigration and Customs Enforcement, Respondent-Appellee., 2003 WL 24150625, *24150625 (Appellate Brief) (10th Cir. Sep 23, 2003) **Brief for Respondent-Appellee** (NO. 03-1245)★★
- 785 GREGORY PHILBERT TREVOR TYSON, Petitioner-Appellant, v. Garland JEFFERS, Warden, and United States Of America, Respondents-Appellees., 2003 WL 24056495, *24056495+ (Appellate Brief) (10th Cir. Sep 12, 2003) **Petitioner-Appellant's Supplemental Brief** (NO. 02-2153) "" ★★ **HN: 1,3 (S.Ct.)**
- 786 Adelfo BERRUM-GARCIA, Petitioner-Appellant, v. Michael COMFORT, District Director, Bureau of Citizenship and Immigration Services; John Ashcroft, Attorney General of the United States of America; Scott Weber, District Director, Bureau of Immigration and Customs Enforcement; Tom Ridge, Secretary of the U.S. Department of Homeland Security; and Eduardo Aguirre, Jr., Acting Director, Bureau of Citizenship and Immigration Services, Respondents-Appellees., 2003 WL 24587730, *24587730+ (Appellate Brief) (10th Cir. Aug 26, 2003) **Appellees' Answer Brief** (NO. 03-1181) ★★ **HN: 5 (S.Ct.)**
- 787 Victor Manuel SUAREZ-TEJEDA, Petitioner-Appellant, v. UNITED STATES OF AMERICA, Respondent-Appellee., 2003 WL 23696353, *23696353+ (Appellate Brief) (10th Cir. Aug 12, 2003) **Brief of Amicus Curiae American Civil Liberties ...** (NO. 02-6341) ★★ **HN: 1 (S.Ct.)**
- 788 Jorge L. FRECH, Agency No. 74-697-949, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2006 WL 4579505, *4579505+ (Appellate Brief) (11th Cir. Jul 31, 2006) **Brief for Respondent** (NO. 06-11276-D) "" ★★ **HN: 2,3 (S.Ct.)**
- 789 Nazeer HASHWANEE A 96-437-572, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; The Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal, Immigration & Customs Enforcement; United States Citizenship and Immigration Services, Respondents., 2006 WL 2365301, *2365301+ (Appellate Brief) (11th Cir. Jul 12, 2006) **Petitioner's Opening Brief** (NO. 06-12636-FF)★★
- 790 Adalberto M. ANDRADE, Petitioner/Appellant, v. Alberto GONZALES, Attorney General of the United States, Respondent/Appellee., 2006 WL 3074771, *3074771+ (Appellate Brief) (11th Cir. Jul 06, 2006) **Supplemental Brief of Appellee** (NO. 05-14071-CC) "" ★★ **HN: 9 (S.Ct.)**
- 791 Adalberto M. ANDRADE, Petitioner/ Appellant, v. Alberto GONZALES, Attorney General of the United States, Respondent/Appellee., 2006 WL 3074770, *3074770+ (Appellate Brief) (11th Cir. Jun 2006) **Supplemental Brief of Appellee** (NO. 05-14071-CC) "" ★★ **HN: 9 (S.Ct.)**
- 792 Alberto M. ANDRADE, Petitioner/Appellant, v. Alberto GONZALES, Attorney General of the United States, Respondent/Appellee., 2006 WL 3074769, *3074769+ (Appellate Brief) (11th Cir. May 23, 2006) **Brief of Appellant** (NO. 05-14071-CC) ★★ **HN: 1,4 (S.Ct.)**
- 793 UNITED STATES OF AMERICA, Appellee, v. Ricardo KNIGHT, Appellant., 2006 WL 3427384, *3427384+ (Appellate Brief) (11th Cir. Apr 04, 2006) **Brief for the United States** (NO. 05-14537-II) ★★ **HN: 5 (S.Ct.)**
- 794 Zulfikar HUSSAIN A 79-008-160, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; The Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal, Immigration & Customs Enforcement; United States Citizenship and Immigration Services, Respondents., 2006 WL 2364813, *2364813+ (Appellate Brief) (11th Cir. Mar 29, 2006) **Petitioner's Brief** (NO. 05-17209-EE)★★
- 795 Sulam SIDHWANI, Petitioner, v. Alberto R. GONZALES, United States Attorney General et al., Respondents., 2006 WL 4127807, *4127807+ (Appellate Brief) (11th Cir. Mar 07, 2006) **Brief for Petitioner Sulam Sidhwani** (NO. 05-16603-HH) ★★ **HN: 4 (S.Ct.)**

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 796 AMIRMOHAMMED HABIB LAKHANI A 096-114-077, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; the Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal,

- Immigration & Customs Enforcement; United States Citizenship and Immigration Services, Respondents., 2006 WL 4127726, *4127726+ (Appellate Brief) (11th Cir. Feb 10, 2006) **Petitioner's Amended Opening Brief** (NO. 05-15631-AA) ★★ HN: 4 (S.Ct.)
- 797 AMIRMOHAMMED HABIB LAKHANI A 096-114-077, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; the Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal, Immigration & Customs Enforcement; United States Citizenship and Immigration Services, Respondents., 2006 WL 4127725, *4127725+ (Appellate Brief) (11th Cir. Jan 04, 2006) **Petitioner's Brief** (NO. 05-15631-AA) ★★ HN: 4 (S.Ct.)
- 798 Ivan OCON, Agency No. 94 265 955, Petitioner, v. Alberto R. GONZALES, United States Attorney General, Respondent., 2006 WL 4694313, *4694313+ (Appellate Brief) (11th Cir. 2006) **Brief for Respondent** (NO. 06-12538-FF) "" ★★★ HN: 2,3 (S.Ct.)
- 799 Adalberto M. ANDRADE, Petitioner/ Appellant, v. Alberto GONZALES, Attorney General of the United States, Respondent/Appellee., 2005 WL 4858990, *4858990+ (Appellate Brief) (11th Cir. Nov 16, 2005) **Brief of Appellee** (NO. 05-14071-CC) "" ★★★ HN: 9 (S.Ct.)
- 800 Jose Francisco CAMARGO and Edith Margarita Camargo, Petitioners, v. Alberto R. GONZALES, Attorney General of the United States, Respondent., 2005 WL 4976665, *4976665+ (Appellate Brief) (11th Cir. Nov 2005) **Petitioners' Initial Brief** (NO. 05-14807-DD) ★★ HN: 4 (S.Ct.)
- 801 Shahzad NOORANI, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4663117, *4663117+ (Appellate Brief) (11th Cir. Oct 03, 2005) **Brief for Petitioner Shahzad Noorani** (NO. 05-11883-G) ★★
- 802 Zafar PIRZADA, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; The Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal, Immigration & Customs Enforcement; United States Citizenship and Immigration Services, Respondents., 2005 WL 4814629, *4814629+ (Appellate Brief) (11th Cir. Aug 31, 2005) **Petitioner's Brief** (NO. 05-13197-C) ★★ HN: 4 (S.Ct.)
- 803 Zafar PIRZADA, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; The Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal, Immigration & Customs Enforcement; United States Citizenship and Immigration Services, Respondents., 2005 WL 4814630, *4814630+ (Appellate Brief) (11th Cir. Aug 31, 2005) **Petitioner's Brief** (NO. 05-13197-C) ★★ HN: 4 (S.Ct.)
- 804 Rozeen DAWOODANI, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4720465, *4720465+ (Appellate Brief) (11th Cir. Aug 06, 2005) **Brief for Petitioner Rozeen Dawoodani** (NO. 05-13068-I) ★★ HN: 4 (S.Ct.)
- 805 Dilshad S. KUDCHIWALA, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4663120, *4663120+ (Appellate Brief) (11th Cir. Jul 18, 2005) **Brief for Petitioner Dilshad S. Kudchiwala** (NO. 05-11885-I) ★★
- 806 Firoz Ali MERCHANT, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4663190, *4663190+ (Appellate Brief) (11th Cir. Jul 18, 2005) **Brief for Petitioner Firoz Ali Merchant** (NO. 05-11949) ★★
- 807 Piyarali KHUWAJA, Petitioner, v. Alberto R. GONZALEZ, United States Attorney General et al., Respondents., 2005 WL 4662756, *4662756+ (Appellate Brief) (11th Cir. Jul 15, 2005) **Brief for Petitioner Piyarali Khuwaja** (NO. 05-11790-D) ★★

- 808 Mohammed ZEESHAN Zafar, Amirmohammed Habib Lakhani, Adnan Virani, and Nizar Ghulamani, Petitioners, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael Garcia, Assistant Secretary of Immigration and Customs Enforcement; The Bureau of Immigration and Customs Enforcement; John Mata, Atlanta Field Office Director for Detention and Removal, Immigration & Customs Enforcement; United States Citizenship and Immigration, 2005 WL 4662560, *4662560+ (Appellate Brief) (11th Cir. Feb 16, 2005) **Petitioner's Brief** (NO. 04-16634-AA04-16689-)★★
- 809 Ahmed Mohammed JAMA, Petitioner-Appellant, v. TOM RIDGE, Secretary, Department of Homeland Security, ET, AL., Respondents/Appellees., 2005 WL 2124457, *2124457+ (Appellate Brief) (11th Cir. Jan 18, 2005) **Reply Brief of the Petitioner-Appellant Ahmed ...** (NO. 04-13954-GG) ★★ **HN: 4 (S.Ct.)**
- 810 Gregorio R. MACHADO, Agency No. A91 443 109, Appellant, v. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, Appellee., 2004 WL 3416603, *3416603+ (Appellate Brief) (11th Cir. Dec 23, 2004) **Supplemental Brief for the United States ...** (NO. 03-16470-CC)★★
- 811 Ahmed Mohamed JAMA, Petitioner/Appellant, v. Tom RIDGE, Secretary, Department of Homeland Security, et al, Respondents Appellees., 2004 WL 3507876, *3507876 (Appellate Brief) (11th Cir. Dec 17, 2004) **Brief of Appellees** (NO. 04-13954-GG)★★
- 812 Ahmed Mohamed JAMA, Petitioner-Appellant, v. TOM RIDGE, Secretary, Departments of Homeland Security Michael Garcia, Asst. Secretary, Immigration and Customs Enforcement; Craig Robinson, District Director, Immigration and Customs, Enforcement; Respondents-Appellees., 2004 WL 3510084, *3510084+ (Appellate Brief) (11th Cir. Nov 19, 2004) **Brief and Appendix of Petitioner-Appellant Ahmed ...** (NO. 04-13954-GG) "" ★★★ **HN: 1,4,6 (S.Ct.)**
- 813 Ana Isabel Napoles, Petitioner-Appellant, v. DISTRICT DIRECTOR, Immigration and naturalization service, John M. Bulger, Respondent-Appellee., 2004 WL 3515238, *3515238+ (Appellate Brief) (11th Cir. Jun 09, 2004) **Appellant's Supplemental Reply Brief** (NO. 03-11885-DD) "" ★★★ **HN: 1,3 (S.Ct.)**
- 814 John DOE I, John Doe II, John Doe III, John Doe IV, John Doe V, John Doe VI, John Doe VII, John Doe VIII, John Doe IX, John Doe X and Jane Doe, individually, and as members of certain specified classes on behalf of themselves and all others similarly situated, Plaintiffs-Appellants, v. James T. MOORE, in his official capacity as Commissioner of the Florida Department of Law Enforcement; James V. Grosby, Jr., in his official capacity as Secretary the orida, 2004 WL 3559243, *3559243+ (Appellate Brief) (11th Cir. Apr 29, 2004) **Brief and Addendum of Plaintiffs Doe** (NO. 03-10279) ★★ **HN: 4 (S.Ct.)**
- 815 Nwenenda ORIANWO, Petitioner/Appellant, v. John ASHCROFT, Attorney Gen. et. al., Respondent/Appellees., 2003 WL 23312300, *23312300+ (Appellate Brief) (11th Cir. Aug 22, 2003) **Reply Brief of Petitioner/Appellant** (NO. 03-12594-GG) ★★★ **HN: 4,6 (S.Ct.)**
- 816 Gerda TOBI, Masilien St. Cilien, Aralien Petitfrere and Dieudonne Elvariste, Appellants, v. John M. BULGER, Acting Director for District 6, Immigration and Naturalization Service, James W. Ziglar, Commissioner, Immigration and Naturalization Service, John Ashcroft, Attorney General of the United States, Immigration and Naturalization Service, and United States Department of Justice, Appellees., 2003 WL 23312250, *23312250+ (Appellate Brief) (11th Cir. Aug 14, 2003) **Appellants' Reply Brief** (NO. 03-12259-JJ) ★★ **HN: 1,3 (S.Ct.)**
- 817 Nwenenda ORIANWO, Petitioner-Appellant, v. John ASHCROFT, Attorney General, et al., Respondents-Appellees., 2003 WL 23413088, *23413088+ (Appellate Brief) (11th Cir. Jul 31, 2003) **Brief for Appellees** (NO. 03-12594-GG) "" ★★★ **HN: 1,4,6 (S.Ct.)**
- 818 Gerda TOBI, et al., Appellants, v. UNITED STATES OF AMERICA, Appellee., 2003 WL 23312249, *23312249+ (Appellate Brief) (11th Cir. Jul 29, 2003) **Brief for the United States** (NO. 03-12259-JJ) ★★★ **HN: 1,4 (S.Ct.)**
- 819 Pedro Carlos RUIZ-RODRIGUEZ, Petitioner-Appellant, v. Carlyle HOLDER, Warden, Respondent-Appellee., 2003 WL 23312566, *23312566+ (Appellate Brief) (11th Cir. Jun 30, 2003) **Brief of Carlyle Holder, Warden Civil Case (28 ...** (NO. 02-16754-JJ) "" ★★★ **HN: 4,8 (S.Ct.)**

- 820 Nwenenda ORIANWO, Petitioner, v. John ASHCROFT, et al., Appellees., 2003 WL 23312301, *23312301+ (Appellate Brief) (11th Cir. Jun 25, 2003) **Brief for Petitioner Nwenenda Orianwo** (NO. 03-12594-GG)★★
- 821 Gerda TOBI, Masilien St. Cilien, Aralien Petitfrere and Dieudonne Elvariste, Appellants, v. John M. BULGER, Acting Director for District 6, Immigration and Naturalization Service, James W. Ziglar, Commissioner, Immigration and Naturalization Service, John Ashcroft, Attorney General of the United States, Immigration and Naturalization Service, and United States Department of Justice, Appellees., 2003 WL 23287474, *23287474+ (Appellate Brief) (11th Cir. Jun 17, 2003) **Appellants' Brief** (NO. 03-12259-JJ02-23216)★★ **HN: 1,4 (S.Ct.)**
- 822 Daniel BENITEZ, Petitioner, v. Robert A. WALLIS, Respondent., 2003 WL 22400633, *22400633+ (Appellate Brief) (11th Cir. May 13, 2003) **Brief for Respondent** (NO. 02-14324-BB) "" ★★★ **HN: 4,5 (S.Ct.)**
- 823 CANADIAN LUMBER TRADE ALLIANCE, Plaintiff-Appellee, NORSE HYDRO CANADA, INC., Plaintiff-Appellee, and, CANADIAN WHEAT BOARD, Plaintiff-Appellee, GOVERNMENT OF CANADA, Plaintiff-Cross Appellant, ONTARIO FORESTINDUSTRIES ASSOCIATION, Ontario Lumber Manufacturers Association, and The Free Trade Lumber Council, Plaintiffs-Appellees, v. UNITED STATES, Defendant-Appellant, COALITION FOR FAIR LUMBER IMPORTS EXECUTIVE COMMITTEE, Defendant-Appellant, U.S., 2007 WL 953185, *953185 (Appellate Brief) (Fed.Cir. Feb 21, 2007) **Brief of Defendants-Appellants U.S. Foundry & ...** (NO. 2006-1622, -1625, -1626, -1627, -1636, -1648)★
- 824 Khaled A.F. AL ODAH, et al., Petitioners/Appellants/Cross-Appellees, v. UNITED STATES OF AMERICA, et al., Respondents/Appellees/Cross-Appellants. Lakhdar Boumediene, et al., Petitioners-Appellants, v. George W. Bush, et al., Respondents-Appellees., 2006 WL 867440, *867440+ (Appellate Brief) (D.C.Cir. Mar 30, 2006) **Supplemental Brief of Washington Legal Foundation ...** (NO. 05-5064, AND05-5095, 05-5116, 05-5062, AND05-5063) "" ★★★ **HN: 1,3 (S.Ct.)**
- 825 Abu Bakker QASSIM and Adel Abdu' Al-Hakim, Petitioners-Appellants, v. George W. BUSH, et al., Respondents-Appellees., 2006 WL 447834, *447834+ (Appellate Brief) (D.C.Cir. Feb 22, 2006) **Brief of Amicus Curiae American Civil Liberties ...** (NO. 05-5477)★★ **HN: 1 (S.Ct.)**
- 826 Khaled A. F. AL ODAH, et al., Petitioners-Appellees/Cross-Appellants, v. UNITED STATES OF AMERICA, et al., Respondents-Appellants/Cross-Appellees., 2005 WL 1656351, *1656351+ (Appellate Brief) (D.C.Cir. Jun 17, 2005) **Reply/Cross-Appellee Brief for the United States, ...** (NO. 05-5064, 05-5095, 05-5116)★★ **HN: 5 (S.Ct.)**
- 827 Khaled A.F. AL ODAH, et al., Petitioners/Appellants/Cross -Appellees, v. UNITED STATES OF AMERICA, et al., Respondents/Appellees/Cross-Appellants., 2005 WL 996025, *996025+ (Appellate Brief) (D.C.Cir. Apr 27, 2005) **Brief of Washington Legal Foundation and Allied ...** (NO. 05-5064, 05-5095, 05-5116) ""★★ **HN: 4,5 (S.Ct.)**
- 828 Zhouquin ZHU, et al., Plaintiffs-Appellants, v. IMMIGRATION AND NATURALIZATION SERVICE, et al., Defendants-Appellees., 2005 WL 327925, *327925 (Appellate Brief) (D.C.Cir. Feb 09, 2005) **Appellants's Brief** (NO. 04-5102)★★ **HN: 1 (S.Ct.)**
- 829 Zhouqin ZHU, et al., Appellants, v. John ASHCROFT, U.S. Attorney General, et al., Appellees., 2005 WL 327928, *327928+ (Appellate Brief) (D.C.Cir. Feb 09, 2005) **Brief for Appellees** (NO. 04-5102)★★★ **HN: 1 (S.Ct.)**
- 830 Sheila Cochran MCKINNEY, Plaintiff and Appellant, v. County of Los ANGELES; Ben Fesagaiga, R.N.; Stuart Hines, M.D.; Eugenia Ditu, R.N.; Anthony Tan, M.D.; Robert Hoang, M.D.; and Julia Chung, M.D., Defendants and Respondents., 2007 WL 953429, *953429+ (Appellate Brief) (Cal.App. 2 Dist. Feb 06, 2007) **Respondents' Brief** (NO. B187084)★★ **HN: 4 (S.Ct.)**
- 831 COMMONWEALTH OF MASSACHUSETTS, Appellant, v. Wilson S. CASIMIR, Defendant-Appellee., 2006 WL 2703005, *2703005+ (Appellate Brief) (Mass.App.Ct. Aug 2006) **Brief and Record Appendix for the Commonwealth on ...** (NO. 06-P-420)★★
- 832 Paul F. KENDALL, et al., Appellants, v. HOWARD COUNTY, Maryland, et al., Appellees., 2007 WL 2124631, *2124631+ (Appellate Brief) (Md.App. Jun 01, 2007) **Brief for the Appellants** (NO. 2165) ""★★

- 833 Lance SCOTT, Appellant/Cross-Respondent, v. BLUE SPRINGS FORD SALES, INC., Cross-Appellant/Respondent, Robert C. Balderston, Respondent., 2005 WL 2213935, *2213935 (Appellate Brief) (Mo. Jan 17, 2005) **Brief of Cross-Appellant/Respondent** (NO. SC86287)★★
- 834 State of Vermont, Appellee, v. Michael BRILLON, Appellant., 2007 WL 990004, *990004+ (Appellate Brief) (Vt. Feb 26, 2007) **Appellant's Reply Brief** (NO. 2005-167)★★
- 835 DeMore v. Kim, 2002 WL 31444468, *31444468 (Appellate Brief) (U.S. Oct 28, 2002) **BRIEF OF THE AMERICAN BAR ASSOCIATION AS AMICUS ...** (NO. 01-1491)★★
- 836 DeMore v. Kim, 2002 WL 31455518, *31455518 (Appellate Brief) (U.S. Oct 28, 2002) **BRIEF FOR AMICI CURIAE LAW FACULTY IN SUPPORT OF ...** (NO. 01-1491)★★
- 837 DeMore v. Kim, 2002 WL 31455522, *31455522 (Appellate Brief) (U.S. Oct 28, 2002) **BRIEF OF AMICI CURIAE THE NATIONAL ASIAN PACIFIC ...** (NO. 01-1491)★★
- 838 DeMore v. Kim, 2002 WL 2008201, *2008201 (Appellate Brief) (U.S. Aug 28, 2002) **BRIEF OF WASHINGTON LEGAL FOUNDATION; ALLIED ...** (NO. 01-1491)★★

Trial Court Documents (U.S.A.)

Trial Pleadings

- 839 KIM, Hyung Joon, Petitioner, v. Tom RIDGE, in his Official Capacity, Secretary Department of Homeland Security, John Ashcroft, in his Official Capacity, Attorney General Department of Justice, Respondents., 2004 WL 3669826, *3669826+ (Trial Pleading) (N.D.Cal. Jan 26, 2004) **Petition for Writ of Habeas Corpus and Complaint ...** (NO. C04-0341)★★
- 840 William Antonio FLORES, Petitioner, v. John BULGER, Bureau of Citizenship and Immigration Services, et al., Respondent., 2003 WL 23812682, *23812682+ (Trial Pleading) (S.D.Fla. Nov 04, 2003) **Respondent's Return to Petition for Writ of ...** (NO. 03-21989-CIV-HUCK/TU)★★★
- 841 Vicente Vazqufz AVILA, Petitioner, v. Michael CHERTOFF, Secretary, Department of Homeland, Michael Garcia, Director, Bureau of Immigration and Customs Enforcement. And Deborah Achim, Field Office Director, Bureau of Immigration and Customs Enforcement, Respondents., 2005 WL 3705940, *3705940 (Trial Pleading) (N.D.Ill. Aug 10, 2005) **Petition for a Writ of Habeas Corpus and ...** (NO. 05C4552)★
- 842 VASILIS (AKA BILL) APOSTOLOPOULOS & ELAINE APOSTOLOPOULOS, v. Michael CHERTOFF, as Secretary of The U.S. Department of Homeland Security, Alberto Gonzales, as Attorney General of the United States, Donald Monica, Director of Chicago District Office of the Bureau of Immigration & Custom Enforcement Detention & Removal Operations, Donald Neufeld, as the California Service Center Director, Fred Balliard, as Adminstrator of the Tri-Country Correctional Facility., 2005 WL 1768392, *1768392+ (Trial Pleading) (N.D.Ill. Jun 17, 2005) **Emergency Petition for Writ of Habeas Corpus &/Or ...** (NO. 05C3565)★★★★
- 843 ARKADIY LEONIDOVICH KHOLYAVSKIY Petitioner, v. Deborah ACHIM, as Chicago Field Office Director, U.S. Immigration and Customs Enforcement; Michael Chertoff, Secretary, Department of Homeland Security; Al berto Gonzales, Attorney General Respondents., 2005 WL 1252034, *1252034+ (Trial Pleading) (N.D.Ill. Apr 18, 2005) **Petition for Writ of Habeas Corpus** (NO. 05C2257)★★★★
- 844 In The Matter Of The Application Of: Frank Igwebuike ENWONWU, Petitioner, v. Michael CHERTOFF, Secretary Of Department Of Homeland Security, Bruce Chadbourne, Interim Field Officer Director for Detention and Removal, Boston Field Office, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, Andrea J. Cabral, Sheriff, Suffolk County House Of Correction, Respondents., 2005 WL 5726608, *5726608+ (Trial Pleading) (D.Mass. Mar 17, 2005) **Petition for a Writ of Habeas Corpus Pursuant to ...** (NO. 0510511WGY)★★
- 845 YANIDAOU A# 22 471 519, Petitioners, v. Mr. Philip WRONA, Interim District Director Dhs/Ice, Detroit, Mi. Mr. Robin Baker, Field Office Director Dhs/Ice Detroit, Mi Respondent., 2005 WL 3162088, *3162088 (Trial Pleading) (E.D.Mich. Oct 24, 2005) **Petitioner** (NO. 05CV74059)★★
- 846 Edward MEJIA, Plaintiff, v. John ASHCROFT, et al., Defendants., 2005 WL 3764540, *3764540+ (Trial Pleading) (D.N.J. Feb 07, 2005) **Response to Petition for Writ of Habeas Corpus** (NO. 05-494)★★★★

Trial Motions, Memoranda and Affidavits

- 847 Mario R. MORENO, Plaintiff, v. CITY OF SACRAMENTO, Max Fernandez, Joshua Pino, John Vanella, Unknown Police Officers, 1-10, Defendants., 2005 WL 2290702, *2290702 (Trial Motion, Memorandum and Affidavit) (E.D.Cal. Jul 27, 2005) **Reply in Support of Defendants' Motion Re: ...** (NO. S-01-0725DFLDAD)★★
- 848 Tsungai TUNGWARARA, Plaintiff, v. UNITED STATES OF AMERICA, Defendant., 2006 WL 709418, *709418 (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Feb 27, 2006) **Federal Defendant's Supplemental Brief in Support ...** (NO. C04-2144EDL)★★
- 849 Samih Hussein ZABADI, Petitioner, v. Michael CHERTOFF, in his Official Capacity, Secretary Department of Homeland Security, Alberto Gonzalez in his Official Capacity, Attorney General, Department of Justice, Nancy Alcantar, Field Office Director, San Francisco, CA U.S. Bureau of Immigration and Customs Enforcement, and Toby Wong, Correctional Captain, Santa Clara County, Respondents., 2005 WL 3689438, *3689438+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Sep 23, 2005) **Petitioner's Reply to Respondent's Opposition to ...** (NO. 05-3335CW)★★★★
- 850 Samih Hussein ZABADI, Petitioner, v. Michael CHERTOFF, in his Official Capacity, Department of Homeland Security; Alberto Gonzales, in his Official Capacity, Attorney General, Department of Justice; and Nancy Alcantar, Field Office Director, San Francisco, CA, U.S. Bureau of Immigration and Customs Enforcement, Respondents., 2005 WL 3689437, *3689437+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Sep 16, 2005) **Return in Opposition to Petition for Writ of ...** (NO. C05-3335-CW)★★★★
- 851 Samih Hussein ZABADI, Petitioner, v. Michael CHERTOFF, in his Official Capacity, Secretary, Department of Homeland Security, Alberto Gonzales in his Official Capacity, Attorney General, Department of Justice, Nancy Alcantar, Field Office Director, San Francisco, CA U.S. Bureau of Immigration and Customs Enforcement, and Toby Wong, Correctional Captain, Santa Clara County, Respondents., 2005 WL 3689436, *3689436+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Sep 02, 2005) **Petitioner's Points and Authorities in Support of ...** (NO. 05-3335CW)★★★★
- 852 Maria SANTILLAN, et al., Plaintiffs, v. Alberto R. GONZALES, Attorney General of the United States, Michael Chertoff, Secretary for Department of Homeland Security; the United States Citizenship and Immigration Services ("USCIS"); Eduardo Aguirre, Jr., USCIS Director; David Still, USCIS San Francisco District Director, Defendants., 2005 WL 3689565, *3689565+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Jul 08, 2005) **Defendants' Memorandum of Points and Authorities ...** (NO. C04-2686-MHP)★★
- 853 Samih Hussein ZABADI, Petitioner, v. Michael CHERTOFF, in his Official Capacity, Secretary, Department of Homeland Security, Alberto Gonzales, in his Official Capacity, Attorney General Department of Justice, and Nancy Alcantar, Field Office Director, San Francisco, CA U.S. Bureau of Immigration and Customs Enforcement, Respondents., 2005 WL 3705181, *3705181+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Jun 10, 2005) **Petitioner's Reply to Respondent's Opposition to ...** (NO. 05-01796WHA)★★★★
- 854 Ravin MAHARAJ, Petitioner, v. Michael CHERTOFF, Secretary for the Department of Homeland Security; Nancy Alcantar, Field Office Director, Immigration and Customs Enforcement; Alberto Gonzales, Attorney General of the United States, Respondents., 2005 WL 4146887, *4146887 (Trial Motion, Memorandum and Affidavit) (N.D.Cal. May 25, 2005) **Respondents' Motion to Dismiss the Habeas Petition** (NO. C05-2096-PJH)★★
- 855 Tracey VALLETT, Plaintiff, v. MERRILL CORPORATION, an entity, and does 1-20, inclusive, Defendants., 2004 WL 2159863, *2159863 (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Mar 08, 2004) **Plaintiff's Memorandum of Points and Authorities ...** (NO. CV03-03913THE)★
- 856 ZAVALA, Javier, Petitioner, v. Tom RIDGE, in his Official Capacity, Secretary Department of Homeland Security, John Ashcroft, in his Official Capacity, Attorney General Department of Justice Respondents., 2004 WL 3681869, *3681869+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Jan 29, 2004) **Points and Authorities in Support of Petition for ...** (NO. C04-00253JSW)★★★

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 857 SINGH, Jasjeet, Petitioner, v. Tom RIDGE, in his Official Capacity, Secretary Department of Homeland Security Capacity, John Ashcroft, in his Official Capacity, Attorney General Department of Justice, Respondents., 2003 WL 24251138, *24251138+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Nov 19, 2003) **Petitioner's Reply to Respondents' Opposition to ...** (NO.

- C03-5040VRW)★★★
- 858 Jasjeet SINGH, Petitioner, v. Tom RIDGE, in his official capacity, Secretary of the Department of Homeland Security; John Ashcroft, in his official capacity, Attorney General, Department of Justice, Respondents., 2003 WL 24251139, *24251139+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Nov 18, 2003) **Respondents' Opposition to Motion for a ...** (NO. C03-5040-VRW)★★★★
- 859 Ramon RODRIGUEZ-SOLORIO, Petitioner, v. Tom RIDGE, Secretary of the Department of Homeland Security and John Ashcroft, Attorney General of the United States, Respondents., 2003 WL 23796454, *23796454+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Nov 10, 2003) **Petitioner's Memorandum in Opposition to ...** (NO. C-03-4758-MHP)★★
- 860 ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (Acorn), et al., Plaintiffs, v. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), Defendant., 2006 WL 2559352, *2559352 (Trial Motion, Memorandum and Affidavit) (D.D.C. Aug 31, 2006) **Plaintiffs' Memorandum of Law in Support of Their ...** (NO. 06-1521-RJL)★★
- 861 Ridouane KHALID, et al., Petitioners, v. George W. BUSH President of the United States, et al; Lakhdar Boumediene, et al., Petitioners, v. George W. Bush President of the United States, et al., 2004 WL 5225837, *5225837+ (Trial Motion, Memorandum and Affidavit) (D.D.C. Dec 15, 2004) **Petitioners' Amended Joint Supplemental Brief in ...** (NO. 04-CV-1142, RJL)★★
- 862 Ridouane KHALID, et al., Petitioners, v. George W. BUSH, President of the United States, et al.; Lakhdar Boumediene, et al., Petitioners, v. George W. Bush, President of the United States, et al., 2004 WL 5225836, *5225836 (Trial Motion, Memorandum and Affidavit) (D.D.C. Dec 13, 2004) **Petitioners' Joint Supplemental Brief in ...** (NO. 04-CV-1142, RJL)★
- 863 LIEUTENANT COMMANDER CHARLES SWIFT, as next friend for Salim Ahmed Hamdan, Petitioner, v. Donald H. RUMSFELD, United States Secretary of Defense; John D. Altenburg, Appointing Authority for Military Commissions, Department of Defense; Brigadier General Thomas L. Hemingway, Legal Advisor to the Appointing Authority for Military Commissions; Brigadier General Jay Hood, Commander Joint Task Force, Guantanamo, Camp Echo, Guantanamo Bay, Cuba; and George W. Bush, President of, 2004 WL 3753210, *3753210+ (Trial Motion, Memorandum and Affidavit) (D.D.C. Sep 03, 2004) **Brief of Washington Legal Foundation and Allied ...** (NO. CA104-CV-01519-JR)★★
- 864 CREGGY, Stuart, Petitioner, v. MICHAEL CHERTOFF in his Official Capacity, Secretary Department of Homeland Security, Michael Rozos, Field Office Director, ICE Detention and Removal, and Alberto Gonzales, in his Official Capacity, Attorney General Department of Justice, Respondents., 2006 WL 1050314, *1050314 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Mar 10, 2006) **Memorandum of Law in Support of the ...** (NO. 06-80195-CIV-RYSKAMP)★★
- 865 Roy AZIM, Plaintiff, v. THE UNITED STATES OF AMERICA, and its agents, Defendant., 2004 WL 3675147, *3675147 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jul 16, 2004) **Plaintiff's Memorandum of Law in Opposition to ...** (NO. 03-22225-CIV-MARTINE)★★
- 866 Roy AZIM, Plaintiff, v. THE UNITED STATES OF AMERICA, and its agents, Defendant., 2004 WL 3675146, *3675146 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jul 01, 2004) **Defendant's Motion for Summary Judgment** (NO. 03-22225-CIV-MARTINE)★★
- 867 John DOE I, et al., Plaintiffs, v. James T. MOORE, et al., Defendants., 2003 WL 24064728, *24064728+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Aug 20, 2003) **Defendants' Response to Plaintiffs' Supplemental ...** (NO. 02-80934-CIV-HURLEY)★★
- 868 Michelle COCO-CZOPCZYC, Plaintiff, v. CITY OF CHICAGO, a municipal corporation, Defendant., 2007 WL 2281720, *2281720 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Jun 01, 2007) **Defendant City of Chicago's Memorandum of Law in ...** (NO. 04C8196)★★
- 869 The SERVICEMASTER COMPANY, Plaintiff, v. UNITED STATES OF AMERICA, Defendant., 2006 WL 1002102, *1002102 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Mar 23, 2006) **United States' Reply to Plaintiff's Memorandum of ...** (NO. 05C-3141)★★

- 870 Barbara ZACHAREVSKAYA, Plaintiff, v. Thomas RIDGE, Secretary, Department of Homeland Security, Eduardo Aguirre, Jr, Director of U.S. Citizenship & Immigration Services (USCIS), Robert Weimann, Chief, Administrative Appeals, USCIS, Paul E. Novak, District Director, Vermont Service Center, UCIS, Defendants., 2006 WL 427530, *427530+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Jan 26, 2006) **Plaintiff's Corrected Memorandum of Law in ...** (NO. 04C04542)★★
- 871 Barbara ZACHAREVSKAYA, Plaintiff, v. Michael CHERTOFF, Secretary, Department of Homeland Security, Eduardo Aguirre, Jr, Director of U.S. Citizenship & Immigration Services (USCIS), Robert Wiemann, Chief, Administrative Appeals, USCIS, Paul E. Novak, District Director, Vermont Service Center, USCIS, Defendants., 2005 WL 3708851, *3708851+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Nov 10, 2005) **Plaintiff's Motion for Summary Judgment** (NO. 04C4542)★★
- 872 Vicente Vazquez AVILA, Petitioner, v. Michael CHERTOFF, Secretary, U.S. Department of Homeland Security, Michael Garcia, Assistant Secretary, U.S. Immigration and Customs Enforcement; Deborah Achim, Field Office Director, U.S. Immigration and Customs Enforcement, Respondents., 2005 WL 3830785, *3830785 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. 2005) **Respondents' Response to Petitioner's Memorandum ...** (NO. 05C4552)★★
- 873 Nazmi PRASKA, Petitioner, v. Deborah ACHIM, as Action Chicago District Director, Bureau of Immigration and Customs Enforcement, Thomas Ridge, Secretary, Department of Homeland Security, in His Official Capacity, Respondents., 2004 WL 2818347, *2818347+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Jul 20, 2004) **Petitioner's Memorandum in Support of His ...** (NO. 04C4783)★★★
- 874 De H. LIU, Plaintiff, v. Donald J. MONICA, Interim District Director, Department of Homeland Security, Citizenship and Immigration Services; Donald Ferguson, Interim Deputy Field Office Director Department of Homeland Security, Bureau of immigration and Customs United States Department of Homeland Security, and John Ashcroft as the Attorney General of the United States, Defendants., 2004 WL 2815230, *2815230 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Jun 07, 2004) **Plaintiff's Response to Defendant's Motion to ...** (NO. 04C0714)★★
- 875 Ahmed ALI, Petitioner, v. Deborah ACHIM, as Acting Chicago District Director, Bureau of Immigration and Customs Enforcement; Thomas Ridge, Secretary, Department of Homeland Security; John Ashcroft, Attorney General, Respondents., 2004 WL 2176649, *2176649+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. May 25, 2004) **Petitioner's Reply to Respondents' Return in ...** (NO. 03C7232)★★★★
- 876 KHALED AL GHADI, Petitioner, v. Deborah ACHIM, as Field Office Director of the Chicago District United States Immigration and Customs Enforcement of the Department of Homeland Security, Respondent., 2004 WL 2818049, *2818049 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. May 25, 2004) **Petitioner's Memorandum of Law Regarding ...** (NO. 04C3477)★★
- 877 Miguel Angel ALCALA-GONZALEZ, Adriana Alcala and Ricardo Alcala, Petitioners, v. Tom RIDGE, as Secretary of the Department of Homeland Security; and Deborah Achim, as the Field Office Director, Bureau of Immigration and Customs Enforcement, Detention and Removal, Respondents., 2004 WL 2176563, *2176563+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Mar 05, 2004) **Respondents' Sur-Reply in Support of the Motion ...** (NO. 03C7751)★★
- 878 Miguel Angel ALCALA-GONZALEZ, Adriana Alcala and Ricardo Alcala, Petitioners, v. Tom RIDGE, as Secretary of the Department of Homeland Security; and Deborah Achim, as the Field Office Interim Director, Bureau of Immigration and Customs Enforcement, Detention and Removal, Respondents., 2004 WL 2176558, *2176558+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Feb 19, 2004) **Respondents' Reply Brief in Opposition to the ...** (NO. 03C7751)★★★
- 879 Perpetuo GALARZA-SOLIS, Petitioner, v. John ASHCROFT, Attorney General; Deborah Achim, Acting Chicago District Director, Bureau of Immigration and Customs Enforcement; Thomas Ridge, Secretary, Department of Homeland Security, Respondents., 2004 WL 3721427, *3721427+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Feb 19, 2004) **Petitioner's Reply to Respondents' Return** (NO. 03C9188)★★★★
- 880 Maria RAMOS, et al., Plaintiffs, v. John ASHCROFT, Attorney General; et al., Defendants., 2003 WL 23820300, *23820300+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Dec 15, 2003) **Plaintiffs' Memorandum in Opposition to ...** (NO. 02C8266)★★

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.

- 881 Jesusa Escamilla NAHHAS and, William Ayoub Nahhas, Plaintiffs, v. Tom RIDGE, Secretary of the Department of Homeland Security, Donald Monica, Regional Director of the Bureau of Citizenship and Immigration Services and Craig M. Zerbe, Immigration Judge, Defendants., 2003 WL 23801677, *23801677 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Nov 20, 2003)

- Memorandum of Law in Opposition to Defendants' ...** (NO. 03C3336)★★
- 882 Ahmed ALI, Petitioner, v. John ASHCROFT, as the Attorney General of the United States; Deborah Achim, as Acting Chicago District Director, Bureau of Immigration and Customs Enforcement; Tom Ridge, Secretary, Department of Homeland Security, Respondents., 2003 WL 23803206, *23803206+ (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Nov 13, 2003) **Respondents' Reply Brief** (NO. 03C7232)★★★★
- 883 Ahmed ALI, Petitioner, v. John ASHCROFT, Attorney General; Deborah Achim, as Acting Chicago District Director, Bureau of Immigration and Customs Enforcement; Thomas Ridge, Secretary, Department of Homeland Security; Respondents., 2003 WL 23803201, *23803201 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Nov 07, 2003) **Petitioner's Memorandum of Law in Opposition to ...** (NO. 03C7232)★
- 884 Caroline WALLACE, et al., v. Pascal F. CALOGERO, Jr., et al., 2003 WL 23539478, *23539478 (Trial Motion, Memorandum and Affidavit) (E.D.La. Aug 12, 2003) **The Opposition of Pascal F. Calogero, Jr., in his ...** (NO. 03-1245)★★
- 885 Caroline WALLACE, et al., v. Pascal F. CALOGERO, Jr., et al., 2003 WL 23860400, *23860400 (Trial Motion, Memorandum and Affidavit) (E.D.La. Aug 12, 2003) **The Opposition of Pascal F. Calogero, Jr., in His ...** (NO. 03-1245)★★
- 886 Ricardo Antonio WELCH, Jr., v. UNITED STATES OF AMERICA., 2004 WL 3635139, *3635139 (Trial Motion, Memorandum and Affidavit) (D.Md. May 04, 2004) **Memorandum** (NO. CCB-03-2953)★★
- 887 Ricardo Antonio WELCH, Jr., Plaintiff, v. UNITED STATES OF AMERICA, Defendant., 2004 WL 3635138, *3635138+ (Trial Motion, Memorandum and Affidavit) (D.Md. Feb 09, 2004) **Plaintiff's Memorandum in Opposition to United ...** (NO. CCB-03-2953)★★
- 888 Ricardo Antonio WELCH, Jr., Plaintiff, v. UNITED STATES OF AMERICA, Defendant., 2003 WL 24214344, *24214344+ (Trial Motion, Memorandum and Affidavit) (D.Md. 2003) **Reply Memorandum in Support of Motion to Dismiss** (NO. CCB-03-2953)★★
- 889 IMAD JAROUDI A 098-079-783, Petitioner, v. DEPARTMENT OF HOMELAND SECURITY; Department of Justice, Respondents., 2006 WL 1736092, *1736092+ (Trial Motion, Memorandum and Affidavit) (E.D.Mich. May 08, 2006) **Petitioner's Response Request for Hearing on ...** (NO. 406-CV-11980)★★★
- 890 Jun SHI, A#76 724 519, Petitioner, v. Michael CHERTOFF, Secretary of Homeland Security, et al., Respondent., 2006 WL 1036743, *1036743 (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Mar 29, 2006) **Petitioner's Motion to Dismiss Government's ...** (NO. 06-11163)★
- 891 Moussa DIOMANDE, Petitioner, v. Philip WRONA, Interim District Director, Bureau of Immigration and Customs Enforcement Respondent., 2005 WL 2915935, *2915935+ (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Sep 12, 2005) **Response to Petition for Writ of Habeas Corpus ...** (NO. 205-CV-73290-AJT-SDP)★★★★
- 892 John DOE, On Behalf of Himself And all others similarly situated, and Samuel Poe, On behalf of himself and all others similarly situated, Plaintiffs, v. Tadarial STURDIVANT, in his official capacity as Director of the Michigan State Police, Defendant., 2005 WL 2546057, *2546057 (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Aug 02, 2005) **Answer to Defendant's Motion to Dismiss Or ...** (NO. 205CV70869)★
- 893 Metodija DIMOVSKI, Valentina Dimovska and Stefan Dimovski, Petitioners, v. Tom RIDGE, Secretary of Homeland Security and John A. Mata, Field Director, Detention and Removal, Immigration and Customs Enforcement, Miami Field Office, Respondents., 2003 WL 23852775, *23852775 (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Dec 29, 2003) **Brief in Support of Petitioners' Opposition to ...** (NO. 03-74994)★★
- 894 ROBERTO FRANCISCO CABRERA, Petitioner, v. Alberto GONZALEZ, Attorney General of the United States, et al., Respondents., 2005 WL 2150234, *2150234 (Trial Motion, Memorandum and Affidavit) (E.D.N.Y. Jul 19, 2005) **Respondents' Memorandum of Law in Opposition to ...** (NO. CV-05-3709)★★

- 895 Ibrahim TURKMEN; Asif-Ur-Rehman Saffi; Syed Amjad Ali Jaffri, Yasser Ebrahim; Hany Ibrahim; Shakir Baloch; Akhil Sachdeva; and Ashraf Ibrahim, on behalf of themselves and all others similarly situated, Plaintiffs, v. John ASHCROFT, Attorney General of the United States; Robert Mueller, Director Federal Bureau of Investigations; James W. Ziglar, former Commissioner, Immigration and Naturalization Service; Dennis Hasty, former Warden, Metropolitan Detention, 2005 WL 3947809, *3947809+ (Trial Motion, Memorandum and Affidavit) (E.D.N.Y. Jan 25, 2005) **Memorandum of Law in Support of Partial Motion to ...** (NO. 02CV2307, JG) ★★★
- 896 Ibrahim TURKMEN, et al., Plaintiffs, v. John ASHCROFT, et al., Defendants., 2005 WL 3947810, *3947810+ (Trial Motion, Memorandum and Affidavit) (E.D.N.Y. Jan 10, 2005) **Plaintiffs' Memorandum in Opposition to ...** (NO. 02CV2307, JG) ★★★
- 897 Jose L. CUZCO (A43 321 090), Petitioner, v. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, Respondent., 2006 WL 1792546, *1792546+ (Trial Motion, Memorandum and Affidavit) (S.D.N.Y. May 31, 2006) **Respondent's Memorandum of Law in Opposition to ...** (NO. 053793, RO)★★
- 898 Ishema UMUHOZA, Petitioner, v. U.S. DEPARTMENT OF HOMELAND SECURITY, et al., Respondents., 2005 WL 2267680, *2267680 (Trial Motion, Memorandum and Affidavit) (S.D. Ohio Jul 18, 2005) **Respondents' Response to Petitioner's Memorandum ...** (NO. 305-CV-0164)★★
- 899 Kwai Fun WONG, et al., Plaintiffs, v. David V. BEEBE, et al., Defendants., 2004 WL 3336699, *3336699 (Trial Motion, Memorandum and Affidavit) (D.Or. Nov 19, 2004) **Reply in Support of Motion to Dismiss by ...** (NO. CV01-718-ST)★★
- 900 Samuel JOSEPH, Plaintiff, v. UNITED STATES, et. al., Defendant., 2005 WL 3723663, *3723663+ (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Nov 22, 2005) **Plaintiff's Reply to Defendant's Filing** (NO. 05-2564)★★
- 901 Samuel JOSEPH, Plaintiff, v. UNITED STATES OF AMERICA, Defendant., 2005 WL 3723661, *3723661+ (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Nov 16, 2005) **Defendant's Reply Memorandum** (NO. 05-2564)★★
- 902 AMERICAN EXPORT GROUP LIMITED PARTNERSHIP, et. al., Plaintiffs, v. UNITED STATES OF AMERICA, Defendant., 2004 WL 3649911, *3649911+ (Trial Motion, Memorandum and Affidavit) (D.S.C. Mar 08, 2004) **Plaintiffs' Response in Opposition to Defendant's ...** (NO. 299-1124-12)★★
- 903 Epigmenio GARZA-HERNANDEZ, Petitioner, v. Alberto GONZALES, Attorney General; Michael Chertoff, Secretary, Department of Homeland Security; Michael D. McMahon, Interim District Director, United States Immigration and Customs Enforcement, Respondents., 2006 WL 433504, *433504+ (Trial Motion, Memorandum and Affidavit) (S.D.Tex. Jan 17, 2006) **Petitioner's Reply in Opposition to Respondents' ...** (NO. H05-4210)★★
- 904 Epigmenio GARZA-HERNANDEZ, Petitioner, v. Alberto GONZALEZ, Attorney General of the United States, et al., Respondents., 2006 WL 433503, *433503+ (Trial Motion, Memorandum and Affidavit) (S.D.Tex. Jan 14, 2006) **Respondents' Expedited Frpc 12(b)(1) Motion to ...** (NO. H05-4210)★★
- 905 Teresa D. PADILLA, et al., Plaintiffs, v. Tom RIDGE, Secretary of Department of Homeland Security, et al., Defendants., 2004 WL 2724883, *2724883 (Trial Motion, Memorandum and Affidavit) (S.D.Tex. Oct 18, 2004) **Defendants' Memorandum of Points and Authorities ...** (NO. M-03-126)★★
- 906 Anne DURNEY, Plaintiff, v. Deputy SMITH, et al., Defendants., 2004 WL 3173281, *3173281 (Trial Motion, Memorandum and Affidavit) (W.D.Va. Jun 23, 2004) **Memorandum in Opposition to Defendants' 12(b)(6) ...** (NO. 604CV00026)★
- 907 Dewan PURI, a.k.a. Dewan Chand, (Agency # A 38-634-403) Petitioner, v. Alberto GONZALES, Attorney General of the United States; Michael Chertoff, Secretary of the United States Department of Homeland Security, A. Neil Clark, Seattle Field Office Director of the United States Immigration and Customs Enforcement, Department of Homeland Security, Respondents., 2005 WL 2889315, *2889315 (Trial Motion, Memorandum and Affidavit) (W.D.Wash. Sep 28, 2005) **Respondents' Reply in Support of Motion to Dismiss** (NO. CV-05-1361-TSZ-MJB)★★

908 Rebecca BRANDEWYNE, John P. Cox, Beverly Thornton, and Verne F. Thornton, Plaintiffs, v. AUTHOR SOLUTIONS, INC., d/b/a Authorhouse, Inc., Defendants., 2006 WL 3697274, *3697274 (Trial Motion, Memorandum and Affidavit) (Kan.Dist.Ct. May 23, 2006) **Response in Opposition to Plaintiffs' Motion to ...** (NO. 04CV-4363)★★

© Copyright 2007 West, Carswell, Sweet & Maxwell Asia and Thomson Legal & Regulatory Limited, ABN 64 058 914 668, or their Licensors. All rights reserved.