

United States Court of Appeals

For The Eighth Circuit

Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329

St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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August 11, 2009

Mr. Jonathan Heuer Levy
U.S. DEPARTMENT OF JUSTICE
Civil Division, Appellate Staff
Room 7231
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

RE: 08-2528 Francisco Munoz, etc., et al v. Julie Myers, etc., et al

Dear Counsel:

Enclosed is a copy of the dispositive order entered today in the referenced case.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing must be received by the clerk's office within the time set by FRAP 40 in cases where the United States or an officer or agency thereof is a party (within 45 days of entry of judgment). Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Pro se petitions for rehearing are not afforded a grace period for mailing and are subject to being denied if not timely received.

Michael E. Gans
Clerk of Court

MER

Enclosure(s)

cc: Ms. Rachel Elizabeth Bengtson
Mr. Gregory G Brooker
Mr. Lonnie Frank Bryan
Ms. Gloria Contreras Edin
Mr. Matthew S. Ebert
Mr. Dean Conrad Eyler
Ms. Barbara L. Herwig
Mr. Gjon Juncaj
Mr. Robert C. Long
Mr. Daniel Rees Shulman
Mr. David Lawrence Shulman
Mr. Richard Sletten
Mr. Jason James Stover

District Court/Agency Case Number(s): 0:07-cv-01959-ADM

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 08-2528

Francisco Munoz, both individually and as "next friend" for one minor child, I.M.; Albis Munoz; Saomara Munoz; Vicente Cisneros Abonce, both individually and as "next friend" for his minor children, E.C.A., V.C.A., and J.C.A.; Andres Menendez Vega; Audrey Mithun; Raul Veliz, Jr.; Wenscelao Padilla Guzman; L.G., both individually and as "next friend" for her minor child, A.G.; Jaime Reyes, both individually and as "next friend" for his two minor children, D.R.B. and J. R.B.; Marlen Alonso Soriano; Jose Erasmo Montalvan, the Consul of Honduras, as next of friend to Honduran Nationals; Alex Josue Sorto; Rosa Sorto Lopez; Ermencia Mendez; Manuela de Jesus Pineda; Samuel Zelaya; Alejandro Cartagena; Graciela Barragan, both individually and as "next friend" for her minor child, J.A.P.; Francis Garcia, both individually and as "next friend" for her minor child, O.B.; Troy Hastings, both individually and as "next friend" for his minor child, B.H.; Joceline Sarai Lopez, both individually and as "next friend" for her minor child, J.M.; Josefa C. Montalvo, both individually and as "next friend" for her minor grandchild, B.M.; Barbara Anahi Moreno; Javier Moreno; Digna Munoz Xiomara,

Plaintiffs - Appellees

Carlos Hilario Arias; Dulce Maria Hernandez Arias; David Corea; Juan Munoz; Jenny Maldonado, both individually and as "next friend" for her minor child, S.D.M.; Teresa de Jesus Guerrero; Santiago Coronel; Jorge Zelaya; Maria Elena Amaya; Ana Danira Maldonado-Hernandez; Rosa De Jesus Barrajas Arrellano; Jose Manuel Ramirez Calix; William Ramos Castillo; Iris Janet Maldonado, both individually and as "next friend" for her three minor children, P.M., B.M., and E.M.; Fabiola Cisneros; Esau Eduardo Estrada-Mendez; Rosa Nely Duarte,

Plaintiffs

v.

Julie L. Myers, Assistant Secretary of Homeland Security for Immigration and Customs Enforcement; John P. Torres, Director of Detention and Removal Operations, Immigration and Customs Enforcement; Scott Baniecke, St. Paul Field Office Director for Detention and Removal Operations; Peter Berg, Supervisory Detention & Deportation Officer, Detention and Removal; Allen Gay, Deportation Officer, Detention and Removal,

Defendants - Appellants

John Doe, ICE Agents ##1-30; Dan Hartog, Kandiyohi County Sheriff; Jane Doe, Kandiyohi County Probational Official, John Doe, Kandiyohi Sheriffs Deputies ##1-10, Paul Schmidt, Atwater Police Officer; Reed Schmidt, Atwater Police Department Chief of Police; United States Immigration and Customs Enforcement, Division of the Department of the Homeland Security; Michael Chertoff, Secretary, Department of Homeland Security; United States Department of Homeland Security; James A. Kulset, Willmar Police Department Chief of Police; John Doe, Willmar Police Officers ##1-10

Defendants

Appeal from U.S. District Court for the District of Minnesota - Minneapolis
(0:07-cv-01959-ADM)

JUDGMENT

We remand this case to the district court with instructions for it to reenter its July 17, 2009, order granting summary judgment to appellants.

August 11, 2009

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans