

**U.S. Department of Justice**

Civil Division

Telephone: (202) 305-8788

Fax: (202) 305-7000

*victor.lawrence@usdoj.gov*

DJK:VML:vmf

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*Washington, D.C. 20530*

May 17, 2008

**Via E-Mail & U.S. Mail**

Amy L. Peck, Esq.  
Joshua W. Weir, Esq.  
PECK LAW FIRM  
12020 Shamrock Plaza, Suite 333  
Omaha, NE 68154

Re: *Antonin Trinidad Candido, et al.*, No. CV 08-1015-LRR

Dear Amy and Josh:

I am glad we had an opportunity to discuss this case with you earlier today. As we discussed earlier, many of your concerns that precipitated your Motion for a Temporary Restraining Order were based on your recollection of events tied to a different Immigration and Customs Enforcement (ICE) workplace enforcement action (involving Swift & Co.). However, as I mentioned to you in our conference today, the action against Agriprocessors, Inc., was a very different operation in many respects. With regard to its operation against Agriprocessors, ICE planned that aliens who were arrested for immigration violations would remain detained locally in Iowa for at least enough time to allow arrested aliens to obtain a hearing on bond. So, for those individuals administratively arrested during the May 12, 2008 Postville, Iowa Operation and who are currently detained at the Hardin County Jail solely for civil immigration purposes, ICE will not transfer them out of state for detention prior to their bond hearings.

You also raised the issue that ICE retains the authority to potentially re-arrest those aliens who have not been criminally charged, and who have been released on civil immigration orders of recognizance. You expressed concern that these individuals could face the possibility of being arrested and transferred to another state for detention. However, ICE does not re-arrest aliens who have been released on bond unless there is a material change in circumstances. See Matter of Sugay, 17 I & N. Dec. 637 (BIA 1981) (If there are changed circumstances the District Director may re-determine bond or revoke bond even when bond was earlier determined by an immigration judge).

Based on these circumstances contained herein, we understand that you have agreed to withdraw your motion for a temporary restraining order prior to 5:00 p.m. today, and the parties

will be able to jointly report to the Court that plaintiffs will not proceed with their motion.

Sincerely,

*Victor M. Lawrence*

Victor M. Lawrence  
Principal Assistant Director  
Office of Immigration Litigation  
District Court Section