

## INSTRUCTIONS FOR FILING AN EMERGENCY PETITION FOR REVIEW WITH REQUEST FOR STAY OF REMOVAL AT THE NINTH CIRCUIT

1. Get confirmation from ICE that your client has been issued an order of reinstatement of removal. The denial of the I-212 waiver or the I-485 application for adjustment of status is not the reinstatement order. Reinstatement of removal is issued on I-871.
2. Call the motions attorneys at the Ninth Circuit and ask them for the duty attorney. 415-355-8020. Tell the attorney that you need to file an emergency petition for review and request for stay of removal because your client faces immediate deportation pursuant to an order of reinstatement of removal. The attorney will give you a fax number to fax over the petition for review and stay request.
3. After you fax over the document, the Ninth Circuit attorney will issue an order docketing the case and issuing the temporary stay of removal. She will send an email to you through the efilng system and you can use that email to inform ICE of the stay in effect.
4. You then will need to file the petition for review the regular way and pay the required fee. This means preparing an original plus 7 copies of the document to submit to the Court, along with a CD containing the PDF version of the document, and a check for \$450. That should all be mailed to the Court at 95 Seventh Street, San Francisco, CA 94103 with a cover letter notifying the Court of the docket number assigned and that the case was previously filed and docketed as an emergency filing.
5. If you have not completed full briefing on your stay of removal request then don't forget to file a supplement to the stay in 14 days. See Ninth Circuit General Order 6.4(c).
6. The Court will order that government respond to the stay request after they file the certified administrative record. If you receive an opposition to the stay then you can file a reply to the opposition in 5 working days plus 3 calendar days.
7. Once the Court grants or denies the stay then it will issue a briefing schedule. At that point you can do a motion to hold briefing in abeyance pending resolution of the Duran-Gonzalez litigation. Case No. 09-35174 (9<sup>th</sup> Cir.). It is also a good idea to see if the government will not oppose the motion before filing.