

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 07-10471-RGS

CARLOS ENRIQUE AVILA SANDOVAL, the
Consul of Guatemala, as NEXT FRIEND of
THREE-HUNDRED AND FIFTY NEW BEDFORD
IMMIGRANT WORKERS (a.k.a JOHN/JANE DOE ##1-350)

v.

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT DIVISION OF THE DEPARTMENT OF HOMELAND
SECURITY; JULIE L. MYERS, Assistant Secretary of Homeland
Security for Immigration and Customs Enforcement; BRUCE CHADBOURNE,
Field Office Director for Detention and Removal, Boston Field Office,
Immigration and Customs Enforcement; MICHAEL CHERTOFF,
Secretary, Department of Homeland Security; and
ALBERTO GONZALES, Attorney General of the
United States

ORDER

March 9, 2007

STEARNS, D.J.

After an evidentiary hearing on the motion for a temporary restraining order, the court will ORDER as follows.

1. In reliance on the government's representation, the court orders that no further transfers of detainees who remain within the jurisdiction of the court take place without prior notice to the court.

2. The court further orders that no restrictions other than those incident to the normal rules of custody be placed on access by these detainees to such counsel as they may engage.

3. The court encourages the Department of Social Services (DSS) and Immigration and Customs Enforcement (ICE) to continue to work cooperatively to resolve any remaining issues involving minor children who have been separated from their sole parent-caretakers.

4. The court orders DSS and ICE, in the spirit of Secretary Myers' March 8, 2007 letter to Governor Patrick, to report to the court by the close of business, Tuesday, March 13, 2007, the status of any cases involving minor children that remain unresolved.

4. The court will give counsel who have entered appearances on behalf of the detainees until the close of business, Tuesday, March 13, 2007, to: (a) demonstrate the standing of the Consul General of Guatemala to prosecute this action on behalf of persons with whom he has no known relationship and who for the most part are not citizens of Guatemala; or (b) substitute as parties named individuals who have agreed to be represented by counsel now before the court.

5. The court will give counsel until the close of business, Tuesday, March 13, 2007, to brief the issue of the court's jurisdiction, if any, over detainees who are not being held in custody within this district.

6. Government counsel will have until the close of business, Thursday, March 15, 2007, to reply to any such filings.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

