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Attorney for Rogelio Barragan-Campos, Petitioner

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGELIO BARRAGAN-CAMPOS,	)	Case No. C 06-7057 CRB
)	
Petitioner,)	
)	
v.)	
)	
MICHAEL CHERTOFF, IN HIS)	
CAPACITY AS SECRETARY FOR	)	ORDER STAYING REMOVAL
DEPARTMENT OF HOMELAND SECURITY;	)	AND DIRECTING RELEASE
ALBERTO GONZALES, IN HIS	)	FROM CUSTODY OF
CAPACITY AS ATTORNEY GENERAL AND	)	ROGELIO BARRAGAN-CAMPOS
SECRETARY, DEPARTMENT OF JUSTICE;	)	aka RIGOBERTO TOSCANO-
EDWARD FLORES, IN HIS CAPACITY	)	CORTES PENDING RESOLUTION
CHIEF OF CORRECTION,	)	OF PETITION FOR WRIT OF
SANTA CLARA COUNTY DEPARTMENT	)	HABEAS CORPUS OR OTHER
OF CORRECTIONS; DOES I THROUGH X;	)	RELIEF
)	
Respondents,)	
)	

The Emergency Motion of Petitioner Rogelio Barragan-Campos having come before the Court following the filing of Petitioner's Petition for Writ of Habeas Corpus or alternatively for Writ of Mandamus, and the time for hearing thereon having been shortened and notice of the November 21 hearing having been served on all

1 parties in interest, Bruce Leichty appearing on behalf of
2 Petitioner and Edward Olsen appearing on behalf of the federal
3 Respondents, and for good cause appearing,

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

5 1. Neither Bureau of Immigration and Customs Enforcement
6 ("ICE") of Department of Homeland Security ("DHS") or any other
7 federal authority or agent thereof shall remove Petitioner
8 Rogelio Barragan-Campos, aka Rigoberto Toscano-Cortes, from the
9 United States pending further order of this Court.

10 2. DHS ICE is directed to immediately release and cause its
11 agents to release from custody Rogelio Barragan-Campos, whether
12 held under that name or any other name including Rigoberto
13 Toscano-Cortes ("Petitioner"), and to refrain from detaining
14 Petitioner except if there be legal cause relating to the
15 commission of a crime committed on or after the date of this
16 order, pending resolution of this action or any successor action.
17 No condition shall attach to the release of Petitioner or to the
18 liberty granted to him herein except such standard administrative
19 Order of Supervision as is reasonably required to assure DHS ICE
20 that, pending resolution of this action, Petitioner remains a
21 resident at his lawfully-disclosed residence in Fresno,
22 California, subject to his normal work routine, and obeys all
23 laws and orders not inconsistent herewith, including orders of
24 the Executive Office for Immigration Review, if any, which Order
25 of Supervision in this instance shall not require that Petitioner
26 have to travel to any DHS or ICE office or facility, or be

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1 subjected to electronic monitoring of any type, unless authorized
2 by this Court.

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4 Date: Nov. 22, 2006



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6 CHARLES R. BREYER
7 UNITED STATES DISTRICT COURT JUDGE
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