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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 FERNANDO MORENO MENDEZ et al.,

No. C12-06069 CRB

12 Petitioners,

ORDER DIRECTING RESPONSE

13 v.

14 JANET NAPOLITANO et al.,

15 Respondents.
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17 The parties agreed in their simultaneous supplemental briefing that the Ninth Circuit's
18 decision is res judicata here. See Resp. Supp. Br. (dkt. 23) at 4-7; Pet. Supp. Br. (dkt. 24) at
19 5. Petitioners asserted, however, that the Ninth Circuit's decision does not foreclose claim
20 41.f in their present habeas petition. Pet. Supp. Br. at 5-6. That claim pertains to the alleged
21 failure of attorney Meeks to raise the BIA's failure to reissue the voluntary departure order in
22 its January 29, 2009 order, and the BIA's unilateral vacating of the voluntary departure
23 applications. Pet. (dkt. 1) ¶ 41.f. Respondents have not had an opportunity to respond to that
24 argument. Accordingly, Respondents are DIRECTED to file a response to Petitioners'
25 argument as to claim 41.f by 5:00 PM on Friday, March 20, 2015.

26 **IT IS SO ORDERED.**27 Dated: March 10, 2015
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE