

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIELA JUAREZ SANTANA,)	
)	
Petitioner,)	
)	09-CV-62
v.)	JUDGE LINDBERG
)	MAGISTRATE JUDGE NOLAN
PEDRO MUÑOZ CASTELLANOS,)	
)	
Respondent.)	

[PROPOSED] ORDER

THIS CAUSE COMING TO BE HEARD on Petitioner Daniela Juarez Santana’s (“Petitioner”) Motion for Entry of Judgment, all parties having due notice, and the Court being fully advised in the premises,

WHEREFORE, the Court finds that Petitioner has, based on (i) Petitioner’s Petition for Return of Child to Mexico; (ii) the Affidavit of Daniela Juarez Santana dated July 13, 2009; (iii) the Declaration of Daniela Juarez Santana Establishing the Habitual Residence of the Child Pedro Emiliano Muñoz Juarez; and (iv) the Memorandum of Law in Support of Petition for Return of Child to Mexico, established the necessary elements for return of her Child Pedro Emiliano Muñoz Juarez (the “Child”) to Mexico further to Article III of The Hague Convention On The Civil Aspects Of International Child Abduction (the “Hague Convention”), its implementing regulation, the International Child Abduction Remedies Act, 42 U.S.C. § 11603, and the Illinois Uniform Child Custody Jurisdiction and Enforcement Act, 750 ILL. COMP. STAT. § 36/101, *et seq.* Specifically, based on the uncontroverted evidence presented by Petitioner, this Court finds that:

- (i) The Child Pedro Emiliano Muñoz Juarez is under the age of sixteen (16);
- (ii) The Child is a habitual resident of Mexico under the meaning of the Hague

Convention;

(iii) Further to the governing law of Mexico, Petitioner has custody rights to the Child;

and

(iv) Petitioner was actually exercising her custodial rights on March 22, 2008, the day of the abduction of the Child by Pedro Muñoz Castellanos (the “Respondent”) from Mexico to Illinois.

BASED ON THOSE FINDINGS, IT IS HEREBY ORDERED THAT:

(i) Petitioner has established a *prima facie* case for return of her Child to Mexico under the Hague Convention;

(ii) The U.S. Marshals Service are directed to take all necessary steps to bring the Child before Magistrate Judge Nolan on August 5, 2009 for purposes of effectuating the Child’s return to Mexico;

(iii) Respondent will relinquish his passport until the Child is in the custody of the U.S. Marshals Service;

(iv) Respondent will refrain from causing the Child to be removed from the State of Illinois or secreting away the Child so as to preclude the U.S. Marshals Service from obtaining custody of the Child; and

(v) Petitioner’s application for expenses, including court costs and legal fees, incurred in this action are granted pursuant to the International Child Abduction Remedies Act, 42 U.S.C. § 11607(b)(3), subject to a prove up hearing to be scheduled by this Court.

WITHOUT FURTHER NOTICE.

Dated: July __, 2009

ENTER:

The Honorable George W. Lindberg

ORDER PREPARED BY:

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