

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

JOSE FAVIO MOLINA JEREZ,)	
)	
Petitioner,)	8:08CV522
)	
v.)	
)	
JEFFREY LYNCH, Director of)	ORDER TO SHOW CAUSE
Immigration and Customs)	
Enforcement, Omaha Office;)	
MICHAEL B. MUKASEY, Attorney)	
General; and MICHAEL CHERTOFF,)	
Secretary of Department of)	
Homeland Security,)	
)	
Respondents.)	
)	

This matter is before the Court on petitioner Jose Favio Molina Jerez's petition for writ of habeas corpus (Filing No. [1](#)), motion for temporary restraining order (Filing No. [10](#)), and motion for declaratory and injunctive relief (Filing No. [21](#)), and on respondents Jeffrey Lynch, Michael Mukasey, and Michael Chertoff's motion to dismiss and response (Filing No. [24](#)).

On December 4th, 2008 (See Filing No. [13](#)), and at this Court's direction, Magistrate Judge Thalken ordered that "[a]ny proceeding or action to remove Jose Favio Molina Jerez from the United States of America to Guatemala is hereby stayed until further order of the court." (Filing No. [3](#), at ¶ 3.) On Thursday, January 8th, 2009, the respondents "provide[d] notice of reinstatement of the final order of removal" (Filing No. [19](#), at ¶ 8.) It appears to the Court that the respondents'

reinstatement of the final order of removal may be a proceeding or action to remove Jerez from the United States in violation of this Court's December 4, 2008, order. Accordingly,

IT IS ORDERED:

1) The parties shall appear before the Court on

Wednesday, February 18, 2009, at 9 a.m.

and respondents shall show cause why the Form I-871, notice of intent/decision to reinstate prior order in this case, should not be quashed as a sanction for violation of this Court's order of December 4, 2008 (Filing No. [3](#)).

2) At the aforementioned hearing, the parties shall be prepared to discuss all issues pending before the Court.

DATED this 10th day of February, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court