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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ARTURO MARTINEZ BANOS, et al.,

9 Petitioners,

10 v.

11 NATHALIE ASHER, et al.,

12 Respondents.

CASE NO. C16-1454-JLR-BAT

**ORDER DIRECTING PARTIES TO
FILE JOINT STATUS REPORT**

13 This case challenges respondents' authority to detain petitioners and putative class
14 members while their withholding-only proceedings are pending. On July 6, 2017, the Ninth
15 Circuit issued an order resolving some of the legal issues raised by petitioners. *Padilla-Ramirez*
16 *v. Bible*, --- F.3d ----, 2017 WL 2871513 (9th Cir. July 6, 2017). On July 11, 2017, the
17 Honorable James L. Robart dismissed petitioner Arturo Martinez-Banos from this action and
18 struck without prejudice respondents' motion to dismiss the remaining petitioners, Edwin Flores
19 Tejada and German Ventura Hernandez. Dkt. 53. Judge Robart also re-referred the matter to the
20 undersigned for further proceedings. Having considered the record in this case, which includes
21 petitioners' pending motion for preliminary injunction, Dkt. 23, and amended motion for class
22 certification, Dkt. 41, the Court **ORDERS**:

23 (1) **By August 3, 2017**, the parties are directed to meet and confer and file a joint

1 status report that addresses the following:

2 (a) In light of *Padilla-Ramirez*, do petitioners intend to file a second amended
3 habeas petition and class action complaint? If so, what deadline do the parties propose?

4 (b) Do respondents intend to file an amended motion to dismiss directed at
5 Mr. Flores and Mr. Ventura? If so, what deadline do the parties propose?

6 (c) In light of *Padilla-Ramirez* and Judge Robart's ruling, do petitioners
7 intend to withdraw their motion for preliminary injunction and amended motion for class
8 certification? If so, what deadline(s) do the parties propose for filing amended motions?

9 (d) Are there any other deadlines the Court should set at this time?

10 (2) After reviewing the parties' joint status report, the Court will issue a scheduling
11 order.

12 (3) The Clerk is directed to send copies of this Order to the parties and to Judge
13 Robart.

14 DATED this 12th day of July, 2017.

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18 BRIAN A. TSUCHIDA
19 United States Magistrate Judge
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