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1                   **NOTICE OF MOTION AND MOTION FOR RECONSIDERATION**

2                   PLEASE TAKE NOTICE that Defendants hereby move to reconsider the  
3 Order re Transfer Pursuant to General Order 19-03 (Related Cases), ECF No. 20.  
4 This motion is made under Federal Rule of Civil Procedure 59(e) and Local Rule  
5 7-18. On February 24, 2020 at 9:00 a.m., or at another time set by the Court,  
6 Defendants will appear in Courtroom 1 of the District Court for the Central District  
7 of California, located at 3470 Twelfth Street, Riverside, California 92501, and  
8 request that the Court reconsider its ruling that the instant case is related to *Torres*

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3 WILLIAM C. PEACHEY  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FAOUR ABDALLAH  
FRAIHAT, *et al.*,

*Plaintiffs,*

v.

U.S. IMMIH

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## MEMORANDUM OF POINTS AND AUTHORITIES

Under Federal Rule of Civil Procedure 59(e), reconsideration is appropriate “if (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law.” *SEC v. Platforms Wireless Int’l Corp.*, 617 F.3d 1072, 1100 (9th Cir. 2010) (internal quotation marks omitted); *see also* C.D. Cal. R. 7-18 (Motion for Reconsideration). Relying on this second ground, Defendants urge that reconsideration is appropriate here because the Court erred in its finding that the instant case is related to *Torres v. DHS*, 5:18-CV-02604 JGB(SHKx) and *Novoa v. The GEO Group, Inc.*, 5:17-CV-02514 JGB(SHKx) prior to considering Defendants’ response to Plaintiffs’ Notice of Related Cases, ECF No. 4, as allowed by Local Rule 83-1.3.3.

Local Rule 83-1.3.3 provides that, within five days of receiving service of the Notice of Related Cases, or within five days of appearing in the case, any party to a case may file and serve an opposition setting forth reasons that a case does not qualify as a related case under the local rules. Defendants were not served with the Complaint in this case until August 29, 2019. However, the Court considered Plaintiffs’ Notice of Related Cases and ordered the transfer of the instant case, on August 22, 2019, prior to Defendants receiving service of the Notice of Related Cases and prior to entering an appearance. C.D. Cal. R. 83-1.3.3. Thus, the Court’s Order deprived Defendants of the opportunity to respond as allowed by the local rules. Fed. R. Civ. P. 59(e); C.D. Cal. R. 7-18(c).

Moreover, Defendants contend that the cases Plaintiffs identified are not related to this case currently pending before the Court, and therefore, those cases do not qualify as related cases under the local rules. *See* C.D. Cal. R. 83-1.3.1. In its August 22, 2019, Order transferring this case, the Court found that *Torres* and *Novoa* were related cases because both cases “[a]is

1 or substantially related or similar questions of law and fact; or [f]or other reasons

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1 for a determination of the same or substantially similar questions of law and fact or  
2 entail a duplication of labor if heard by different judges. C.D. Cal. R. 83-1.3.1.

3 Accordingly, the Court should strike the Order re Transfer Pursuant to  
4 General Order 19-03 (Related Cases), ECF No. 20, from the docket, and consider  
5 Defendants' response to Plaintiffs' Notice of Related Cases, ECF No. 4, as allowed  
6 by Local Rule 83-1.3.3. Upon consideration, the Court should find that the cases  
7 Plaintiffs identified are not related to the instant suit and that transfer of this case  
8 was not appropriate.

9 Dated: November 27, 2019

Respectfully submitted,

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11 JOSEPH H. HUNT  
Assistant Attorney General

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13 WILLIAM C. PEACHEY  
Director

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15 JEFFREY S. ROBINS  
Deputy Director

16  
17 /s/ Lindsay M. Vick  
18 LINDSAY M. VICK  
Trial Attorney  
19 United States Department of Justice  
20 Office of Immigration Litigation  
21 District Court Section

22 *Attorneys for Defendants*  
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This matter having come before this Court upon motion by Defendants in the above-captioned case, and after having considered the parties' briefs, IT IS HEREBY ORDERED:

Defendants' Motion for Reconsideration is GRANTED. The Court, having considered Defendants' response to Plaintiffs' Notice of Related Cases under Local Rule 83-1.3.3, finds that this case and the cases identified in Plaintiffs' Notice of Related Cases, ECF No. 4, are not related cases under Local Rule 83-1.3.1. The Court further finds that transfer of the instant suit under General Order 19-03 was inappropriate. The Court strikes the Court's August 22, 2019, Order re Transfer Pursuant to General Order 19-03 (Related Cast and Order No. 17-01-0005)