

UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

U.S.C.A. 7th Circuit  
RECEIVED SDP

Leonel Jimenez-Gonzalez,  
Petitioner,

v.

Eric H. Holder, Jr., Attorney General,<sup>1</sup>  
Respondent.

Appeal No. 08-1071

AUG 27 2009

GINO J. AGNELLO  
CLERK

Relating to the Panel Decision of Judges  
Coffey, Ripple, and Manion

**LEONEL JIMENEZ-GONZALEZ'S MEMORANDUM IN SUPPORT OF HIS MOTION  
TO ENFORCE THIS COURT'S MANDATE**

Pursuant to Fed. R. App. P. 27(a)(1), Petitioner Leonel Jimenez-Gonzalez ("Mr. Jimenez-Gonzalez"), by undersigned counsel, hereby moves this Court to enforce its November 21, 2008 mandate and effectuate the return of Mr. Jimenez-Gonzalez to the United States. In support thereof Mr. Jimenez-Gonzalez states:

**I. INTRODUCTION**

Pursuant to an order of removal entered against Mr. Jimenez-Gonzalez by the Board of Immigration Appeals ("BIA"), Mr. Jimenez-Gonzalez was removed to his native Mexico. Subsequently, Mr. Jimenez-Gonzalez appealed the BIA's order of removal and, on November 21, 2008, this Court reversed the order. Since this Court issued that mandate and the BIA vacated its order of removal, Mr. Jimenez-Gonzalez has turned to all relevant governmental agencies that ostensibly could provide the appropriate documents to allow for his rightful return to the United States. As described below, the Government failed to provide the documentation necessary to permit Mr. Jimenez-Gonzalez's return to the United States.

Thus, although this Court found that Mr. Jimenez-Gonzalez has the legal right to return to the United States, as a practical matter, Mr. Jimenez-Gonzalez has found it impossible. For this

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<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Eric H. Holder, Jr., is automatically substituted for former Attorney General Michael B. Mukasey as Respondent in this case.

reason, and as further explained in this motion, Mr. Jimenez-Gonzalez respectfully requests that this Court enforce its November 21, 2008 mandate, and compel the Government to issue documentation sufficient to permit Mr. Jimenez-Gonzalez's return to the United States.

## **II. BACKGROUND**

### **A. Proceedings against Mr. Jimenez-Gonzalez**

Mr. Jimenez-Gonzalez is a lawful permanent resident of then United States. CITE AR; 8 U.S.C. § 1101(a)(20). On November 16, 2006, the Department of Homeland Security ("DHS") initiated removal proceedings against Mr. Jimenez-Gonzalez by issuing a Notice to Appear. The Government sought to have him removed under 8 U.S.C. § 1227(a)(2)(A)(iii) for having committed a crime of violence, as defined under 18 U.S.C. § 16(b). The Immigration Court ordered removal on those grounds and the BIA affirmed.

On January 9, 2008, Mr. Jimenez-Gonzalez filed his Petition for Review with this Court, challenging the BIA's decision. After briefing and oral argument, on November 21, 2008, this Court reversed the judgment of the BIA and remanded for proceedings consistent with its opinion. *Jimenez-Gonzalez v. Mukasey*, 548 F.3d 557, 563 (7th Cir. 2008).

On February 27, 2009, the BIA denied a motion filed by the DHS to remand and institute new charges against Mr. Jimenez-Gonzalez. In that same order, the BIA also granted Mr. Jimenez-Gonzalez's motion to terminate proceedings, vacated the BIA's original order of removal, and terminated all instant removal proceedings against Mr. Jimenez-Gonzales. (BIA's Feb. 27, 2009 Order attached as Exhibit 1.) Pursuant to the earlier decision of the BIA, however, during the pendency of his federal appeal Mr. Jimenez-Gonzales was physically removed from the United States to Mexico. He is currently in Mexico, and although he remains a lawful permanent resident with the right to reside lawfully in the United States, he has no ability to return to the United States.

**B. Mr. Jimenez-Gonzalez's Efforts to Enforce this Court's Order**

In an effort to effectuate Mr. Jimenez-Gonzalez's return, on February 24, 2009, his counsel wrote a letter to the Office of Immigration Litigation ("OIL"), with courtesy copies sent to the Office of Detention and Removal Operations Headquarters and the Office of Detention and Removal Operations Field Office in Chicago. (Feb. 24, 2009 letter attached as Exhibit 2). The letter, which had a copy of this Court's November 21, 2008 order enclosed, requested the issuance of a travel document that would be sufficient to allow Mr. Jimenez-Gonzalez to board a plane in Mexico and return to Chicago. (*Id.*)

After not hearing any response to the letter or follow-up phone calls, on March 9, 2009, Mr. Jimenez-Gonzalez's counsel was able to speak with Kathryn McKinney, the OIL attorney who had handled Mr. Jimenez-Gonzalez's case. Ms. McKinney informed counsel that OIL would not be able to issue a travel document or do anything else to assist with Mr. Jimenez-Gonzalez's return. Ms. McKinney suggested that Mr. Jimenez-Gonzalez's counsel speak with DHS. Mr. Jimenez-Gonzalez's counsel then asked if Ms. McKinney could, at minimum, provide guidance as to what procedure is generally used in a situation such as this where an order of removal has been vacated on appeal and the successful litigant does not have sufficient travel documents to enable him to return. Ms. McKinney again responded that this is not something with which OIL could help.

Next, Mr. Jimenez-Gonzalez's counsel called U.S. Immigration and Customs Enforcement ("ICE") in Chicago to request assistance for Mr. Jimenez-Gonzalez. ICE stated that they would obtain Mr. Jimenez-Gonzalez's file to see if contained his LPR card, but otherwise failed to offer any assistance.

After not hearing further from ICE, on April 15, 2009, Mr. Jimenez-Gonzalez's counsel personally delivered a letter to Mr. Ricardo Wong, Field Office Director for ICE in Chicago.

(Apr. 14, 2009 letter attached as Exhibit 3.) In the letter, Mr. Jimenez-Gonzalez's counsel again requested ICE's assistance in arranging for Mr. Jimenez-Gonzalez's return from Mexico. (*Id.*) The letter cited DHS's mandatory duty, under 8 U.S.C. § 1304(d), to issue Mr. Jimenez-Gonzalez proof of his Legal Permanent Resident ("LPR") status. (*Id.*) The letter also stated that Mr. Jimenez-Gonzalez was open to solutions other than reissuance of his LPR card. (*Id.*) The letter concluded by asking that ICE "take immediate action to permit [Mr. Jimenez-Gonzales] to return to the United States." (*Id.*) When Mr. Jimenez-Gonzalez's counsel handed Mr. Wong the letter, he said he would look it over.

After leaving multiple messages with Mr. Wong's office and not receiving return phone calls, on May 28, 2009, Mr. Jimenez-Gonzalez's counsel emailed Mr. Wong. (*See* May 28, 2009 email attached as Exhibit 4.) Mr. Wong responded that same day, stating he would check on the status of the case and provide a reasonable and prompt response.<sup>2</sup> Mr. Wong also wrote that he would speak with the General Counsel's office and ascertain what his office could do to assist with the return of Mr. Jimenez-Gonzalez.

On June 16, 2009, Mr. Jimenez-Gonzalez's counsel emailed Mr. Wong again because she had not heard further from him regarding what ICE could do to assist. (*See* June 16, 2009 email attached as Exhibit 5.) She then emailed a third time on June 22, 2009. (*See* June 22, 2009 email attached as Exhibit 6.) In an email response of that same day, Mr. Wong wrote that there was nothing his office could do to assist with Mr. Jimenez-Gonzalez's return. Mr. Wong recommended that Mr. Jimenez-Gonzalez go to the consulate/embassy with supporting

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<sup>2</sup> Mr. Jimenez-Gonzalez would have attached the emails from Mr. Wong referenced herein, but an ICE warning at the bottom of each of the emails from Mr. Wong states: "This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO)" and it is "not to be released to the public or other personnel who do not have a valid 'need-to-know' without prior approval of an authorized DHS official."

documents so that his LPR card could be re-issued. The State Department website, however, refers individuals who are in need of LPR cards to Customs and Border Patrol (“CBP”).

With very limited possible sources of governmental assistance remaining, Mr. Jimenez-Gonzalez’s counsel then emailed CBP, which generally assists individuals who have lost their LPR cards, but not those who have had their cards taken from them pursuant to a removal order. Counsel received an auto-response to his email inquiry. The auto-response contained a link to an internet forum on the CBP website with various posted questions and answers, none of which were useful or relevant to Mr. Jimenez-Gonzalez’s situation.

Having exhausted all apparent governmental entities that might assist in compliance with the Court’s order, Mr. Jimenez-Gonzalez now asks the Court to exercise its inherent power to enforce its mandate.

### **III. ARGUMENT**

#### **A. This Court has the Authority to Enforce its Reversal of the Order of Removal Against Mr. Jimenez-Gonzalez.**

Federal courts have the authority to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” *Nken v. Holder*, 129 S.Ct. 1749, 1756 (2009) (citing All Writs Act, 28 U.S.C. § 1651(a).) As such, a court retains ancillary jurisdiction over subsequent proceedings to enforce its own orders and judgments. *Peacock v. Thomas*, 516 U.S. 349, 356, (1996). “Without jurisdiction to enforce a judgment entered by a federal court, the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the Constitution.” *Id.*

Thus, as part of this Court’s equitable authority, it has the authority to order Mr. Jimenez-Gonzalez’s return. *See Califano v. Yamasaki*, 442 U.S. 682, 705 (1979) (“Absent the clearest command to the contrary from Congress, federal courts retain their equitable power to issue

injunctions in suits over which they have jurisdiction.”); *Obale v. Attorney General*, 453 F.3d 151, 156 (3d Cir. 2006) (“It follows that we have jurisdiction over all matters related to a particular proceeding except where Congress has explicitly stated otherwise.”).

Indeed, if the circuit courts did not have the power to enforce their orders, the circuit courts’ statutory jurisdiction under INA § 242(a) to review final immigration orders would be meaningless. The result would be absurd if INA § 242(a) authorized the circuit courts to vacate a removal order but not to remedy the person’s unlawful removal. Courts must avoid interpretations that would lead to an absurd result. *See Clinton v. City of New York*, 524 U.S. 417, 429 (1998) (rejecting Government’s reading of statutory provision where it “would produce an absurd and unjust result which Congress could not have intended.”); *see also Ramon-Sepulveda v. Immigration and Naturalization Serv.*, 824 F.2d 749 (9th Cir. 1987) (ordering termination of removal proceedings which would be inconsistent with prior Court of Appeals decision).

**B. The Government Has Refused to Exercise its Authority to Effectuate Mr. Jimenez-Gonzalez’s Return to the United States.**

Moreover, the courts’ authority to order return of persons who have been wrongly removed preserves the uniform application of law because the Government does not consistently exercise its own authority in these circumstances. The Government does not always acknowledge its authority to facilitate a litigant’s return from abroad or it chooses to exercise its authority at its discretion, as demonstrated by Mr. Jimenez-Gonzalez’s failed efforts to obtain government assistance with his return.

To illustrate, in *Nken v. Holder*, the Government submitted a brief in which it admitted the following:

By policy and practice, the government accords aliens who were removed pending judicial review but then prevailed before the

courts effective relief by, inter alia, facilitating the aliens' return to the United State by parole under 8 U.S.C. 1182(d)(5) if necessary, and according them the status they had at the time of removal.

*Nken v. Holder*, No. 08-681, Brief for the Respondent 44 (Jan. 7, 2009). Relying on this representation, the Supreme Court stated:

Aliens who are removed may continue to pursue their petitions for review, and those who prevail can be afforded effective relief by facilitation of their return, along with restoration of the immigration status they had upon removal. See Brief for Respondent 44.

*Nken*, 129 S. Ct. at 1761.

The BIA has also acknowledged the Government's ability to return a prevailing litigant from abroad, stating:

Moreover, a removed alien whose removal order is vacated by a Federal court of appeals or the United States Supreme Court might also be permitted to lawfully reenter the United States and continue to pursue any remedy that falls within the scope of the Court's mandate.

*Matter of Armendarez*, 24 I&N Dec. 646, 656-57 n. 8 (BIA 2008) (citing *Lopez v. Gonzales*, 127 S. Ct. 625, 692 n. 2 (2006).)<sup>3</sup>

Nevertheless, the Government often declines to assist in these circumstances, as evident by the above-documented lack of assistance from the ICE, OIL, and CBP for Mr. Jimenez-Gonzalez. The federal courts must therefore step in to ensure that their decisions are uniformly enforced.

Mandamus is appropriate to review compliance with discretionary standards and nondiscretionary commands set forth in an earlier appellate court opinion concerning the parties. See *Yablonski v. United Mine Workers of America*, 454 F.2d 1036, 1038 (D.C. Cir.1971), cert.

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<sup>3</sup> The Board claims to lack the authority itself to return someone who has been removed. *Id.* at 656-57 n. 8.

*denied*, 406 U.S. 906 (1972) (stating that mandamus “may be appropriately utilized to correct a misconception of the scope and effect of (an) appellate decision.”). In sum, because this Court maintains an ongoing interest in guaranteeing that its decisions are properly executed, Mr. Jimenez-Gonzalez’s recourse properly lies with this Court. Mr. Jimenez-Gonzalez respectfully requests that this Court enforce its November 21, 2008 mandate and compel the Government to cause Mr. Jimenez-Gonzalez’s rightful return to the United States.

WHEREFORE, for the reasons stated above, Leonel Jimenez-Gonzalez respectfully requests that this Court enforce its mandate and ORDER the Government to provide the Petitioner with documentation sufficient to permit his lawful return to the United States.

August 26, 2009

Respectfully Submitted,

A handwritten signature in black ink that reads "Todd Gale". The signature is written in a cursive style with a horizontal line underneath it.

Todd Gale  
Dykema Gossett PLLC  
10 South Wacker, Suite 2300  
Chicago, Illinois 60606  
Telephone: 312-876-1700



**CERTIFICATE OF SERVICE**

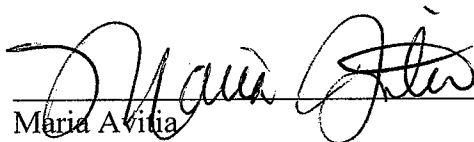
I hereby certify that the foregoing was served on August 27, 2009 by United States

Postage paid mail upon:

Executive Office for Immigration Review  
Board of Immigration Appeals  
Office of the Clerk  
P.O. Box 8530  
Falls Church, VA 22041

Patrick McKenna  
Office of the District Counsel –DHS/CHI  
55 East Monroe  
Suite 1700  
Chicago, IL 60603

Charles Roth  
Eleni Wolfe-Roubatis  
National Immigrant Justice Center  
208 S. LaSalle St., Suite 1818  
Chicago, IL 60604



Maria Avitia  
Administrative Assistant to Todd Gale  
Dykema Gossett PLLC  
10 South Wacker, Suite 2300  
Chicago, Illinois 60606  
Telephone: 312-876-1700

# **EXHIBIT 1**

Falls Church, Virginia 22041

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File: A042 914 629 - Chicago, IL

Date: FEB 27 2009

In re: LEONEL JIMENEZ-GONZALEZ

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Molly E. Thompson, Esquire

ON BEHALF OF DHS: David Williams  
Assistant Chief Counsel

APPLICATION: Remand; termination of proceedings

The respondent is a male native and citizen of Mexico whose case was last before us on December 28, 2007, when we dismissed his appeal of an Immigration Judge's order of removal. The respondent filed a petition for review of our decision with the United States Court of Appeals for the Seventh Circuit. In an order dated November 21, 2008, the Seventh Circuit found that the respondent's conviction criminal recklessness (which involved a firearm) was not an aggravated felony and thus could not support the charge of removability. The Seventh Circuit then remanded the case to the Board for further proceedings consistent with its opinion. The Department of Homeland Security (DHS) subsequently filed a motion to remand through which it seeks to file a lodged charge of removability under section 237(a)(2)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1227(a)(2)(C). The respondent has filed a response in opposition to the DHS's motion and moves to have proceedings terminated. The DHS's motion to remand will be denied. The respondent's motion to terminate will be granted.

The sole argument raised by DHS in its motion to remand is that such action is required in order for it to comply with the Seventh Circuit's decision. We disagree. In its order, the Seventh Circuit found that the respondent's conviction did not support the sole charge of removability lodged against him. The Court then, in the last paragraph before its conclusion, discussed the difference between the effects on an alien found removable for under an aggravated felony ground of removability versus a firearms ground of removability. The Court observed that it could not deny the respondent's petition for review on a rationale not relied upon by either the Immigration Judge or the Board since the respondent had not been charged with being removable under the firearms ground of removability. The Seventh Circuit continued by noting that it found important the fact the Congress had recognized the potential danger associated with the reckless use of a firearm and had provided the DHS a means for removing aliens with such convictions. The discussion and opinions of the Seventh Circuit in this paragraph is dicta. It is not an explicit directive for DHS to take action in this case by now filing a charge of removability under section 237(a)(2)(C) of the Act which it could have filed originally. We therefore do not find that the Seventh Circuit's order requires DHS

to take any specific action in this case in order to comply with the Court's decision. Rather, the only action which is compelled by the Seventh Circuit's decision is for the Board to undertake further proceedings consistent with its opinion. As we find that the sole argument raised by the DHS in support of its motion to remand fails, we need not address the respondent's well-reasoned arguments in response regarding res judicata and jurisdiction over any remanded proceedings, to which, we note, the DHS did not reply.

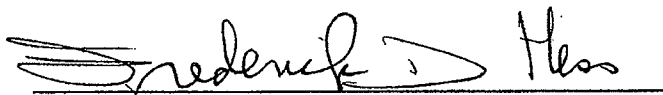
Accordingly, the following orders shall be entered:

ORDER: The Board's December 28, 2007, decision is vacated.

FURTHER ORDER: The DHS's motion to remand is denied.

FURTHER ORDER: The respondent's motion to terminate proceedings is granted.

FURTHER ORDER: The instant removal proceedings against the respondent are hereby terminated.

  
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FOR THE BOARD

# **EXHIBIT 2**



Dykema Gossett PLLC  
10 South Wacker Drive  
Suite 2300  
Chicago, Illinois 60606  
WWW.DYKEMA.COM  
Tel: (312) 876-1700  
Fax: (312) 627-2302  
**Molly E. Thompson**  
Direct Dial: (312) 627-2158  
Email: METHOMPSON@DYKEMA.COM

February 24, 2009

**VIA OVERNIGHT MAIL**

Office of Immigration Litigation  
Civil Division  
U.S. Department of Justice  
P.O. Box 878, Ben Franklin Station  
Washington, D.C. 20044  
Attn: Thomas W. Hussey, Director

**Re: Jimenez-Gonzalez, Leonel – A042-914-629**

Dear Mr. Hussey:

We write to request the issuance of a travel document that is sufficient to allow our client, Leonel Jimenez-Gonzalez, to board a plane in Mexico and return to Chicago, Illinois.

On November 16, 2006, the Department of Homeland Security initiated removal proceedings against Mr. Jimenez-Gonzalez. The Immigration Court ordered removal of Mr. Jimenez-Gonzalez and the Board of Immigration Appeal affirmed. On January 9, 2008, Mr. Jimenez-Gonzalez filed a Petition for Review with the Seventh Circuit Court of Appeals. After briefing and oral argument, on November 21, 2008, the Seventh Circuit reversed the judgment of the BIA. *Jimenez-Gonzalez v. Mukasey*, 548 F.3d 557 (7th Cir. 2008) (opinion and order enclosed herewith).

Pursuant to the earlier decision of the Board of Immigration Appeal, during the pendency of his federal appeal Mr. Jimenez-Gonzalez was physically removed from the United States to Mexico. He is currently in Mexico, and has no legal ability to return to the United States. In addition, the Department of Homeland Security recently filed a motion before the Board of Immigration Appeals, seeking to remand the matter in order to institute new charges against Mr. Jimenez-Gonzalez. If the Board grants the Department's motion, Mr. Jimenez-Gonzalez's physical presence would be crucial to any new hearings before the Immigration Judge.

Since the Board's earlier order of removal was vacated by the Court of Appeals, Mr. Jimenez-Gonzalez was necessarily returned to his status as a Legal Permanent Resident. 8 C.F.R. § 1.1(p). As a permanent resident, DHS is under a mandatory duty as to Mr. Jimenez-Gonzalez, to issue him proof of his LPR status, 8 U.S.C. § 1304(d), which would also be sufficient to permit him to



Office of Immigration Litigation  
February 24, 2009  
Page 2

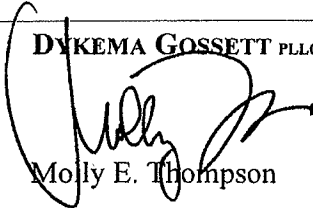
travel. We are open to solutions other than reissuance of his LPR card; but we would request that you take immediate action to permit him to return to the United States.

As the attorney of record for Mr. Jimenez-Gonzalez, we appreciate your guidance and cooperation in this matter. We look forward to hearing from you soon.

Very truly yours,

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DYKEMA GOSSETT PLLC



Molly E. Thompson

Enclosure

cc (w/o enclosure):

James T. Hayes, Jr.  
Office of Detention and Removal Operations Headquarters  
500 12th SW  
11th Floor  
Washington, D.C. 20024

Glenn Triveline, Acting Field Office Director  
Office of Detention and Removal Operations Field Office  
101 West Congress Parkway, Suite 4000  
Chicago, Illinois 60605

CHICAGO2616895.1  
ID\METH

# **EXHIBIT 3**





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Tel: (312) 876-1700

Fax: (312) 627-2302

**Molly E. Thompson**

Direct Dial: (312) 627-2158

Email: METHOMPSON@DYKEMA.COM

April 14, 2009

**VIA HAND DELIVERY**

Mr. Ricardo Wong, Field Office Director  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
55 East Monroe Street  
Suite 1700  
Chicago, Illinois 60603

**Re: Jimenez-Gonzalez, Leonel – A042-914-629**

Dear Mr. Wong:

We write to request ICE's assistance in arranging for the return of Leonel Jimenez-Gonzalez from Mexico to Chicago, Illinois.

On November 16, 2006, the Department of Homeland Security initiated removal proceedings against Mr. Jimenez-Gonzalez. The Immigration Court ordered removal of Mr. Jimenez-Gonzalez and the Board of Immigration Appeal affirmed. On January 9, 2008, Mr. Jimenez-Gonzalez filed a Petition for Review with the Seventh Circuit Court of Appeals. After briefing and oral argument, on November 21, 2008, the Seventh Circuit reversed the judgment of the BIA. *Jimenez-Gonzalez v. Mukasey*, 548 F.3d 557 (7th Cir. 2008) (Seventh Circuit's opinion and order enclosed herewith).

On February 27, 2009, the BIA denied a motion filed by the DHS to remand and institute new charges against Mr. Jimenez-Gonzalez. The BIA's order also granted Mr. Jimenez-Gonzalez's motion to terminate proceedings, vacated the BIA's original order of removal, and terminated all instant removal proceedings against Mr. Jimenez-Gonzalez. (BIA's order enclosed herewith.)

Pursuant to the earlier decision of the BIA, however, during the pendency of his federal appeal Mr. Jimenez-Gonzalez was physically removed from the United States to Mexico. He is currently in Mexico, and although he remains a lawful permanent resident with the right to reside lawfully in the United States, because of his physical removal, he has no ability to return to the United States.

# DyKEMA

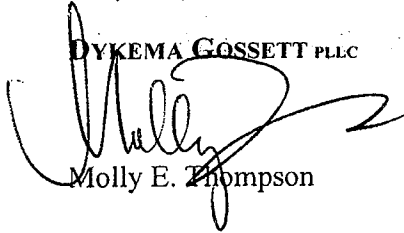
Mr. Ricardo Wong, Field Office Director  
U.S. Immigration and Customs Enforcement  
April 14, 2009  
Page 2

Because the BIA's earlier order of removal was vacated by the Court of Appeals and the BIA, Mr. Jimenez-Gonzalez was necessarily returned to his status as a Legal Permanent Resident. 8 C.F.R. § 1.1(p). We would therefore ask ICE to exercise its power to assist with Mr. Jimenez-Gonzalez's return to the United States. *See also* INA § 264 (requiring issuance of LPR card to LPRs). Eleni Wolfe-Roubatis, co-counsel for Mr. Jimenez-Gonzalez, has previously contacted ICE to request assistance for Mr. Jimenez-Gonzalez. As of yet, other than ordering Mr. Jimenez-Gonzalez's file, ICE has been unable to assist in the matter. Whether the appropriate action is issuance of a travel document or another solution, we would request that you take prompt and appropriate steps to permit his return.

As the attorney of record for Mr. Jimenez-Gonzalez, we appreciate your assistance and cooperation in this matter. We look forward to hearing from you soon.

Very truly yours,

DYKEMA GOSSETT PLLC



Molly E. Thompson

Enclosure

cc (via US Mail): Kathryn McKinney  
Office of Immigration Litigation  
Civil Division  
U.S. Department of Justice  
P.O. Box 878, Ben Franklin Station  
Washington, D.C. 20044

CHICAGO\2659689.1  
ID\METH - 101679/0010

# **EXHIBIT 4**

## Thompson, Molly

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**From:** Thompson, Molly  
**Sent:** Thursday, May 28, 2009 4:25 PM  
**To:** ricardo.wong@dhs.gov  
**Subject:** Leonel Jimenez-Gonzalez

**Attachments:** CHICAGO-#2659875-v1-Letter\_to\_Wong\_ICE.PDF

Mr. Wong,

I am writing in follow-up to the attached letter we sent on April 14, 2009. We continue to seek the assistance requested in the letter so that Mr. Jimenez-Gonzalez can return from Mexico and have not had luck getting in touch with someone in your office by telephone. I look forward to hearing from you or someone in your office by response to this email or by phone. Thank you for your attention to this matter.



CHICAGO-#265987  
5-v1-Letter\_to\_...

Molly E. Thompson

**Dykema**

10 S. Wacker Drive, Ste. 2300  
Chicago, IL 60606  
Phone: (312) 627-2158  
Fax: (312 ) 876-1155  
METHompson@dykema.com  
[www.dykema.com](http://www.dykema.com)

# **EXHIBIT 5**

## Thompson, Molly

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**From:** Thompson, Molly  
**Sent:** Tuesday, June 16, 2009 2:45 PM  
**To:** Wong, Ricardo  
**Subject:** RE: Leonel Jimenez-Gonzalez

Mr. Wong:

Have you heard anything further on the status of Mr. Jimenez-Gonzales's case or how your office might be able to assist with his return? Thank you for looking into this.

Molly

Molly E. Thompson

**Dykema**

10 S. Wacker Drive, Ste. 2300

Chicago, IL 60606

Phone: (312) 627-2158

Fax: (312 ) 876-1155

METhompson@dykema.com

www.dykema.com

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# **EXHIBIT 6**

## Thompson, Molly

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**From:** Thompson, Molly  
**Sent:** Monday, June 22, 2009 2:59 PM  
**To:** ricardo.wong@dhs.gov  
**Cc:** Gale, Todd; Chuck Roth; Eleni Wolfe-Roubatis  
**Subject:** Leonel Jimenez-Gonzalez

Mr. Wong:

I emailed last Tuesday, but I understand you were out of town. Have you heard anything further on the status of Mr. Jimenez-Gonzales's case or how your office might be able to assist with his return? Because Mr. Jimenez-Gonzales has been waiting to return for several months now we hope to hear from you as soon as possible. Thank you.

Molly

Molly E. Thompson

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