

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 1:10-cv-21951 Ungaro/Simonton

Jesús Cabrera Jaramillo, in his individual capacity, and in his capacity as the personal representative of the estate of Alma Rosa Jaramillo,)
)
)
)
)
Jane Doe, in her individual capacity, and in her capacity as the personal representative of the estate of Eduardo Estrada, and)
)
)
John Doe, in his individual capacity,)
)
Plaintiffs,)
)
v.)
)
CARLOS MARIO JIMÉNEZ NARANJO, also known as “Macaco,” “El Agricultor,” “Lorenzo González Quinchía,” and “Javier Montañez,”)
)
)
Defendant.)

PLAINTIFFS’ MOTION TO REINSTATE ADMINISTRATIVELY CLOSED CASE TO THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF FLORIDA AND ALL PARTIES:

NOW COME Plaintiffs Jesús Cabrera Jaramillo, Jane Doe, and John Doe (collectively “Plaintiffs”) and hereby move this Court to reinstate this administratively closed case. In support of this Motion, Plaintiffs state the following:

1. On July 22, 2010, Hugo A. Rodriguez appeared as temporary counsel on behalf of defendant Carlos Mario Jimenez-Naranjo (“Defendant”) to petition the U.S. Department of Treasury’s Office of Foreign Assets Control (“OFAC”) to be retained by Defendant in this matter.
2. On October 4, 2010, the Court administratively closed this case to permit Mr. Rodriguez additional time to obtain a license from OFAC to represent Defendant.

3. On February 7, 2011, Mr. Rodriguez filed a notice regarding his withdrawal as temporary counsel to the Defendant since he had not obtained an OFAC license. He also relayed to the Court that, even where an OFAC license could be granted, the Defendant had no assets to pay for representation. On February 8, 2011, the Court approved Mr. Rodriguez's notice of withdrawal.

4. The basis for the administrative closing of this case has ended. The case should, therefore, be returned to the active docket.¹ The Court should proceed on setting a date for an Initial Planning and Scheduling Conference pursuant to FED. R. CIV. P. 16(b).

Dated: February 10, 2011

By: /s/ Julie C. Ferguson

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Attorneys for Plaintiffs

¹ See *Florida Ass'n for Retarded Citizens, Inc. v. Bush*, 246 F.3d 1296, 1298 (11th Cir. 2001) ("Designating a case 'closed' does not prevent the court from reactivating a case either of its own accord or at the request of the parties."); *Lehman v. Revolution Portfolio L.L.C.*, 166 F.3d 389, 392 (1st Cir. 1999) ("The court . . . retains the authority to reinstate a case if it concludes that the administrative closing was improvident or if the circumstances that sparked the closing abate.").

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that counsel for the Plaintiffs has conferred with all parties or non-parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues. Because Defendant is currently incarcerated and counsel for the Defendant has withdrawn representation in this matter, Defendant was unable to take a position on this motion.

/s/ Julie C. Ferguson
JULIE C. FERGUSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Reinstate Administratively Closed Case was served by U.S. Mail, on February 10, 2011, on counsel or parties of record on the service list.

Carlos Mario Jimenez-Naranjo, Register #29346-016
FDC Miami
Federal Detention Center
P.O. Box 019120
Miami, FL 33101

/s/ Julie C. Ferguson
JULIE C. FERGUSON