

E-FILED ON 9/19/07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARK HAWKE,) Case No.: C-07-03456 RMW
Petitioner,)
vs.)
UNITED STATES DEPARTMENT OF) **ORDER AFTER HEARING**
HOMELAND SECURITY, CITIZENSHIP)
AND IMMIGRATION SERVICES, a)
governmental entity,)
Respondent.)

On September 7, 2007 at 9:00 a.m. in Department 6 of the above-entitled Court, Petitioner, MARK HAWKE, by and through his counsel, David J. Luca, appeared for the hearing on the Petition for the production of certain records from the Department of Homeland Security, Immigration and Naturalization Services division (hereinafter "UNITED STATES"). The Petition was filed July 21, 2007 pursuant to California Penal Code § 1326 and the Sixth Amendment to the United States Constitution.

The UNITED STATES did not make an appearance at the date and time referenced above to show cause why the requested documents should not be produced. The UNITED STATES did not file any responsive pleadings in opposition to the Petition. No other third party filed any written opposition or appeared for the hearing on the Petition.

Therefore, the UNITED STATES is hereby ordered to produce documents and records specified below for an *in camera* hearing to the Honorable Ronald M. Whyte, United States District Judge, located at 280 South 1st Street, San Jose, CA 95113. The records must be produced on or before the *in camera* hearing date of October 26, 2007 at 9:00 AM and shall consist of the following described documents/records:

*ORDER AFTER HEARING
HAWKE V. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CITIZENSHIP AND IMMIGRATION SERVICES
CASE NO.: C-07-03456*

1 1. Any and all letters, statements, applications, declarations, records or documents of
2 any kind related to LUCIA HERRERA HAWKE's (aka LUCIA HERRERA MARQUEZ)
3 petition for a "K1 visa" in the United States of America from January 1, 2004 to the date of
4 production under case number A97879961.

5 2. Any and all letters, statements, applications, declarations, records or documents of
6 any kind related to LUCIA HERRERA HAWKE's (aka LUCIA HERRERA MARQUEZ)
7 application for "permanent residency" pursuant to section 245 of the Immigration and
8 Nationality Act in the United States of America from January 1, 2004 to the date of production
9 under case number A97879961.

10 3. Any and all letters, statements, applications, declarations, records or documents of
11 any kind related to LUCIA HERRERA HAWKE's (aka LUCIA HERRERA MARQUEZ)
12 allegations of domestic violence against MARK HAWKE lodged with the United States of
13 America, or any governmental entity operating on its behalf, from January 1, 2004 to the date of
14 production under case number A97879961.

15 4. Any and all correspondence sent from the U.S. Department of Homeland
16 Security, Immigration and Citizenship Services to LUCIA HERRERA HAWKE (aka LUCIA
17 HERRERA MARQUEZ), or an authorized agent on her behalf, from January 1, 2004 to the date
18 of production under case number A97879961.

19 5. Any and all correspondence sent from LUCIA HERRERA HAWKE (aka LUCIA
20 HERRERA MARQUEZ), or an authorized agent on her behalf, to U.S. Department of Homeland
21 Security, Immigration and Citizenship Services from January 1, 2004 to the date of production
22 under case number A97879961.

23 This Order shall be served on the office of the Chief Counsel, U.S. Department of
24 Homeland Security, all parties to the State Court proceedings and Lucia Herrera Hawke (aka
25 Lucia Herrera Marquez).

27 Dated: 9/17/07

Ronald M. Whyte

28 HONORABLE RONALD M. WHYTE
United States District Judge

ORDER AFTER HEARING

HAWKE V. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CITIZENSHIP AND IMMIGRATION SERVICES
CASE NO.: C-07-03456

1 Copy of Order E-Filed to Counsel of Record:
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ORDER AFTER HEARING
HAWKE V. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CITIZENSHIP AND IMMIGRATION SERVICES
CASE NO.: C-07-03456