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No. 25295-R

FURUYA V. CLARK

1945

order to show Cause

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8 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MARY KANAME FURUYA, et al.

11 Plaintiffs,

25295 R:

12 vs.

13 TOM CLARK, as Attorney General of the United States;
14 FRANK J. HENNESSY, As United States Attorney for the
15 Northern District of California, and, as such, the
16 head of the United States Department of Justice in
17 said District; JAMES F. BYRNES, as The Secretary of
18 State; FRED VINSON, as the Secretary of the Treasury;
19 UGO CARUSI, as the Commissioner of the United States
20 Immigration and Naturalization Service; IRVING M.
21 WIXON, as the District Director of the United States
22 Immigration and Naturalization Service, United States
23 Department of Justice, and, as such, the head of the
24 United States Immigration and Naturalization Service
25 for the Northern District of California; JAMES E.
26 MARKHAM, as the Alien Property Custodian; HAROLD ICKES,
27 as Secretary of the Interior, DILLON S. MYER, as
28 Director, War Relocation Authority; RAYMOND R. BEST,
29 as Project Director, Tule Lake Center; and IVAN WILLIAMS,
30 as the Officer in Charge, United States Department of
31 Justice, Immigration and Naturalization Service, Tule
32 Lake Center, Newell, Modoc County, California,

Defendants.

25 ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

26 Upon reading the verified complaint of the plaintiffs
27 herein and

28 GOOD CAUSE APPEARING THEREFOR:

29 Defendants and each of them are ordered to show cause,
30 if any they have, on the _____ day of November, 1945 at the hour
31 of 10:00 o'clock a.m. of said day, or as soon thereafter as counsel
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1 can be heard, in the court room of the above entitled court, being
2 Room #_____ of the Post Office Building at 7th and Mission Streets,
3 San Francisco, California, why they, or their agents, servants and
4 employees should not be enjoined pending the outcome of this suit
5 from deporting or taking any steps to deport any of the plaintiffs
6 outside of the territory of the United States, or removing or taking
7 any steps to remove any of said plaintiffs out of the jurisdiction
8 of the above entitled court and from treating any of the plaintiffs
9 as an alien, enemy or otherwise, or from doing any act or acts in-
10 consistent with the status of plaintiffs and each of them as
11 citizens of the United States.

12 IT IS FURTHER ORDERED that pending the hearing and
13 determination of this order to show cause, defendants, and each of
14 them, is restrained from doing any of the acts enumerated herein-
15 above upon the posting by plaintiffs of security for costs and
16 damages in the sum of \$

17 The foregoing temporary restraining order is granted with-
18 out notice for the reason that plaintiffs are now in custody of the
19 defendants, their servants, agents and employees; that defendants
20 have it within their physical power to remove plaintiffs out of the
21 United States or out of the jurisdiction of this court and to places
22 where said plaintiffs and each of them will be without access to
23 any court to ask for a determination of the issues presented by the
24 complaint herein; that it is alleged in the complaint that defendants
25 have announced they will begin such removals not later than November
26 15, 1945, which date is earlier than any time within which it is
27 possible to render a final judgment in the above entitled action and
28 which is no later than the hearing on the application for a
29 temporary injunction and which will, in all probability, be earlier
30 than the time at which it will be possible for this court to give
31 a ruling upon the application of the temporary injunction; that
32 but for the issuance of the above restraining order without notice,

1 plaintiffs, and each of them, will be deprived of all their rights
2 as citizens, if any they have, and will be deprived of all of the
3 matters which they seek to have adjudicated in their favor by
4 this action and such deprivations will take place before it is
5 possible for this court to rule upon the issues in this action.

6 Dated this _____ day of November, 1945.
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10 United States District Judge
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