

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**USAMA JAMIL HAMAMA**, et al.,

Petitioners and Plaintiffs,

v.

**REBECCA ADDUCCI**, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910  
Hon. Mark A. Goldsmith  
Mag. David R. Grand  
Class Action

**STIPULATED ORDER LIFTING THE PRELIMINARY INJUNCTION  
(ECF 87) FOR AQIL AL MUNTAFIJI**

Undersigned counsel stipulate and agree that this Court issue and enter this Order lifting the stay of enforcement of removal for Aqil Al Muntafiji, only.

The bases for the order are as follows:

1. As of June 24, 2017, Mr. Al Muntafiji, an Iraqi national, had an order of removal from the United States by the Immigration Court.

2. Since on or about June 19, 2017, Mr. Al Muntafiji has been detained by ICE.

3. Mr. Al Muntafiji has consulted with counsel about his prospects for immigration relief, his rights under the Preliminary Injunction in this case, and his prospects for relief from detention. The declaration of James Lamb, a lawyer who provided consultation on these matters, is attached as Exhibit A.

4. Mr. Al Muntafiji's signed waiver, by which he seeks prompt removal to Iraq, is attached as Exhibit B<sup>1</sup>.

5. The parties believe that Mr. Al Muntafiji's waiver is knowing and voluntary, and provides an appropriate basis for this Court to lift the Preliminary Injunction as to him, only.

Therefore undersigned counsel stipulate and agree and the Court hereby orders the following:

It is ORDERED that the stay of the enforcement of removal be lifted for Aqil Al Muntafiji. Therefore, ICE may effectuate his order of removal.

SO ORDERED.

Dated: March 7, 2018  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 7, 2018.

s/Karri Sandusky  
Case Manager

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<sup>1</sup> Mr. Al Muntafiji's signed waiver is dated "81/2/18." Based on the declaration of James Lamb, which states that he met with Mr. Al Muntafiji on "2-18-18," Ex. A ¶ 6, this date appears to be a simple transposition error.

SO STIPULATED.

Date: March 7, 2018

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03/07/18 10:00 AM

# EXHIBIT A

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DECLARATION OF JAMES LAMB

I, James Lamb, make this statement under the penalties of perjury of the laws of the United States and if called to testify I could and would do so competently based upon my personal knowledge as follows:

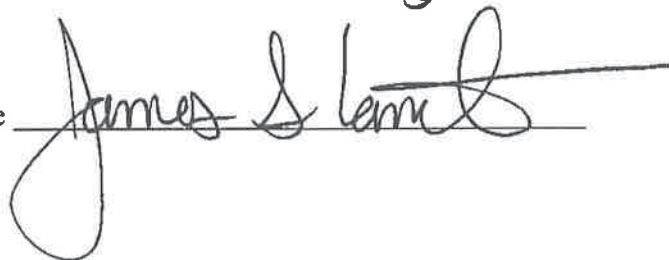
1. I am a lawyer admitted to practice in the state of Colorado I have substantial experience in the area of immigration law.
2. I represent Aqil Al Muntafiji, an immigration detainee housed in Denver Contract Detention Facility, in Aurora, Colorado, in his immigration case.
3. I have explained to Mr. Al Muntafiji the options available to him, under immigration law and procedure and the ongoing federal case, Hamama v. Adducci.
4. Mr. Al Muntafiji is an Iraqi national, with a final order of removal that existed on June 24, 2017. Therefore, it is my understanding that he is a putative class member in the Hamama litigation, temporarily protected from removal by the Preliminary Injunction granted in that case on July 24, 2017. His [REDACTED]
5. Mr. Al Muntafiji had expressed interest in waiving coverage by the Preliminary Injunction and seeking prompt removal to Iraq. The meeting I had with him was to provide assurance that any such waiver was knowing and voluntary.
6. I met with Mr. Al Muntafiji on 2-18-18 (date) at the detention facility already mentioned. We spoke for 30 minutes (length of time). I again explained to him the motion to reopen process, and his prospects for success in such a motion, along with the possibility of prolonged detention and the potential routes out of detention short of removal.

7. I communicated in English, a language Mr. Al Muntafiji seemed to understand well. I believe that my communication with Mr. Al Muntafiji was effective.
8. On the basis of my conversation with Mr. Al Muntafiji, considering the information I conveyed and his responses to me, I believe that he wishes to be promptly removed to Iraq, and that this waiver of the protections provided by the Hamama Preliminary Injunction is both knowing and voluntary.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 18<sup>th</sup> day of February, 2018 in Aurora, CO.

Signature

A handwritten signature in cursive script, appearing to read "James S. Lane", written over a horizontal line. The signature is fluid and includes a large loop at the beginning.

# **EXHIBIT B**

**DETAINEE STIPULATION TO  
PROMPT REMOVAL TO IRAQ**

I wish to be removed to Iraq as promptly as possible, and stipulate that the Preliminary Injunction in *Hamama v. Adducci*, 17-cv-11910 (E.D. Mich.), will no longer prevent that removal.

I make this stipulation knowingly and voluntarily, understanding that it will be introduced in federal court and that it waives my rights under the existing Preliminary Injunction, and will lead to my removal.

I have not been pressured or coerced in any way by ICE or other detention staff or officers.

Aqil AL MUNTAFIJI

Print Detainee Name

Aqil

Detainee Signature



A Number

8/2/18

Date

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**DO NOT WRITE BELOW THIS LINE - FOR ERO USE ONLY**

Print Name and Title of ERO Officer Accepting Request

Date