

**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 MUSLEM AL RUBAIAI**

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

The bases for the order are as follows:

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

2. Mr. Al Rubaiai was detained by ICE on or about June 5, 2017. He was released from detention in January 2018 following a bond hearing and shortly thereafter again detained by ICE after the Board of Immigration Appeals granted a stay of the bond order.

3. Mr. Al Rubaiai 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 Otto Hinks, a lawyer who provided consultation on these matters, is attached as Exhibit A.

4. Mr. Al Rubaiai's signed waiver, by which he seeks prompt removal to Iraq, is attached as Exhibit B.

5. The parties believe that Mr. Al Rubaiai'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 Muslem Al Rubaiai. Therefore, ICE may effectuate his order of removal.

SO ORDERED.

Dated: April 13, 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 April 13, 2018.

s/Karri Sandusky
Case Manager

SO STIPULATED.

Date: April 13, 2018

/s/ Miriam J. Aukerman (with consent)
Miriam J. Aukerman (P63165)
American Civil Liberties Union Fund Of
Michigan
1514 Wealth St., SE
Grand Rapids, MI 49506
(616) 301-0930
maukerman@aclumich.org

/s/ Wendolyn Wrosch Richards
Kimberly L. Scott (P69706)
Wendolyn Wrosch Richards (P67776)
Cooperating Attorneys, ACLU Fund
of Michigan
Miller, Canfield, Paddock
& Stone, PLC
101 N. Main St., 7th Floor
Ann Arbor, MI 48104
(734) 668-7696
richards@millercanfield.com

/s/ William C. Silvis (with consent)
William C. Silvis
Assistant Director
United States Department of Justice
Office of Immigration Litigation
District Court Section
PO Box 868 Ben Franklin Station
Washington, DC 20044
Tel: (202) 307-4693
Fax: (202) 305-7000
William.Silvis@usdoj.gov

EXHIBIT A

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DECLARATION OF OTTO HINKS

I, Otto Hinks, 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 Arizona.
2. I represent, on a pro bono basis, Muslem Al Rubaiai, an immigration detainee housed in Marshall County Jail, in Marshalltown, Iowa, in his immigration case.
3. I have explained to Mr. Al Rubaiai the options available to him, under immigration law and procedure and the ongoing federal case, Hamama v. Adducci.
4. Mr. Al Rubaiai 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 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 Rubaiai 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 spoke with Mr. Al Rubaiai by telephone on March 16, 2018. We spoke for approximately 15 minutes. 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 Rubaiai seemed to understand well. I believe that my communication with Mr. Al Rubaiai was effective.

8. On the basis of my conversation with Mr. Al Rubaii, 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 27th day of March, 2018 in Phoenix, Arizona.

Signature 

EXHIBIT B

**DETAINEE STIPULATION TO
PROMPT REMOVAL TO IRAQ**

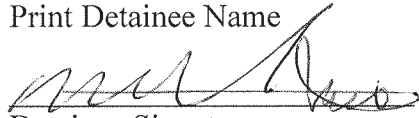
I wish to be removed to Iraq as promptly as possible, and stipulate that the Preliminary Injunction in *Hamama v. Adducci*, 17-cv-11910 (E.D. Mich.), will no longer prevent that removal.

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.

Muslem Al Rubaii

Print Detainee Name



Detainee Signature

[REDACTED]

A Number

3/20/18

Date

DO NOT WRITE BELOW THIS LINE - FOR ERO USE ONLY

Print Name and Title of ERO Officer Accepting Request

Date