

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI,

on behalf of themselves and others similarly
situated,

Petitioners,

v.

DONALD TRUMP, President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY (“DHS”); U.S.
CUSTOMS AND BORDER PROTECTION
(“CBP”); JOHN KELLY, Secretary of DHS;
KEVIN K. MCALEENAN, Acting
Commissioner of CBP; JAMES T.
MADDEN, New York Field Director, CBP,

Respondents.

**Emergency Motion for Clarification
and Enforcement of Order**

Case No. 1:17-cv-00480

Date: January 29, 2017

**PETITIONERS’ EMERGENCY MOTION FOR CLARIFICATION
AND ENFORCEMENT OF ORDER**

Pursuant to Federal Rule of Civil Procedure 7(b)(1) and Local Rule 7.1, Petitioners Hameed Khalid Darweesh, Haider Sameer Abdulkhaleq Alshawi, and class members file this *emergency motion* respectfully requesting that the Court immediately clarify and enforce its order granting Petitioners’ Motion for Emergency Stay of Removal. Petitioners’ counsel have learned that Respondents may not be complying with this Court’s Decision and Order. *See* ECF No. 8 (enjoining and restraining Respondents from removing individuals under the January 27th Executive Order). Specifically, Petitioners’ counsel have received repeated reports of individual members subject to the Order who have been placed on planes, possibly deported, and subject to

intimidation to sign removal orders after the issuance of the Court's Order. This information pertains to individuals at Los Angeles International Airport (LAX Airport) and JFK Airport. Furthermore, Assistant United States Attorney, Scott Dunn, has indicated to Petitioners' counsel that Respondents believe this Court's Order may not apply nationwide, and refused to confirm that Respondents would respect the Order nationwide.

Therefore, on behalf of themselves and all others similarly situated putative class members, Petitioners respectfully move this Court to immediately clarify that its January 28th Order is nationwide and order Respondents to enforce the stay of removal.

DATED: January 29, 2017
New Haven, Connecticut

Respectfully submitted,

/s/ Michael J. Wishnie
Michael J. Wishnie (MW 1952)
Muneer I. Ahmad[†]
Elora Mukherjee (EM 4011)

David Chen, Law Student Intern*
Jordan Laris Cohen, Law Student Intern*
Susanna Evarts, Law Student Intern*
Aaron Korthuis, Law Student Intern*
Jordan Laris Cohen, Law Student Intern*
Zachary-John Manfredi, Law Student Intern*
My Khanh Ngo, Law Student Intern*
Megha Ram, Law Student Intern*
Victoria Roeck, Law Student Intern*
Thomas Scott-Railton, Law Student Intern*
Emily Villano, Law Student Intern*
Elizabeth Willis, Law Student Intern*
Jerome N. Frank Legal Services
Organization
P.O. Box 209090
New Haven, CT 06520-9090
Phone: (203) 432-4800
Fax: (203) 432-1426
michael.wishnie@yale.edu

Omar C. Jadwat**
Lee Gelernt (LG-8511)
Cecillia D. Wang (CW-8359)
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
Tel. (212) 549-2600
ojadwat@aclu.org
lgelernt@aclu.org
cwang@aclu.org

Jennifer Chang Newell†
Cody H. Wofsy†
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION IMMIGRANTS' RIGHTS PROJECT
39 Drumm Street
San Francisco, CA 94111
Tel. (415) 343-0770
jnewell@aclu.org
cwofsy@aclu.org

Mark Doss
Rebecca Heller
Julie Kornfeld
Stephen Poellot
INTERNATIONAL REFUGEE ASSISTANCE PROJECT
URBAN JUSTICE CENTER
40 Rector St, 9th Floor
New York, NY 10006
Tel. (646)-602-5600
mdoss@refugeerights.org
bheller@refugeerights.org
jkornfeld@refugeerights.org
spoellot@refugeerights.org

Karen C. Tumlin†
Nicholas Espiritu†
Melissa S. Keaney†
Esther Sung†
NATIONAL IMMIGRATION
LAW CENTER
3435 Wilshire Boulevard, Suite 1600
Los Angeles, CA 90010
Phone: (213) 639-3900
tumlin@nilc.org
espiritu@nilc.org
keaney@nilc.org
sung@nilc.org

Justin B. Cox†
NATIONAL IMMIGRATION
LAW CENTER
1989 College Ave. NE
Atlanta, GA 30317
Phone: (678) 404-9119
cox@nilc.org

Jonathan Polonsky
Kilpatrick Townsend & Stockton LLP
1114 Avenue of the Americas
New York, NY 10036-7703
Tel. (212) 775 8703
jpolonsky@kilpatricktownsend.com

**Application for admission forthcoming.

* Motion for law student appearance forthcoming.

† Motion for admission *pro hac vice* forthcoming.

†† For identification purposes only. This motion has been prepared by a clinic operated by Yale Law School, but does not purport to present the school's institutional views, if any.

Counsel for Petitioners

CERTIFICATE OF SERVICE

I, Michael Wishnie, hereby certify that on January 29, 2017 the foregoing emergency motion was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

s/ Michael Wishnie
Michael Wishnie, Supervising Attorney
Jerome N. Frank Legal Services Organization
Yale Law School
New Haven, CT 06511
Phone: (203) 436-8971
Fax: (203) 432-1426