

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABDULRAHMAN CHERRI, *et al.*,

Plaintiffs,

vs.

Case No. 12-11656

ROBERT S. MUELLER III, *et al.*,

HON. AVERN COHN

Defendants.

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ORDER OF BIFURCATION

This case involves a challenge to what plaintiffs say is a Government policy, custom and practice of questioning Muslim-American's as they enter the United States regarding their religious beliefs and practices in violation of their First and Fifth Amendment rights.

There are two sets of defendants:

- a. The Official-Capacity Defendants:
 1. Robert S. Mueller, the Director of the FBI;
 2. David V. Aguilar, Deputy Commissioner and Acting Commissioner of the CBP; and
 3. Janet Napolitano, Secretary of the DHS.
- b. The Individual-Capacity Defendants:
 1. Robert B. Thompson, an agent employed by the FBI;
 2. Jeff Sokolowski, an agent employed by the FBI; and
 3. Unidentified FBI and CBP agents.

For the reasons stated on the record at a hearing on May 29, 2013, pursuant to Fed.

R. Civ. P. 42(b), the claims against the Official-Capacity Defendants are BIFURCATED from the claims against the Individual-Capacity Defendants. Plaintiffs shall promptly file a second amended complaint relating to the claims against the Official-Capacity Defendants captioned "Second Amended Complaint (Official-Capacity Defendants)" and a second amended complaint against the Individual-Capacity Defendants captioned "Second Amended Complaint (Individual-Capacity Defendants)." Further pleadings and papers relating to the separate set of defendants shall be so captioned.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: June 11, 2013

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, June 11, 2013, by electronic and/or ordinary mail.

s/Sakne Chami
Case Manager, (313) 234-5160