

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAEB MOKDAD,

Plaintiff,

v.

LORETTA E. LYNCH *et al.*,

Defendants.

Case No. 13-CV-12038

HONORABLE VICTORIA A. ROBERTS

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

On August 9, 2016, the Court held a hearing regarding Defendants' motion to dismiss for lack of subject-matter jurisdiction and for failure to state a claim, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). For the reasons stated on the record, Defendants' motion to dismiss for lack of subject-matter jurisdiction is granted. Plaintiff's claims regarding his alleged inclusion on the No Fly List are moot as a result of Defendants' issuance of a letter stating that Mokdad is not on such a list. To the extent that his claims implicate other lists, Plaintiff fails to identify those lists or name the necessary defendants. Accordingly, because of the narrow scope of the case remanded to this Court and Defendants' declaration that Mokdad is not on the No Fly List, no live case or controversy remains; Mokdad's suit is moot and the Court lacks subject-matter jurisdiction to continue to hear the matter.

Defendant Terrorist Screening Center has voluntarily agreed to issue Mokdad a declaration that tracks the substance of the declarations referred to in *Tarhuni v. Lynch*, 129 F.Supp.3d 1052 (D. Oregon 2015) and referred to by Defendants in their reply brief

in footnote 5. The declaration must, at a minimum, state that Mokdad will not be placed back on the No Fly List based on the currently available information. Defendants must furnish this letter to Mokdad and file a copy of the letter with the Court by August 16, 2016.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 10, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 10, 2016.

s/Linda Vertriest
Deputy Clerk