

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00445-RBW**

MUTHANA v. POMPEO et al
Assigned to: Judge Reggie B. Walton
Case in other court: USCA, 19-05362
Cause: 28:1331 Fed. Question

Date Filed: 02/21/2019
Date Terminated: 11/18/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

AHMED ALI MUTHANA
*individually, and as next friend of
Hoda Muthana and Minor John Doe
initials A.M.*

represented by **Charles Davidson Swift**
CONSTITUTIONAL LAW
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LEAD ATTORNEY
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V.

Defendant

MICHAEL R. POMPEO
*in his official capacity as Secretary
of the Department of State*

represented by **Michael Anthony Celone**
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Defendant

DONALD J. TRUMP
*in his official capacity as President
of the United States*

represented by **Michael Anthony Celone**
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Scott Grant Stewart
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TERMINATED: 01/15/2021
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph F. Carilli , Jr.
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ATTORNEY TO BE NOTICED

Defendant

WILLIAM P. BARR
*in his official capacity as Attorney
General*

represented by **Michael Anthony Celone**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Scott Grant Stewart
(See above for address)
*TERMINATED: 01/15/2021
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Joseph F. Carilli , Jr.
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Amicus

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Amicus

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Date Filed	#	Docket Text
02/21/2019	<u>1</u>	COMPLAINT <i>Seeking Expedited Relief</i> against WILLIAM P. BARR, MICHAEL R. POMPEO, DONALD J. TRUMP (Filing fee \$ 400 receipt number 0090-5959743) filed by AHMED ALI MUTHANA. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Affidavit Exhibit A to Complaint, # <u>4</u> Exhibit Birth Certificate, # <u>5</u> Exhibit United States Mission to United Nations Letter, # <u>6</u> Exhibit Department of State Letter, # <u>7</u> Exhibit Letter from Charles D. Swift, # <u>8</u> Exhibit Letter from U.S. Attorney ND AL)(Jump, Christina) (Entered: 02/21/2019)
02/21/2019	<u>2</u>	Emergency MOTION to Expedite by AHMED ALI MUTHANA (Attachments: # <u>1</u> Text of Proposed Order)(Jump, Christina) (Entered: 02/21/2019)
02/22/2019		Case Assigned to Judge Reggie B. Walton. (zef,) (Entered: 02/22/2019)

02/22/2019		SUMMONS Not Issued as to WILLIAM PELHAM BARR, MICHAEL POMPEO, DONALD J. TRUMP (zef,) (Entered: 02/22/2019)
02/22/2019	3	ERRATA <i>Correcting Page 1 of Complaint and Requests for Summons</i> by AHMED ALI MUTHANA 1 Complaint,, filed by AHMED ALI MUTHANA. (Attachments: # 1 Errata Revised Page One of Complaint, # 2 Errata Summons)(Jump, Christina) (Entered: 02/22/2019)
02/22/2019	4	SUMMONS (5) Issued Electronically as to WILLIAM PELHAM BARR, MICHAEL POMPEO, DONALD J. TRUMP, U.S. Attorney and U.S. Attorney General. (Attachments: # 1 Notice and Consent)(zef,) (Entered: 02/22/2019)
02/26/2019	5	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/25/2019., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/25/2019. (Answer due for ALL FEDERAL DEFENDANTS by 4/26/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. WILLIAM PELHAM BARR served on 2/25/2019; MICHAEL POMPEO served on 2/25/2019; DONALD J. TRUMP served on 2/25/2019 (Jump, Christina) (Entered: 02/26/2019)
02/26/2019		MINUTE ORDER. Upon consideration of the 2 Plaintiff's Motion for Expedited Hearing, and for good cause shown, it is hereby ORDERED that the parties shall appear before the Court for a hearing on the plaintiff's Expedited Complaint for Declaratory Judgment, Injunctive Relief and Petition for Writ of Mandamus on March 4, 2019, at 11:00 a.m. Signed by Judge Reggie B. Walton on February 26, 2019. (lcrbw2) (Entered: 02/26/2019)
02/26/2019	6	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on February 26, 2019. (lcrbw2) (Entered: 02/26/2019)
02/27/2019	7	NOTICE of Appearance by Charles Davidson Swift on behalf of AHMED ALI MUTHANA (Swift, Charles) (Entered: 02/27/2019)
02/27/2019		Set/Reset Hearings: Motion Hearing set for 3/4/2019 at 11:00 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 02/27/2019)

02/28/2019	8	NOTICE of Appearance by Joseph F. Carilli, Jr on behalf of WILLIAM PELHAM BARR, MICHAEL POMPEO, DONALD J. TRUMP (Carilli, Joseph) (Entered: 02/28/2019)
02/28/2019	9	MOTION for Leave to File <i>Memorandum of Law</i> by AHMED ALI MUTHANA (Attachments: # 1 Text of Proposed Order, # 2 Exhibit Memorandum of Law)(Swift, Charles) (Entered: 02/28/2019)
03/01/2019		MINUTE ORDER. Upon consideration of the 9 Plaintiff's Motion for Leave to File Memorandum of Law in Support of Plaintiff's Expedited Complaint for Declaratory, Injunctive and Mandamus Relief, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Plaintiff's Memorandum of Law in Support of Expedited Complaint for Declaratory, Injunctive and Mandamus Relief, ECF No. 9-2, is ACCEPTED AS FILED, and the Clerk of the Court shall file it as a separate entry on the docket. It is further ORDERED that the defendants shall file a response to the plaintiff's Complaint, if any, on or before March 4, 2019, at 8:00 a.m. Signed by Judge Reggie B. Walton on March 1, 2019. (lcrbw2) (Entered: 03/01/2019)
03/01/2019	10	NOTICE of Appearance by Scott Grant Stewart on behalf of All Defendants (Stewart, Scott) (Entered: 03/01/2019)
03/01/2019	11	MOTION for Leave to File <i>Amicus Brief</i> by Center for Constitutional Jurisprudence (Attachments: # 1 Exhibit A- Proposed Amicus Brief, # 2 Text of Proposed Order)(Axelrod, Julie) (Entered: 03/01/2019)
03/01/2019	12	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- John C. Eastman, :Firm- Center for Constitutional Jurisprudence, :Address- One University Drive, Orange, CA 92866. Phone No. - 877-855-3330 ext 2. Fax No. - 714-844-4817 Filing fee \$ 100, receipt number 0090-5976684. Fee Status: Fee Paid. by Center for Constitutional Jurisprudence (Attachments: # 1 Declaration of John Eastman, # 2 Text of Proposed Order)(Axelrod, Julie) (Entered: 03/01/2019)
03/01/2019	15	SUPPLEMENTAL MEMORANDUM to re 1 Complaint,, filed by AHMED ALI MUTHANA. (ztd) (Entered: 03/04/2019)
03/03/2019	13	MOTION for Leave to Appear by Telephone <i>Request to Appear Telephonically</i> by Center for Constitutional Jurisprudence (Axelrod, Julie) Modified on 3/14/2019 (znmw). (Entered: 03/03/2019)

03/04/2019	14	RESPONSE TO ORDER OF THE COURT re Order on Motion for Leave to File,, filed by WILLIAM PELHAM BARR, MICHAEL POMPEO, DONALD J. TRUMP. (Attachments: # 1 Exhibit Index, # 2 Exhibit A, # 3 Exhibit B)(Carilli, Joseph) (Entered: 03/04/2019)
03/04/2019		MINUTE ORDER. The Court having considered the Center for Constitutional Jurisprudence's 12 Motion for Admission of Attorney Pro Hac Vice, and it appearing to the Court that the attorney referenced therein meets the requirements for pro hac vice admission under this Court's rules, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that John C. Eastman, Center for Constitutional Jurisprudence, Chapman University Fowler School of Law, One University Drive, Orange, CA 92866, is ADMITTED to practice before the Court pro hac vice. Signed by Judge Reggie B. Walton on March 4, 2019. (lcrbw2) (Entered: 03/04/2019)
03/04/2019		MINUTE ORDER. Upon consideration of the Center for Constitutional Jurisprudence's 13 Request to Appear Telephonically, and for good cause shown, it is hereby ORDERED that the request is GRANTED. It is further ORDERED that John Eastman may appear telephonically at the hearing scheduled for March 4, 2019. The Clerk of the Court shall provide Dr. Eastman with instructions for his telephonic appearance. Signed by Judge Reggie B. Walton on March 4, 2019. (lcrbw2) (Entered: 03/04/2019)
03/04/2019		MINUTE ORDER. Upon consideration of the Center for Constitutional Jurisprudence's 11 Motion for Leave to File Amicus Curiae Brief and Proposed Brief of Amicus Curiae Center for Constitutional Jurisprudence, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Brief of Amicus Curiae Center for Constitutional Jurisprudence in Support of Defendants/Respondents, ECF No. 11-1, is ACCEPTED AS FILED, and the Clerk of the Court shall file it as a separate entry on the docket. Signed by Judge Reggie B. Walton on March 4, 2019. (lcrbw2) (Entered: 03/04/2019)
03/04/2019	16	AMICUS BRIEF by CENTER FOR CONSTITUTIONAL JURISPRUDENCE. (ztd) (Entered: 03/04/2019)

03/04/2019		Minute Entry; for proceedings held before Judge Reggie B. Walton: Oral Argument held on 3/4/2019. Plaintiff's 2 Motion for Expedited Consideration; heard and denied. (Court Reporter Jeff Hook) (hs) (Entered: 03/04/2019)
03/04/2019	17	TRANSCRIPT OF MOTIONS HEARING before Judge Reggie B. Walton held on March 4, 2019. Page Numbers: 1 - 46. Date of Issuance: March 4, 2019. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 3/25/2019. Redacted Transcript Deadline set for 4/4/2019. Release of Transcript Restriction set for 6/2/2019.(Hook, Jeff) (Entered: 03/04/2019)
03/11/2019	18	ORDER. In accordance with the attached Order, it is hereby ORDERED that the plaintiff's request for expedited consideration of this case raised in the plaintiff's 1 Expedited Complaint for Declaratory Judgment, Injunctive Relief and Petition for Writ of Mandamus is DENIED. Signed by Judge Reggie B. Walton on March 11, 2019. (lcrbw2) (Entered: 03/11/2019)
04/26/2019	19	MOTION to Dismiss for Lack of Jurisdiction by WILLIAM PELHAM BARR, MICHAEL POMPEO, DONALD J. TRUMP (Attachments: # 1 Exhibit Index, # 2 Exhibit A, # 3 Exhibit B, # 4 Text of Proposed Order)(Carilli, Joseph). Added MOTION for Partial Summary Judgment on 4/29/2019 (ztd). (Entered: 04/26/2019)

05/03/2019	20	MOTION for Leave to File <i>Amicus Brief</i> by CENTER FOR IMMIGRATION STUDIES (Attachments: # 1 Exhibit Proposed Amicus Brief)(Axelrod, Julie) (Entered: 05/04/2019)
05/06/2019		MINUTE ORDER. Upon consideration of the 20 Motion for Leave to File Amicus Curiae Brief and Proposed Brief of Amicus Curiae Center for Immigration Studies, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Brief of Amicus Curiae Center for Immigration Studies in Support of Defendants/Respondents, ECF No. 20-1, is ACCEPTED AS FILED, and the Clerk of the Court shall file it as a separate entry on the docket. Signed by Judge Reggie B. Walton on May 6, 2019. (lcrbw2) (Entered: 05/06/2019)
05/06/2019	21	AMICUS BRIEF by CENTER FOR IMMIGRATION STUDIES. (ztd) (Entered: 05/06/2019)
05/07/2019	22	Unopposed MOTION for Leave to File <i>Amicus Curiae Brief in Support of Defendants</i> by IMMIGRATION REFORM LAW INSTITUTE (Attachments: # 1 Exhibit Brief of Amicus Curiae in Support of Defendants, # 2 Text of Proposed Order Granting Motion for Leave to File Amicus Curiae Brief)(Hajec, Christopher) (Entered: 05/07/2019)
05/07/2019		MINUTE ORDER. Upon consideration of the 22 Unopposed Motion of Immigration Reform Law Institute for Leave to File Amicus Curiae Brief in Support of Defendants, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Brief of Amicus Curiae Immigration Reform Law Institute in Support of Defendants, ECF No. 22-1, is ACCEPTED AS FILED, and the Clerk of the Court shall file it as a separate entry on the docket. Signed by Judge Reggie B. Walton on May 7, 2019. (lcrbw2) (Entered: 05/07/2019)
05/07/2019	23	AMICUS BRIEF by IMMIGRATION REFORM LAW INSTITUTE. (ztd) (Entered: 05/08/2019)
05/10/2019	24	RESPONSE re 19 MOTION to Dismiss for Lack of Jurisdiction MOTION for Partial Summary Judgment filed by AHMED ALI MUTHANA. (Attachments: # 1 Exhibit Exhibit Inddex, # 2 Exhibit Exhibit A - Declaration of Plaintiff, # 3 Exhibit Exhibit B - Raya B. Clinton Reply Brief, # 4 Exhibit Exhibit C - 7 FAM 1100, # 5 Text of Proposed Order)(Jump, Christina) (Entered: 05/10/2019)

05/13/2019	25	<p>ERRATA <i>with Corrected Memorandum in Opposition to Defendants' Motion to Dismiss or in the Alternative Motion for Partial Summary Judgment</i> by AHMED ALI MUTHANA 24</p> <p>Response to motion, filed by AHMED ALI MUTHANA. (Attachments: # 1 Exhibit Corrected Plaintiff's Memorandum in Opposition)(Jump, Christina) (Entered: 05/13/2019)</p>
05/17/2019	26	<p>REPLY to opposition to motion re 19 MOTION to Dismiss for Lack of Jurisdiction MOTION for Partial Summary Judgment filed by WILLIAM PELHAM BARR, MICHAEL POMPEO, DONALD J. TRUMP. (Attachments: # 1 Exhibit A)(Carilli, Joseph) (Entered: 05/17/2019)</p>
11/01/2019	27	<p>SEALED MOTION filed by AHMED ALI MUTHANA (Attachments: # 1 Exhibit Declaration, # 2 Exhibit Exhibit B, # 3 Text of Proposed Order Proposed Order)(Jump, Christina) (Entered: 11/01/2019)</p>
11/01/2019	28	<p>MOTION for Leave to File <i>Renewed Motion for Expedited Ruling (Doc. 27) Under Seal</i> by AHMED ALI MUTHANA (Attachments: # 1 Text of Proposed Order Proposed Order)(Jump, Christina) (Entered: 11/01/2019)</p>
11/01/2019	29	<p>REDACTED DOCUMENT- Redacted Renewed Motion for Expedited Ruling to 27 SEALED MOTION filed by AHMED ALI MUTHANA, 28 MOTION for Leave to File <i>Renewed Motion for Expedited Ruling (Doc. 27) Under Seal</i> by AHMED ALI MUTHANA. (Attachments: # 1 Exhibit Declaration, # 2 Exhibit Exhibit B, # 3 Text of Proposed Order Proposed Order)(Jump, Christina) (Entered: 11/01/2019)</p>
11/05/2019		<p>MINUTE ORDER. Upon consideration of the 28 Plaintiff's Motion for Leave to File Documents Under Seal, and for good cause shown, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Plaintiff's Renewed Motion for Expedited Ruling, ECF No. 27, is ACCEPTED AS FILED, and shall remain under seal until further order of the Court. It is further ORDERED that the parties shall appear before the Court for a hearing on the defendants' motion to dismiss on November 14, 2019, at 11:30 a.m. Signed by Judge Reggie B. Walton on November 5, 2019. (lcrbw2) (Entered: 11/05/2019)</p>

11/06/2019		Set/Reset Hearings: Motion Hearing set for 11/14/2019 at 11:30 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 11/06/2019)
11/14/2019		Minute Entry; for proceedings held before Judge Reggie B. Walton: Motion Hearing held on 11/14/2019. (Court Reporter Lisa Griffith) (hs) (Entered: 11/14/2019)
11/15/2019	30	ORDER. See attached Order for details. Signed by Judge Reggie B. Walton on November 15, 2019. (lcrbw2) (Entered: 11/15/2019)
12/09/2019	31	SEALED MEMORANDUM OPINION, Signed by Judge Reggie B. Walton on 12/9/2019.(This document is SEALED and only available to authorized persons.)(hs) (Entered: 12/09/2019)
12/09/2019		MINUTE ORDER. It is hereby ORDERED that, on or before December 16, 2019, the parties shall meet and confer and file a proposed redacted version of the Court's sealed December 9, 2019 Memorandum Opinion, ECF No. 31, to be filed on the public docket. Signed by Judge Reggie B. Walton on December 9, 2019. (lcrbw2) (Entered: 12/09/2019)
12/16/2019	32	NOTICE of Lodging by WILLIAM P. BARR, MICHAEL RICHARD POMPEO, DONALD J. TRUMP (Attachments: # 1 Exhibit)(Carilli, Joseph) (Entered: 12/16/2019)
12/17/2019	33	REDACTED MEMORANDUM OPINION. Signed by Judge Reggie B. Walton on December 9, 2019. (lcrbw2) (Entered: 12/17/2019)
12/18/2019	34	ENTERED IN ERROR. . . .NOTICE of Appeal by AHMED ALI MUTHANA (Jump, Christina) Modified on 12/19/2019 (ztd). (Entered: 12/18/2019)
12/19/2019		NOTICE OF ERROR re 34 Notice (Other); emailed to cjump@clcma.org, cc'd 12 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. FYI, on future filing of appeals, use the event Notice of Appeal under Appeal Documents. (ztd,) (Entered: 12/19/2019)
12/19/2019		NOTICE OF ERROR re 34 Notice (Other); emailed to cjump@clcma.org, cc'd 12 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile

		document, 3. Incorrect event used and the fee can be paid when the correct Appeal event is selected. (ztd,) (Entered: 12/19/2019)
12/20/2019	35	NOTICE OF APPEAL TO DC CIRCUIT COURT by AHMED ALI MUTHANA. Fee Status: Paid; Receipt Number: ADCDC-6663736. Parties have been notified. (Jump, Christina) Modified on 12/23/2019 to enter payment information.(ztnr) (Entered: 12/20/2019)
12/23/2019	36	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The fee remains to be paid and another notice will be transmitted when the fee has been paid in the District Court re 35 Notice of Appeal to DC Circuit Court. (ztd) (Entered: 12/23/2019)
12/23/2019	37	Supplemental Record on Appeal transmitted to US Court of Appeals re 35 Notice of Appeal to DC Circuit Court ; (REDACTED) (ztd) (Entered: 12/23/2019)
12/23/2019		USCA Appeal Fees received \$ 505 receipt number ADCDC-6663736 re 35 Notice of Appeal to DC Circuit Court filed by AHMED ALI MUTHANA (ztd) (Entered: 12/23/2019)
12/23/2019	38	Supplemental Record on Appeal transmitted to US Court of Appeals re USCA Appeal Fees ; (ztd) (Entered: 12/23/2019)
12/30/2019		USCA Case Number 19-5362 for 35 Notice of Appeal to DC Circuit Court filed by AHMED ALI MUTHANA. (zrdj) (Entered: 12/30/2019)
01/15/2021	39	NOTICE of Appearance by Michael Anthony Celone on behalf of WILLIAM P. BARR, MICHAEL R. POMPEO, DONALD J. TRUMP (Celone, Michael) (Entered: 01/15/2021)
01/15/2021	40	NOTICE OF WITHDRAWAL OF APPEARANCE as to WILLIAM P. BARR, MICHAEL R. POMPEO, DONALD J. TRUMP. Attorney Scott Grant Stewart terminated. (Celone, Michael) (Entered: 01/15/2021)
03/15/2021	41	MANDATE of USCA as to 35 Notice of Appeal to DC Circuit Court filed by AHMED ALI MUTHANA ; USCA Case Number

		19-5362. (Attachment: # 1 USCA Judgment) (ztth) (Entered: 03/22/2021)
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