

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.*

**Notice Re. Emergency Motion for  
Clarification and to Enforce**

Case No. 1:17-cv-00480

Date: January 29, 2017

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

Earlier today, Petitioners filed an Emergency Motion for Clarification and Enforcement of Order, ECF No. 9, based on persistent reports of Respondents’ noncompliance with the Court’s Decision and Order issued January 28, 2017. *See* ECF No. 8. At the time the motion was filed, Respondents, through counsel, had indicated a belief that the injunction may not be nationwide, and refused to confirm that the Respondents would respect the order nationwide. *See* ECF No. 9. Since the filing, counsel for Respondents’ counsel has confirmed that Respondents acknowledge that the Order does in fact apply nationwide. Petitioners continue to

monitor reports of noncompliance and are working with Respondents' counsel to attempt to resolve them. Petitioners will update the Court as to any issues of noncompliance should further clarification or enforcement be necessary.

DATED: January 29, 2017  
New Haven, Connecticut

Respectfully submitted,

/s/ Michael J. Wishnie  
Michael J. Wishnie (MW 1952)  
Muneer I. Ahmad<sup>†</sup>  
Elora Mukherjee (EM 4011)

David Chen, Law Student Intern\*  
Jordan Laris Cohen, Law Student Intern\*  
Susanna Evarts, Law Student Intern\*  
Aaron Korhuis, 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  
Jennifer Chang Newell<sup>†</sup>  
Cody H. Wofsy<sup>†</sup>  
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

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

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<sup>†</sup>  
Nicholas Espiritu<sup>†</sup>  
Melissa S. Keaney<sup>†</sup>  
Esther Sung<sup>†</sup>  
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<sup>†</sup>  
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 motion for a stay of removal and accompanying documents were filed through the CM/ECF system and will be sent by U.S. Mail to the parties at the addresses below.

Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

U.S. Attorney's Office for the Eastern District of New York  
Attn: Civil Process Clerk  
271 Cadman Plaza East  
Brooklyn NY 11201

Office of the General Counsel  
US Department of Homeland Security  
Washington, D.C. 20528

Secretary of DHS John Kelly  
US Department of Homeland Security  
Washington, D.C. 20528

Acting CBP Commissioner Kevin K. McAleenan  
US Department of Homeland Security  
Washington, D.C. 20528

James T. Madden,  
Field Director  
New York Field Office,  
US CBP  
1 World Trade Center  
Suite 50.800  
New York, NY 10007-0101

President Donald Trump  
1600 Pennsylvania Ave NW  
Washington, DC 20500

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