

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

JOHN DOE,

Plaintiff,

-against-

DONALD J. TRUMP, as President of the United States of America; JOHN F. KELLY, as Secretary of the Department of Homeland Security; THE DEPARTMENT OF HOMELAND SECURITY; LORI SCIALABBA, as Acting Director of the U.S. Citizenship and Immigration Services; U.S. CITIZENSHIP AND IMMIGRATION SERVICES; REX W. TILLERSON, as Secretary of State; U.S. DEPARTMENT OF STATE; and THE UNITED STATES OF AMERICA,

Defendants.

**Civil Action No.: 17-cv-112**

**NOTICE OF PLAINTIFF'S  
APPLICATION FOR A  
TEMPORARY RESTRAINING  
ORDER, PRELIMINARY  
INJUNCTION, AND SUMMARY  
JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support, Plaintiff's Proposed Statement of Record Facts, Declaration of Andrew B. Breidenbach, and Affidavits of John Doe, as well as any other matter that the Court may determine to be just and proper, Plaintiff, by and through his attorneys, moves this Court for a temporary restraining order, preliminary injunction, and, because there are no reasonable disputes of material fact, for summary judgment.

PLEASE TAKE FURTHER NOTICE that Plaintiff notified Defendants' counsel at the United States Attorney's Office for the Western District of Wisconsin on February 13, 2017 that Plaintiff planned to seek the foregoing relief.

Dated: New York, New York  
February 13, 2017

Respectfully submitted,

HOLWELL SHUSTER & GOLDBERG LLP

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Plaintiff,

-against-

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Defendants.

Civil Action No.: 17-cv-112

**[PROPOSED] ORDER**  
**GRANTING PLAINTIFF'S**  
**APPLICATION FOR A**  
**TEMPORARY RESTRAINING**  
**ORDER, PRELIMINARY**  
**INJUNCTION, AND SUMMARY**  
**JUDGMENT**

Upon the accompanying Memorandum of Law in Support, Declaration of John Doe, and Declaration of Vincent Levy dated February 13, 2017, together with exhibits thereto, and upon the Complaint, and being otherwise apprised of the applicable law and all other matters and facts properly before the Court, it is hereby ORDERED that:

1. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Defendants and all their respective officers, agents, servants, employees and attorneys, and persons in active concert or participation with them who receive actual notice of this order are temporarily restrained and enjoined from (a) enforcing Executive Order 13769, signed January 27, 2017, and (b) otherwise considering or relying in any way upon the Executive Order in processing (i) the application for derivative asylum filed by Plaintiff on behalf of his wife and daughter and (ii) any subsequent visa application by Plaintiff or his wife or daughter.

2. No security bond is required under Federal Rule of Civil Procedure 65(c).

3. Defendants having already briefed many of the issues on an expedited basis in other jurisdictions, Defendants' opposition to Plaintiff's motion for summary judgment or for a preliminary injunction shall be due five days after the date of this order. Plaintiff may submit a reply within two days of Defendants' opposition. If the Court determines that a hearing is necessary to take evidence or hear arguments, it shall notify the parties promptly following receipt of the parties' briefing. The temporary restraining order shall remain in effect until a hearing decision is rendered on Plaintiff's motion for summary judgment or for a preliminary injunction.

4. Providing a copy of this order to Defendants' counsel on or before the \_\_\_\_ day of \_\_\_\_\_, 2017, either by email or by filing the order on ECF, shall be deemed good and sufficient service thereof.

Dated: Madison, Wisconsin  
\_\_\_\_ day of \_\_\_\_\_, 2017

SO ORDERED.

\_\_\_\_\_  
United States District Judge