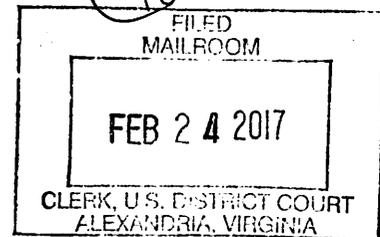


**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TAREQ AQEL MOHAMMED AZIZ
And
AMMAR AQEL MOHAMMED AZIZ,
by their next friend,
AQEL MUHAMMAD AZIZ,
And
JOHN DOES 1-60,
on behalf of themselves and others similarly
situated,
Petitioners,

Case No. 1:17-CV-00116-LMB-TCB
Date: Feb 22, 2017

(Told to Notice)



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; WAYNE BIONDI, Customs and Border Protection (CBP) Port Director of the Area Port of Washington Dulles, and EIGHT UNNAMED CBP AGENTS AT DULLES AIRPORT,

Honorable Judge Leonie Brinkema
United States District Judge

Respondents,

PEOPLE OF THE UNITED STATES OF AMERICA IN SUPPORT OF RESPONDENTS,
By Vincent A. Molino (*Pro-Se*)
Intervenor-Respondent.

MOTION TO INTERVENE PURSUANT TO F.R.C.P. 24

ON THE ORIGINAL PETITION FOR WRIT OF HABEAS CORPUS AND CLASS COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Comes Now, VINCENT A. MOLINO (hereinafter as “*Pro-Se Intervenor*”) respectfully moves to intervene in support of the President’s authority to invoke Executive order 13769 (hereinafter as “*E.O.*”) named “*PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*” on Jan 27 of this year 2017 that has been vested in him by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code.

This Motion to the above-entitled action is pursuant to **Federal Rules of Civil Procedure 24(a) and (b)**. The motion to intervene is supported by the pleadings and papers on file herein, the memorandum of points and authorities below, and any oral argument this Court sees fit to allow.

(a) The motion to intervene is timely; no party will suffer prejudice if *Pro-Se Intervenor* is added as intervenor; and intervention will not unduly delay adjudication of the original parties' rights;

(b) *Pro-Se Intervenor* has an interest in the subject of the action ²

(c) *Pro-Se Intervenor* is so situated that disposition of the present action could infringe on his rights as argued ²

(d) *Pro-Se Intervenor* interests are not already adequately represented by the current parties. ³

² Motion Interv. pp. 5-10,18, 26-27, 29-30, 54-69 *infra*. Exhibit G

³ Motion Interv. pp. 5, 33 *infra*.

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MOVANT MOTION TO INTERVENE AS OF RIGHT

I. I am a “next of friend”^{4,5} of over 50% of the voters of the United States of America of 350 million citizens that cannot file a similar motion.⁶ I consider myself the impartial “4th branch” of government⁷ overseeing the 3 common branches with the power vested in me to become a major deciding factor in replacing immoral and deceptive politicians from office (or the chance at office) with more righteous underdog and under financed candidates as I have in successfully done first in the 2015 St. Tammany Sheriffs race and then in the 2016 Louisiana 3rd district congressman’s race.⁸ *Greater than 50%* figure was determined by the 46.2% of the popular vote secured by President Trump in the 2016 election in addition to the estimated relatively small percentage that did not vote for him but trust in the executive’s branches ability to effectively act as head of state and Commander-in-Chief of our armed forces. The remaining discussion in this “*MOVANT MOTION TO INTERVENE AS OF RIGHT*” section **only** serves at placing the 46.2% figure to 50.1% or greater.

⁴ *“Forty-eight states and the District of Columbia are backing the family of fallen Marine Matthew Snyder in a pending U.S. Supreme Court case that could decide the constitutionality of laws restricting protests at private family funerals. A church group has outraged families by disrupting over 600 military funerals. Lance Cpl. Snyder, who was deployed to Iraq in 2006, was killed just a month later in an accident. His funeral in Maryland was disrupted by demonstrators led by Kansas pastor Fred W. Phelps, yelling, among other things, that America’s military is evil.... Now, all but two state attorneys general have signed a “friend of the court” brief, to be filed tomorrow, that argues the First Amendment should not apply to some “intrusive and harassing” forms of expression. - ‘States Line Up Against Funeral Hecklers in Supreme Court Brief’ - ABC News - May 31, 2010 - By Devin Dwyer - Washington, D.C.*

⁵ *‘A next friend is a person who represents someone who is unable to tend to his or her own interests.’ - Federal Rules of Civil Procedures, Rule 17, 28 USCA “Next Friend”*

⁶ *‘Litigants can be assisted by unlicensed laymen during judicial proceedings.’ - Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425*

⁷ *‘People are supreme, not the state’ - Waring vs. the Mayor of Savannah, 60 Georgia at 93*

⁸ *Pro-Se Intervenors site exposing political corruption and campaign videos- www.Bye-Bye-Boo-Boo.com . Pro-Se Intervenors 3rd and 4th successful attempts (by replacement, impeachment, or indictment) will be that of Attorney Generals and Judges / Cohens v. Virginia, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821): “When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.”*

II. Classification of Class Action..... This petitioner’s writ cannot be argued in court without the substantial party in which im representing. We consider this argument on the legality of E.O. a form of Federal class action civil suit in which the immediate damages are fear of wrongful death of self and family and potential future damages of attempted or successful wrongful death of self and family from additional terrorist attacks. Since the “*Amount in controversy*” are American lives (both combatant and non), it satisfies the “ \$5,000,000” prerequisite pursuant to U.S. Class Action Fairness Act of 2005.⁹ The damages and potential future damages can be defined as non-monetary relief.

III. Party Class Certification

A. Vocal Minority of Protesters on E.O. – Protests across the country has put this argument on legality in the national spot light. The question is whether or not the main strain media is accurately depicting the country’s level of discord on this matter, which should help sway decisions this complex in Federal Court. Important considerations to factor in are the general demographic of the protesters and media.

1. Politically Biased Mainstream Media - The New York Times declaring ‘Hillary Clinton has an 85% chance to win’ hours before the polls close¹⁰

*‘We’ll say “fake news” until media realizes attitude of attacking the President is wrong’ - ‘WH officials*¹¹

⁹ Relaxed the requirement that all plaintiffs be diverse from all defendants to allow jurisdiction where at least one plaintiff is diverse from at least one defendant (28 U.S.C. § 1332(d) (2)); Increased the amount in controversy requirement from \$75,000 to \$5 million, but relaxed the threshold standard by requiring the \$5 million to represent the aggregate sum of each individual plaintiff’s claims (28 U.S.C. § 1332(d)(2), (6)).

¹⁰ www.nytimes.com/interactive/2016/upshot/presidential-polls-forecast.html

¹¹ www.cnn.com/2017/02/07/politics/kfile-gorka-on-fake-news/index.html

2. Politically Bias at Universities - Liberal professors out number conservatives' nearly 12 to 1, study finds.¹²

*"A Rutgers University professor who was given a psychological exam after posting statements about gun control and flag burning on his Twitter account has been placed on administrative leave and is no longer teaching, campus officials said Friday..... New York police said in a statement that Rutgers police told them Allred had threatened to kill white people....[professors name omitted] lecturer on Rutgers' New Brunswick campus, made international headlines Wednesday after police came to his Brooklyn home and took him to Bellevue Hospital for a psychological exam."*¹³

*"William Ayers a professor of education at the University of Illinois at Chicago, College of Education.....Ayers participated in the bombings of New York City Police Department headquarters in 1970, the United States Capitol building in 1971, and the Pentagon in 1972, as he noted in his 2001 book, Fugitive Days. Ayers writes: "Although the bomb that rocked the Pentagon was itsy-bitsy—weighing close to two pounds—it caused 'tens of thousands of dollars' of damage. The operation cost under \$500, and no one was killed or even hurt"). Although never convicted of any crime, he told the New York Times in September 2001, "I don't regret setting bombs...I feel we didn't do enough."*¹⁴

¹² www.washingtontimes.com/news/2016/oct/6/liberal-professors-outnumber-conservatives-12-1

¹³ www.nj.com/education/2016/11/rutgers_prof_after_anti_trump_tweets.html

¹⁴ www.en.wikipedia.org/wiki/Bill_Ayers

3. Age / Residence Demographic – The following graph shows confirms that protesters have greater chance of being vocal based on their political party and vote in 2016 instead of the issue they are claiming to protest.¹⁵

B. Silent Majority on E.O. – Application from Class Action Party definition towards

Right to Intervene - Under Rule 23(e) ‘*the district court acts as a fiduciary who must serve as a guardian of the rights of absent class members... (citations omitted).. court cannot accept a settlement that the proponents have not shown to be fair, reasonable, and adequate.*’¹⁶

‘*Moreover, it is well established that a settlement can be fair notwithstanding a large number of objectors.*’¹⁷ ‘*We also reject appellants' assertion that the district court had no obligation to protect the interests of the "silent majority." The fact that many class members remained silent is of little import. The district court had a fiduciary responsibility to the silent class members, despite vociferous opposition to the settlement, and their interests properly were protected by the court.*’¹⁸

¹⁵ Motion Interv. pp. 37-38 *infra* Exhibit A

¹⁶ Grunin v. International House of Pancakes, 513 F.2d 114, 123 (8th Cir. 1975)

¹⁷ TBK Partners, Ltd. v. Western Union Corp., 675 F.2d 456 (2d Cir. 1982) of a class action settlement. - See Laguna, et al. v. Coverall North America Inc., et al., No. 12-55479 (9th Cir. 2014).

¹⁸ Motion - Grant V. Bethlehem Steel Corp - 823 F.2d 20 (2d Cir. 1987)

PRIMARY LAW AND ARGUMENT

I. Rights Granted at the Infringement of Others. The suspension of President Trump’s Executive Order 13769 infringes upon the rights of US citizens’ “Freedom from Fear” as listed as a fundamental human right according to The Universal Declaration of Human Rights¹⁹ and President Franklin D. Roosevelt’s State of the Union on January 6, 1941.²⁰ Even if the Rights of US citizens protected by the US Constitution did not supersede international law within borders in respect to the rights of Citizens that have, in the past, sworn allegiance to countries declared to be enemies by previous Presidents, - the basic fundamental limit of freedom can be loosely defined as *A Law abiding US citizen’s freedom exists until infringes upon the freedom of your fellow US citizen.* This principle was drafted by Colonial Anti-federalists in the original Bill of Rights ratified in 1791 and can be later proven by both citations:

A. “The liberty of the citizen to do as he likes so long as he does not interfere with the liberty of others to do the same” – 199 U.S. 45 Mr. Justice Oliver Wendell Holmes Jr. *Lochner v. New York*, 198 US 45 (1905)

B. “Your right to swing your arms ends just where the other man’s nose begins.” – Freedom of Speech in Wartime, 32 Harvard Law Review 932, 957 (1919) Zechariah Chafee, Jr.

¹⁹ The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10 December 1948 at the Palais de Chaillot, Paris.

²⁰ President Franklin D. Roosevelt called it one of the “Four Freedoms” at his State of the Union, which was afterwards therefore referred to as the “Four Freedoms Speech” – Roosevelt, Franklin Delano (January 6, 1941) The Four Freedoms, American Rhetoric

II. Rights of U.S. Citizens superseding that of Foreign Nationals. *That Illegal*

Foreign Nationals that have pledged allegiances to other countries are never granted **more** rights and protection from Government Oppression and Tyranny within the US borders than Law abiding US citizens as is the case by the *Pro-Se Intervenor* vs. Louisiana No. 2016-KW1198.^{21, 22}

²¹ A politically and vindictively motivated prosecution of the *Pro-Se Intervenor* which started in 2014 in St Tammany County, Louisiana under the Jurisdiction of District Attorney Walter Reed that was later convicted of 18 felonies in Federal Court. The St Tammany Sheriff's office alleged that and arrested the *Pro-Se Intervenor* on 1 felony count of unlawful entry into his own home, 12 felony counts of theft of DOTD shoulder gravel misappropriated by a water hose and 1 felony count of theft of oyster shells to conceal misconduct in Slidell city court and mortgage fraud. The District Attorney reduced the felonies down to three misdemeanors 2 weeks after his fired his attorney for ineffective counsel/conflict of interest, to circumvent his constitutional right to be tried by a jury of his peers in which he proved that the St. Tammany Sheriff's office forged a District Judges signature on his arrest warrant.

²² Motion Interv. pp. 54-69 *infra* Exhibit G, <https://www.scribd.com/document/337680616>

SUPPORTING LAW AND ARGUMENT

I. Rights Granted at the Infringement of Others- Expanded

A. FAILED Policies in the past to protect The United States against stateside Terrorism and Espionage from *Illegal Foreign Nationals*

1. September 11 Attacks on Washington DC and NYC.

Section 1. Of the Presidents Executive Order ²³

“State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans.”

These 19 are also responsible for the total military and civilian deaths of Operation Iraqi Freedom and Operation Enduring Freedom. One must contemplate if the Foreign Nationals opted to carry out a more tactical and strategic strike to cripple the United States Military’s machine to defend the US citizens stateside Terrorism by instead flying the 2 planes that hit the WTC to join the plane that hit the Pentagon and for Flight 93 that was brought down by the American hero’s onboard aimed at Congress to be aimed at the office of The Commander in Chief of our Military’s office.

²³ Section 1. Purpose. *“The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.”*

2. 1993 World Trade Center bombing. Ramzi Yousef is one of the main perpetrators of the 1993 World Trade Center bombing,

“bombing of Philippine Airlines Flight 434, and a co-conspirator in the Bojinka plot. Yousef arrived illegally in the United States on September 1, 1992, traveling with Ahmed Ajaj from Pakistan, though both sat apart on the flight and acted as though they were traveling separately. Yousef tried to enter with a false Iraqi passport, claiming political asylum.”²⁴

3. Bowling Green, Kentucky Incident 2011 – *“dozen suspected terrorist bomb makers, including some believed to have targeted American troops, may have mistakenly been allowed to move to the United States as war refugees, according to FBI agents investigating the remnants of roadside bombs recovered from Iraq and Afghanistan. The discovery in 2009 of two al Qaeda-Iraq terrorists living as refugees in Bowling Green, Kentucky – who later admitted in court that they’d attacked U.S. soldiers in Iraq. As a result of the Kentucky case, the State Department stopped processing Iraq refugees for six months in 2011...”^{25, 26}*

²⁴ *“Ajaj tried to enter with a forged Swedish passport, though it had been altered and thus raised suspicions among INS officials at John F. Kennedy International Airport. When officials put Ajaj through secondary inspection, they discovered bomb-making instructions and other materials in his luggage, and arrested him. The name Abu Barra, an alias of Mohammed Jamal Khalifa, appeared in the manuals.....Yousef was allowed into the United States, and was given a hearing date”. – “Foreign Terrorists in America”. 1998 Congressional Hearings – Intelligence and Security. Federation of American Scientists. 1998-02-24. Retrieved 2008-10-27.*

²⁵ *“...Federal officials told ABC News In 2009 Alwan applied as a refugee and was allowed to move to Bowling Green, where he quit a job he briefly held and moved into public housing on Gordon Ave., across the street from a school bus stop, and collected public assistance payouts, Federal officials told ABC News. The FBI secretly taped Alwan bragging to the informant that he’d built a dozen or more bombs in Iraq and used a sniper rifle to kill American soldiers in the Bayji area north of Baghdad.” Quantico, Virginia - by James Gordon Meek, Cindy Galli, Brian Ross (Nov. 20, 2013) ‘US May Have Let ‘Dozens’ of Terrorists Into Country As Refugees’, ABC News*

²⁶ Motion to Interv. pp. 39-40 *infra*

4. Pearl Harbor spy Takeo Yoshikawa a/k/a Tadashi Morimura – The Japanese spy credited for providing the critical intel/maps for the Attack on Pearl Harbor.

“Because of his expertise on the U.S. Navy, Yoshikawa was sent to Hawaii under the cover of being a vice-consul named Tadashi Morimura arriving on March 27, 1940. He rented a second story apartment that overlooked Pearl Harbor and would often wander around the island of Oahu, taking notes on Fleet movements and security measures.²⁸ He rented small planes at John Rodgers Airport and flew around, observing U.S. installations as well as diving under the harbor using a hollow reed as a breathing device.²⁹ He also gathered information by taking the Navy's own harbor tugboat and listening to local gossip.³⁰ When the FBI picked him up on the day of the attack, there was no incriminating evidence of his espionage. He eventually returned to Japan in August 1942 in a diplomat prisoner exchange. It was not known for some time that he was the chief Japanese agent in Hawaii.”³¹

This is an indication as to what one foreign national that is an enemy of the state is capable of. Not only was he crucial in the deaths of 2,403 Americans / 1,178 wounded / Destruction of 188 U.S. aircraft / 4 battleships, 3 cruisers, 3 destroyers sunk but many Japanese blame him for the deaths resulted from both Atomic bombs.³²

²⁸ Takeo Yoshikawa and Norman Stanford (Dec 1960) "Top Secret Assignment". U.S. Naval Institute Proceedings.

²⁹ Will Deac. "Takeo Yoshikawa: World War II Japanese Pearl Harbor Spy". Retrieved 2007-05-03. 2006-12-18.

³⁰ In summarized reports the day before the attack from the spy, Takeo Yoshikawa: " Dec. 6. "Vessels moored in harbor; nine battleships; three Class-B cruisers; three seaplane tenders; 17 destroyers. Entering harbor are four Class-B cruisers, three destroyers. All aircraft carriers and heavy cruisers have departed harbor . . . no indication of any changes in U.S. fleet or anything unusual" - 'Japan's Attack Surprised U.S. Despite Warnings' December 06, 1991 - Kenneth Reich and Richard E. Meyer, Los Angeles Times

³¹ O'Neal, Michael J. "Pearl Harbor, Japanese Attack on". Retrieved 2006-12-18.

³² "The locals blamed Yoshikawa for the war. They even blamed me for the atomic bomb, he declared in one interview. " 'The Pearl Harbor Spy, Part II' by Miss Cellania in The Bathroom Reader, History, Weapons & War, Dec 6, 2010.

B. Failed Policies in the past to protect The United States against other forms of stateside harm from *Illegal Foreign Nationals*

1. Mariel boatlift – The Mariel boatlift was a mass emigration of Cubans, who traveled from Cuba's Mariel Harbor to the United States between 15 April and 31 October 1980. The arrival of the refugees in the U.S. created problems when it was discovered that a number of the refugees had been released from Cuban jails and mental health facilities by Fidel Castro. It caused the landmark case *Garcia-Mir v. Meese*, 788 F.2d 1446 (11th Cir. 1986), by the Eleventh Circuit Court of Appeals, a decision ruled in which the United States could indefinitely detail Cuban refugees who had arrived during the 1980 Mariel boatlift. The opinion by Judge Clarence W. Allgood on April 23, 1986 further specified that the refugees;

*"had not demonstrated the sort of executive branch actions that are normally associated with the establishment of a liberty interest, that **they fail** to demonstrate the existence of the particularized standards of **review that yield a protected liberty interest**".*

2. Modern day Economic Espionage from Cuba - *"A Miami man, [Eduardo Perez] has been arrested in an unprecedented money-laundering case that alleges some part of \$238 million gained from Medicare fraud was secretly pumped into the Cuban funds every year in South Florida. Investigators, prosecutors and members of Congress have speculated that the Cuban government may be behind the Medicare fraud scheme. The massive money laundering operation, as described by a federal prosecutor, was unprecedented because it marked the first U.S. case connecting South Florida's Medicare rackets to Cuba's national bank. In Miami-Dade County, where 24 percent of the population was born in Cuba, immigrants from the island account for 73 percent of arrests for health care fraud; 72 percent of arrests for cargo theft; 59 percent of arrests for marijuana trafficking; and half the arrests for credit-card and insurance fraud. Among Cuban-born defendants sentenced to federal prison for these crimes, two out of three are still Cuban citizens."³⁴*

³⁴ 'The Immigrant Crime Wave Both Ann Coulter and Donald Trump Missed', Humberto Fontova Aug 25, 2015 , The Blaze

3. Nazi War Criminals Escape to South America in violation of the U.S.'s *Monroe Doctrine*³⁵

*“ Secret files have revealed that an estimated 9,000 Nazis, **including Holocaust mastermind Adolf Eichmann and Auschwitz doctor Josef Mengele**, fled to South America in the aftermath of the Second World War. Most, perhaps as many as 5,000, went to Argentina; between 1,500 and 2,000 are thought to have made it to Brazil; around 500 to 1,000 to Chile; and the rest to Paraguay and Uruguay. These numbers do not include several hundred more who fled to the safety of right-wing regimes in the Middle East. Previous estimates as to how many Nazis fled to South America have varied wildly from 5,000 to 300,000.”*³⁶

³⁵ **Monroe Doctrine** was a U.S. policy of opposing European colonialism in the Americas beginning in 1823. It stated that further efforts by European nations to take control of any independent state in North or South America would be viewed as *"the manifestation of an unfriendly disposition toward the United States."*

-www.en.wikipedia.org/wiki/Monroe_Doctrine

³⁶ - www.dailymail.co.uk/news/article-2117093/Secret-files-reveal-9-000-Nazi-war-criminals-fled-South-America-WWII

C. Successful Policies in the past to protect The United States against other forms of stateside harm from Citizens that have pledged allegiance to other countries

- 1.** President Ronald Reagan had ordered the Public Health Service to add HIV to its contagious disease list through an executive order,³⁷ backed with a Congressional ratification of the ban. The U.S. Senate passed (And Signed by President Bill Clinton) an amendment to the National Institutes of Health Reauthorization Bill on Feb. 18, 1993 that would make the current Bush Administration policy to ban immigration for people with HIV into law. Called the *Nichols Amendment*, it excludes any Foreign National with HIV from entering the United States.³⁸ Under this ruling, travelers carrying HIV could be banned from entering the United States. Popular criticism to President Reagans ban was that this was a kneejerk reaction based on inadequate data at the time on the transmission of HIV virus. This criticism is easily quelled as restrictions on the immigration of AID/HIV carriers would remain on the books until the year 2008.³⁹

II. Maliciously Motived Lawsuits against E.O.

- A. Politically Motivated ACLU Led Lawsuit** in mirrored case No. 1:17-CV-00480 in the E.D. of NY

³⁷ Supplemental Appropriations Act of 1987, Pub L. No. 100-71, § § 518, 101 Stat. 391, 475(1987). The Department of Health and Human Services subsequently amended 42 C.F.R. § 34.2(b) (4) to reflect the addition of HIV to the list of excludable diseases.

³⁸ 'U.S. Ban on HIV-Positive Visitors, Immigrants Expires' By Devin Dwyer, Washington, (Jan. 5, 2010) ABC News.

³⁹ 1993 Nichols Amendment, specifically required HIV to be classed as a disease of public health significance. The exact wording of the law was that "*Any alien . . . who is determined...to have a communicable disease of public health significance, which shall include infection with the etiologic agent for acquired immune deficiency syndrome*"

1. **Other presidents have blocked groups of *Illegal Foreign Nationals* from entering the U.S. 65-year-old provision of the Federal Immigration and Nationality Act. - The provision gives presidents broad authority to ban individual immigrants or groups of immigrants.** ⁴⁰

"Bill Clinton 12 times,

George W. Bush six times

Ronald Reagan five times.

George H.W. Bush invoked it once"

*"Barack Obama invoked it 19 times, **Obama- He turned to the provision more than any other recent president**"* ⁴¹

2. Ratings of Candidates by ACLU

- a. Hillary Clinton has a 75% lifetime rating from the ACLU
 - 'Hillary Clinton on Civil Liberties' - By Tom Head (February 2016)
www.Civilliberty.About.com
- b. Bernie Sanders has a Positions Rating of 100% from the ACLU ⁴²

⁴⁰ *"Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate" - 8 U.S. Code § 1182 - Inadmissible aliens*

⁴¹ *"...using it to bar people who conducted certain transactions with North Korea, engaged in cyberattacks aimed at undermining democracy or contributed to the destabilization of Libya, Burundi, Central African Republic or Ukraine. His broadest application of the law came in 2011, when he suspended entry of foreigners "who participate in serious human rights and humanitarian law violations and other abuses," including "widespread or systemic violence against any civilian population" based on, among other factors, race, color, disability, language, religion, ethnicity, political opinion, national origin, sexual orientation or gender identity. Obama has also used the law to block anybody involved in "grave human rights abuses by the governments of Iran and Syria" through the use of communications technology to disrupt computer networks or provide monitoring or tracking."*

- 'Other presidents have blocked groups of foreigners from the U.S.', Ann M. Simmons, Alan Zarembo (Jan 31, 2017) LA Times

⁴² www.Votesmart.org

3. This next citation shows not only how politically biased the ACLU is but also how unprofessional.

"I hope Trump enjoys losing. He's going to lose so much we're going to get sick and tired of his losing,"

ACLU national political Director Faiz Shakir told Yahoo News shortly after the decision was announced."⁴³

4. The "*Pro-Se Intervenor*" has sought the assistance of groups including the ACLU as an indigent defendant in 2015-2016 for his civil rights violations and Federal offenses committed against him by the 22nd Judicial District system of St. Tammany, Louisiana with no response. The **American Civil Liberties Union (ACLU)** claims to be a

*"nonpartisan, non-profit, organization whose stated mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States."*⁴⁴

American Civil Liberties Union, a 501(c)(4) social welfare group, **are tax deductible**, and only the 501(c)(4) group can engage in unlimited **political lobbying**.

*"In the year ending 2014, the ACLU and the ACLU Foundation had a combined income from support and revenue of \$100.4 million, originating from grants (50.0%), membership donations (25.4%), donated legal services (7.6%), bequests (16.2%), and revenue (0.9%)."*⁴⁴

If the ALCU claims to be non-partisan, then why did they elect to be classified as an "501(c)(4) group can engage in unlimited political lobbying?"

⁴³ 'ACLU wins legal challenge against immigration ban: Hope Trump enjoys losing', Hunter Walker, (January 28, 2017) Yahoo News'

⁴⁴ www.Wikipedia.org/wiki/American_Civil_Liberties_Union

B. Financially motivated lawsuit –

1. The ACLU's annual "revenue of \$100.4 million" was increased by 25% in 2 days from donations specifically claiming to be going to the defense of refugees in danger that were refused to be let into our borders. Self-proclaimed *911 Truther* celebrity Rosie O'Donnell ⁴⁷ as also been a part of the campaign to raise money for ACLU against the President's E.O.

"In a normal year, the activist group makes about \$4 million in online donations. In one weekend, it raised six times as much money. Officials at the ACLU said they were stunned and gratified by the surge in financial support. It came on the same weekend that the ACLU and its allies successfully challenged portions of President Trump's travel ban in court.....Many celebrities encouraged their social media followers to support the group, and some even pledged to match some donations....Rosie O'Donnell.....are some of the entertainers who joined in."⁴⁸

4 million / 365 = Aprox \$11,000 / day. This rate was increased to 12 million / day. That is an increase of **109 thousand percent** in online donations.

In *Case 17-CV-00480 in the E.D.NY*, The following "Law Interns" Amit Jain, Natalia Nazarewicz , My Khanh Ngo, Yusuf Saei, Rachel Wilf make up 5 out of the 20 people named in preparing the Petition for the original Writ this *Pro-Se Intervenor* wishes to make this *Motion* on. Will they receive any portion of the 25 million in donations?

⁴⁷ "On March 29, 2007, she promoted trutherism, saying of September 11th: "I do believe it is the first time in history that fire has ever melted steel." - 'Rosie O'Donnell Just Doubled Down on Her 9/11 Truther Conspiracy Beliefs', By Scott Whitlock (August 9, 2014) www.Newsbusters.org

⁴⁸ 'ACLU racks up \$24.1 million in donations over weekend', by Brian Stelter Brianstelter , (January 30, 2017) www.Money.CNN.com

C. N.Y. A.G. Malicious Motion to Intervene in support of Foreign Nationals from Ban list

- 1. In case #1:17-CV-00480 Darweesh vs. President Trump** filed in the E.D. of N.Y., A.G. Eric Schneiderman (Democrat Party) makes 2 major misrepresentations in his claims. Doc 39-1 p.9,10 of 33 states;⁴⁹

"On Jan 28, 2017, the day after the signing of the EO, Rudolph Giuliani, a close advisor to the President Trump, was asked whether the ban had anything to do with religion. Mr. Giuliani replied, "I'll tell you the whole history of it. So when [President Trump] first announced it, he said 'Muslim Ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.'...And what we did was, we focused on, instead of religion, danger-the areas of the world that create danger for us"

At first glance the verbiage was written to appear that the President referred to the EO as a *Muslim Ban* in the first week of his presidency. What AG Schneiderman failed to mention was that this confidential attorney work product between Donald Trump and Rudy Giuliani was discussed 6 months before he was sworn in as president. Congressman Peter King on radio, clears up the confusion in which AG Schneiderman masks his claim behind;

"Rudy is actually confusing two different meetings," he said. "I was at the first meeting that we had with Donald Trump, Rudy... and several others. That was in August. And that was focused primarily on domestic security, about surveillance, issues like that. Then there was another meeting October which I was not at; McCaul was on television Friday and we said that he had a meeting with Rudy Giuliani in October and that's when they discussed the executive order."⁵⁰

⁴⁹ Motion Interv. pp. 43-46 *infra* Exhibit D

⁵⁰ Congressman Peter King, interview with The Joe Piscopo Show - 7 AM 2-7-17 Congressman Peter King on the travel ban controversy.

It is important to note that the AG is allowed to state this hearsay because he protects himself from perjury by not submitting an *Affidavit* with his Motion to Intervene.

2. A second misrepresentation in case #1:17-CV-00480 Doc 39-1 is found on Paragraph. 81.⁴⁹

“Sections 3 and 5 of the E.O. target individuals for discriminatory treatment based on their country of origin and/or religion, without lawful justification.”

How can the Attorney General group the two fundamental elements of the argument together? This is clearly a feeble attempt to re-define “*country of origin*” to “*religion*” in the Presidents E.O. to help his baseless and malicious claims.⁵¹

3. “Rev.” Al Sharpton – treasonous support of Somalian terrorists the day after the Seal team Six rescue of Captain Philips⁵²

“(12:08): You can call me now at 1 877 532 5797, (to say) something about the so-called pirates. They call themselves voluntary Coast Guards in Somalia, which may be more apt.” - ‘Keepin’ It Real yo with Al Sharpton WWRL,’ – April 13, 2009

⁵¹ *“Despite news reports mentioning exemptions for Christians, the actual text of the Executive Order covering seven countries makes no mention of Christians or Shia Muslims (both religious minorities in Syria), but merely states an intention, “... to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual’s country of nationality.” - ‘Executive Order Protecting the Nation From Foreign Terrorist Entry Into the United State’, New York Times, 27 January 2017.*

⁵² *‘Maersk Alabama terrorist hijacking - On Sunday, 12 April 2009, U.S. Navy SEAL marksmen opened fire and killed the three pirates on the lifeboat. Phillips was rescued uninjured. Commander Castellano, with prior authorization from higher authority, ordered the action after determining Phillips’ life was in immediate danger, citing reports that a pirate was pointing an AK-47 rifle at Phillips’ back. Navy SEAL snipers, from SEAL Team Six, fired approximately 6-7 shots from Bainbridge’s fantail, killing the three pirates with bullets to the head.’ – www.en.wikipedia.org/wiki/Maersk_Alabama_hijacking*

4. A.G. Eric Schneiderman – treasonous support of “Rev.” Al Sharpton 16 months later;

"I am so honored to receive the support of Reverend Al Sharpton, a leader on human and civil rights not just here in New York but nationally," Eric Schneiderman said today. "I will be an Attorney General for all New Yorkers, to promote equal justice for all, and with the Reverend's support, we are a major step closer to making that happen." – A.G. Eric Schneiderman⁵³

III. Petition for Habeas Corpus Writ

*"JURISDICTION AND VENUE claim #2 - the requested relief is properly styled as a petition for habeas corpus because the Supreme Court "has repeatedly held that habeas corpus is available to an alien seeking entry into the United States."*⁵⁴

The claim and request for petition for Habeas Corpus is baseless and inapplicable for the following reasons;

A. Petition of Writ of habeas corpus is Inapplicable and Baseless since the petitioners are / were at this time free to go to any other country.

*"The privilege of habeas corpus is not a right against unlawful arrest, but rather a right to be released from imprisonment after such arrest The U.S. Constitution specifically includes the habeas procedure in the Suspension Clause (Clause 2), located in Article One, Section 9. This states that "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it". Section 9 is under Article 1 which states, "legislative Powers herein granted shall be vested in the Congress of the United States"*⁵⁵

⁵³ www.sohojournal.com/content/reverend-al-sharpton-endorses-eric-schneiderman-attorney-general (8/25/2010)

⁵⁴ Jones v. Cunningham, 371 U.S. 236, 239 (1963).

⁵⁵ www.wikipedia.org/Habeas_corpus_in_the_United_States

B. The only quasi-applicable version of Habeas corpus applies to its International Variant -

Article 3 of the Universal Declaration of Human Rights provides that *"everyone has the right to life, liberty and security of person"*. Article 5 of the European Convention on Human Rights goes further and calls for persons detained to have the right to challenge their detention, providing at article 5.4: *"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful"*

C. When an international variant of Habeas Corpus is applicable because of the Proper Definition of "Detainment"

a. **U.S v. Amistad, (1841)**, Associate Justice Joseph Story delivered the Court's decision;

*"Upon the whole, our opinion is, that the decree of the circuit court, affirming that of the district court, ought to be affirmed, except so far as it directs the negroes to be delivered to the president, to be transported to Africa, in pursuance of the act of the 3rd of March 1819; and as to this, it ought to be reversed: and that the said negroes be declared to be free, and be dismissed from the custody of the court, and go without delay"*⁵⁶

b. **Boumediene v. Bush (2008)**, was a writ of habeas corpus submission made in a civilian court of the United States on behalf of Lakhdar Boumediene, a naturalized citizen of Bosnia and Herzegovina, **held in military detention** by the United States at the Guantanamo Bay detention camps in Cuba⁵⁷

⁵⁶ United States v. Schooner Amistad, 40 U.S. 518 (1841)

⁵⁷ Boumediene v. Bush, 553 U.S. 723 (2008)

- c. **U.S. hikers in Tehran, Iran**—*“The two U.S. hikers detained for two grueling years in Iran on [Alleged] spying charges have been sentenced to eight years in prison, Iran's state-run TV reported Saturday.”*⁵⁸

IV. Reason for North Korea Exclusion - Adding North Korea to the ban on countries would not be constructive

A. Main concern and need for this Temporary E.O. is based on the failed current policy and method in screening the massive amount of refugees from the Countries on the list.

*“The group, which arrived from an unnamed Southeast Asian nation, included four women who said that they had been the victims of forced marriage. Since this first group of refugees, the U.S. has admitted approximately 170 North Korean refugees by 2014. Between 2004 and 2011, the U.S. has admitted only 122 North Korea refugees and only 25 have received political asylum. A number of North Koreans have entered illegally, estimated at about 200, and generally settle in the ethnic Korean community in Los Angeles.”*⁵⁹

B. Syria's refugees are estimated to be “6,130,000 - 6,320,000 refugees (based on UN estimate, March 2016)”⁶⁰

*“In August 2016, the U.S. reached its goal of admitting and resettling 10,000 Syrian refugees, most of whom were admitted to the U.S. in the previous three months-”*⁶¹

⁵⁸ *“Fattal and Bauer and another person, Sarah Shourd, were seized on July 31, 2009 when they were hiking in the Iraqi Kurdish region and allegedly crossed into Iran illegally.....They have been denied adequate access to their lawyer and have had very limited access to consular assistance,” the human rights watchdog said last month.....Iranian authorities have ignored repeated appeals from the international community and the men's families to release them and President Mahmoud Ahmadinejad has hinted that the hikers were being held as a bargaining chip to be used in Iran's dealings with the United States.”*

- CNN Wire Staff, ‘U.S. hikers in Iran get 8 years in prison, state media reports’, CNN (August 21, 2011)

⁵⁹ *BBC. Life and Death in Syria. 1503/2016.[1] “The United Nations estimates that 17.9 million people still live in Syria — down from 24.5 million before the war broke out.”*

⁶⁰ *www.en.wikipedia.org/wiki/North_Korean_defectors#United_States*

⁶¹ *Haeyoun Park & Rudy Omri, U.S. Reaches Goal of Admitting 10,000 Syrian Refugees. Here's Where They Went., New York Times (31 August 2016).*

V. Percentages of Muslims Affected Worldwide

A. The most prominent claim from the opponents of this E.O. is also the easiest to negate as it is easily disproven using remedial math. The sums of percentages of the 7 listed countries are as follows; (Percent of total worldwide Muslims)

Iran	- 4.6%
Iraq	- 1.9%
Libya	- 0.4%
Somalia	- 0.6%
Sudan	- 1.9%
Syria	-1.3%
Yemen	- 1.5%

Yields a 12.2% of population of total worldwide Muslims⁶²

B. The only other possible argument is that the E.O. allegedly targets countries with the highest percentage of Muslims. Using Syria's percentage of 90% as a gauge, we find 26 other countries with a percentage higher than that figure. See *Exhibit B*⁶³

⁶² www.en.wikipedia.org/wiki/Islam_by_country

⁶³ Motion Interv. pp. 41-42 *infra* Exhibit C

CONCLUSION

1. This lawsuit by the ACLU and similar groups is merely a political tactic to derail and hinder our Commander in Chiefs ability to lead the Executive branch and our Armed forces from the possible attack of enemies, foreign and domestic. If this can legally be further proven in court, the ALCU would therefore by definition be guilty of treason against the United States. Morally, this Lawsuit by the ACLU is atrocious as their headquarters is located 3700ft from the where the Twin Towers once stood. It is also insulting to U.S. Citizens similar to the *Pro-Se Intervenor* that was born and raised 20 miles from the WTC and President Trump who was born and raised approx. 5 miles from the WTC.

2. Trumps executive order is only a **temporary 90 day ban**.⁶⁴ Virtually ANY executive order should be granted if only temporary and if it is in the first 100 days of the transition of a new President if it is on the basis of gathering empirical data to fix or improve on a failed or weak policy.

3. In Section 5 of the ACLU's Writ - . "*Haider Sameer Abdulkhaleq Alshawi, named Petitioner, is a citizen of Iraq and recipient of a Follow to Join (FTJ) Visa. His wife and child are lawful permanent residents residing in Houston, Texas.*"⁶⁵ One must ask why he continued to battle the legality of his admission into this country in NYC where he could have easily traveled to **Nuevo Laredo, Mexico which is 315 miles away from his family, where they could have easily made the trip to be with him.**

⁶⁴ Worded in Executive order 13769

⁶⁵ Petition For Writ 1:17-CV-00480 E.D.N.Y.

4. The *Pro-Se Intervenor* recognizes and appreciates that the United States is a “Melting Pot” and was built on the promise to accept any person from any country escaping immoral persecution since 1492, as his parents had green cards and were also immigrants, both from Palazzo San Gervasio, Italy. Furthermore if immigrants are from countries (deemed to be enemies of the US by Presidents before Pres Trump), then they are by definition an **Ally of the U.S.** We must also keep in mind that any of these refugees escaping tyranny abroad may turn out to be our countries next Albert Einstein or Wernher Von Braun ⁶⁶ but a minimal amount of safeguarding must be in place to prevent the next *Osama Bin Laden* from access to our borders.

5. On issues this politically sensitive, AG Schneiderman should not be allowed to Intervene on behalf of the entire state of NY as counsel, nor should any other AG from any other state falsely claiming to represent the entirety of their continuants in an official capacity. At minimum they should have to resubmit their briefs and motions *affirming their correctness* under penalty of perjury just as Pro Se applicants are required to do.

6. There should be a minimal amount of safeguards in place to protect this and future Presidents from this kind of vexatious, vindictively and politically motivated persecution and civil liability especially during their sensitive transition phase into the White House. I Place the ACLU and the N.Y. AG Schneiderman in the same official capacity and standing as Anti-Trump crusader Juan Pierre Griffin, ^{67, 68} using his recent lawsuits against the Executive and

⁶⁶ Wernher Von Braun having been previously arrested by the Gestapo, in Nazi Germany fled that regime to become the father of the American Space program by developing the rockets that launched the United States' first space satellite Explorer 1, and the Apollo program manned lunar landings.

⁶⁷ “First, Plaintiff alleged, the President, and Congress committed treason “with the help of the Chinese Government.....Plaintiff also alleged the President and Congress failed to enforce the Thirteenth Amendment, asserting “[s]lavery should have ended in 1783 notwithstanding the fact the Thirteenth Amendment was not passed until 1865...He also alleged injury because “[f]or almost 3 years I couldn’t use the World Wide Web.....Pending resolution of the vexatious litigant status of Griffin, he shall file no further actions in this court..... For these alleged injuries, **Plaintiff sought “\$999 trillion dollars** in damages.”

- Griffin v. 1. President Trump, 2. Every European Union country, et al, 3. Every United States District Court, 4. Entire United States Congress , E.D.WASH.(Jan, 2017),

⁶⁸ Motion to Interv pp. 48-53 *infra*. Exhibit F

Legislative branches of government as an averaging standard for which his lack of standing and knowledge of the law is matched by his fellow proponent's collective moral compass. If it is the right of these groups to file suit against the President for any temporary order or act as Commander in Chief then immediately following the denying of this Motion to Intervene, Similar *ProSe* suits against Judge James L. Robart for his decision to issue a Nationwide temporary restraining order (TRO) will be filed in his District Court of Washington State accompanied with a subpoena to for him to travel from Seattle to both Federal courts in Virginia and New York where the suit originated and became the models for all other suits ⁶⁹

7. Adding North Korea to the ban on countries, although would quell all accusations from Presidents Trumps political opponents of this ban of being anti Muslim in nature, would not be constructive. It is apparent that President Trump refuses to "play politics" as he is not a "career politician." Does the American people really want him to start acting like a career politician and more like salesmen when he addresses and leads this nation? ⁷⁰

8. Alleged Campaign Promises – Never before has there been such Political retaliation in Federal court to a President to attempt to hold him liable for policies he may or may have not have discussed months before being sworn into office. If the Federal courts are to make a final ruling in favor of the *Petitioners* based on statements made before being elected or sworn in, then inversely, those same courts and Judges would forever be haunted by an unlimited amount of lawsuits worldwide to past Presidents for the unfulfilled campaign promises being broken armed with this new Case Law.

⁶⁹ "AG Ferguson Obtains Court Order Halting Trump Immigration Action". Washington State Office of the Attorney General. February 3, 2017. Retrieved February 3, 2017.

⁷⁰ "One day after Ryan announced he would no longer campaign on Trump's behalf, the GOP nominee said as part of a barrage of tweets that the top-ranking Republican is "weak and ineffective" and is providing "zero support" for his candidacy. Trump also declared that "the shackles have been taken off" him, liberating him to "fight for America the way I want to." "**Disloyal R's are far more difficult than Crooked Hillary,**" he wrote for his more than 12 million followers on Twitter, his preferred platform for picking fights. "They come at you from all sides. They don't know how to win — I will teach them!"-

'Trump declares war on GOP, says 'the shackles have been taken off' By Sean Sullivan, Robert Costa and Dan Balz October 11, 2016 - www.washingtonpost.com

PRAYER

WHEREFORE, The *Pro-Se Intervenor* prays that this Federal Court grant the following;

1. Re-Affirm E.O. 13769 Ban by order of this Federal Court for the remainder of the 90 day period **on the grounds that Imminent danger does in fact exist, that would be deemed irreparable injury, as Foreign terrorists and criminals would use this window of opportunity / uncertainty in Immigration policy as the United States argues this topic in Federal Courts to gain access into our borders in the next few weeks.**
2. Allow latitude ^{71, 73} in the presentation of this *Motion For Intervention* since it is done without counsel and solely on what the *Pro-Se Intervenor* could learn about law since he terminated his counsel in his Court trial in April of 2016 and was denied a public defender ⁷²
3. As a Path forward in the *Pro-Se Intervenor's* Allegations of Fraud and Treason (against these United States of America) towards the ACLU, I move that this Federal court order the forfeiture of the over 25 million dollars raised by the ALCU under false pretenses and use it to provide temporary comfortable living quarters at a "campus" for any of the refugees **that have children** that are in immediate danger from their home countries until it the President lifts its ban after its 90 day period.

⁷¹ Motion to Interv. pp.32-33 *infra*

⁷² Motion to Interv. pp.54-69 *infra*. Exhibit G

⁷³ "Constitutional 'rights' would be of little value if they could be indirectly denied." -- Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S. 649.644.

4. Order that the ACLU should be disqualified from filing any future suits against this Executive Order
5. Order that the ACLU should appear before a congressional hearing on Campaign Finance Illegalities
6. Demand a Federal Audit into the campaign money raised by the ACLU against this Executive Order. If there is one thing political element that has protesting this EO has proven, it is that in certain instances a President may have to "*play politics.*"⁷⁰ If by Including North Korea to the E.O. were to end this nations division on this matter then President Trump should contemplate sidestepping his morals this one time and add this non-constructive amendment.
7. To immediately reject any other civil lawsuits on any other ranking member of branch of armed forces that challenges any order given by them during war or peacetime, such as orders from an Admiral to order the launching of sorties from a Nimitz Class Aircraft carrier or Cruise missiles from a Destroyer in support of U.S. Ground troops.
8. That this Federal court consider the facts presented in this Motion and affirm by declaratory judgment that E.O. 13769 does **NOT** target the Muslim religion.
9. That the Constitutional Rights of each and every a U.S. citizen **SHALL NEVER** be denied indirectly through politicization.⁷⁴
10. I pray that his political opponents stop the country wide protesting and division on this matter and heed the words or President Clinton (a few hours after he testified before the Office of Independent Counsel and the grand jury and 3 days before he launched 75 cruise missiles to Afghanistan and Sudan for alleged "*imminent terrorist plots*")⁷⁵

“Our country has been distracted by this matter for too long....., Now it is time -- in fact, it is past time to move on, We have important work to do -- real opportunities to seize, real problems to solve, real security matters to face, And so tonight, I ask you to turn away from the spectacle of the past seven months, to repair the fabric of our national discourse, and to return our attention to all the challenges and all the promise of the next American century.”

- President Clinton

⁷⁴ *“Constitutional 'rights' would be of little value if they could be indirectly denied.” – Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S. 649.644*

⁷⁵ *“With about 75 missiles timed to explode simultaneously in unsuspecting countries on two continents, the operation was the most formidable U.S. military assault ever against a private sponsor of terrorism.....The president made no apologies for ordering the strikes without permission from Afghanistan or the Sudan, saying, “Countries that persistently host terrorists have no right to be safe havens.”.....Clinton's stone-faced appearance marked his emergence from two days of shelter from a howling political storm. He returned to the White House on Thursday afternoon from vacation on Martha's Vineyard, where he was trying to repair family ties damaged by his admission Monday of an intimate relationship with a White House intern.....But while the Republican leadership rallied to support the raids, some members of Congress reacted suspiciously, noting that the action followed by three days Clinton's acknowledgment to the public and a grand jury of his relationship with former intern Monica Lewinsky.”*

- ‘U.S. Cruise Missiles Strike Sudan and Afghan Targets Tied to Terrorist Network’ By JAMES BENNET www.partners.nytimes.com/library/world/africa/082198attack-us.html

⁴⁶ **Puckett v. Cox**, 456 F. 2d 233 (1972) (6th Cir. USCA) *"It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer"*

Davis v. Wechler, 263 U.S. 22, 24; **Stromberb v. California**, 283 U.S. 359; **NAACP v. Alabama**, 375 U.S. 449 (1972) (6th Cir. USCA) *"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."*

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938) (6th Cir. USCA) *"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."*

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959) *"Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers."*

Haines v. Kerner, 404 U.S. 519 (1972) *"allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears"*

Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991) *"A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers."*

Picking v. Pennsylvania Railway, 151 F.2d. 240, (3rd Cir. 1945) *"The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."*

Gideon v. Wainwright, 372 U.S. 335, No. 155. (1963) *"The right of an indigent defendant in a criminal trial to have the assistance of counsel is a fundamental right essential to a fair trial, and petitioner's trial and conviction without the assistance of counsel violated the Fourteenth Amendment."*

Conley v. Gibson, 355 U.S. 41 at 48 (1957) *"The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits."*

Elmore v. McCammon 640 F. Supp. 905 (1986) *"... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."*

Boyd v. U.S., 116 U.S. 616 (1886) - *"The court is to protect against any encroachment of Constitutionally secured liberties."*

Owen v. Independence, 100 S.C.T. 1398, 445 US 622; **Scheuer v. Rhodes**, 416 U.S. 232) - *" Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law."*

AFFIDAVIT VERIFYING ALLEGATIONS/ CORRECTNESS

I certify/declare, under penalty of perjury that the allegations contained in this *Motion for Intervene* are true, to the best of my knowledge / belief and that;

- (a)** THIS *Motion For Intervention* was written in a politically impartial and unbiased mindset as the I did not vote for President Trump, and that the only monetary campaign contributions I have ever given to a candidate was to former President Obama in 2008
- (b)** I, Vincent Molino (*Pro-Se Intervenor*), satisfies the requirements to intervene as a matter of right under Rule 24(a). Federal Rule of Civil Procedure 24(a) provides that “the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.”
- 1) Prove *an interest in the subject matter of the action;*
 - 2) that the protection of this interest would be impaired because of the action
 - 3) that the applicant’s interest is not adequately represented by existing parties to the litigation.” The Pro-Se Intervenor satisfies each requirement; As a former supporter of President Obama and now speaking on behalf of President Trump, et al., I can affirm that I am in fact representing over 50% of the America people cannot make a similar brief. This includes not only the

electoral votes President Trump won in the 2016 election but also the people that did not vote for him but trust in the executive's branch's ability to carry out policy in an republic. To allow a political and lobbying machine as powerful as the ACLU and the N.Y. A.G. to represent these foreign Nationals without a voice to argue on behalf of the citizens that require this E.O. to feel safe. To not allow at least Pro Se citizens to intervene into this delicate matter of national security would be prejudicial and constitutionally offensive.

- (c)** No attorney or party or anyone else has prepared, or assisted in the preparation of this document and that it was drafted in approx. 80 man hours by myself, *Pro-Se Intervenor*, Vincent Molino
- (d)** A copy of this Motion has been U.S. priority mailed on February 22th, 2017 to
Albert V. Bryan U.S. Courthouse
United States District Court
Eastern District of Virginia
401 Courthouse Square
Alexandria, VA 22314
- (e)** A copy of this Motion has been emailed to the following parties on Feb. 22th, 2017

Dennis Carl Barghaan , Jr.
United States Attorney's Office
2100 Jamieson Ave
Alexandria, VA 22314
(703)299-3700
dennis.barghaan@usdoj.gov

The Honorable John F. Kelly
Secretary of Homeland Security
Washington, D.C. 20528
publicaffairs.iceofficeof@dhs.gov

Simon Sandoval Moshenburg
Rebecca Ruth Wolozin
Legal Aid Justice Center (Falls Church)
6066 Leesburg Pike
Suite 520
Falls Church, VA 22041
703-778-3450
becky@justice4all.org
simon@justice4all.org

Michael Erich Kientzle
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave NW
Washington, DC 20001-3743
202-942-5000
michael.kientzle@apks.com

Carmen Nicole Green
Americans United for Separation
of Church and State
1310 L St NW
Suite 200
Washington, DC 20005
202-466-3234
green@au.org

Joshua David Rogaczewski
McDermott Will & Emery (DC)
500 North Capitol Street NW
Washington, DC 20001
(202) 756-8195
jrogaczewski@mwe.com

Cecillia Derphine Wang
ACLU headquarters
125 Broad St., 18th floor
New York, NY 10004
1-415-343-0950
Cwang@aclu.org

Michael Angelo Tilghman
Office of the Attorney General for the District
of Columbia
441 4th St NW
6th Floor South
Washington, DC 20001
202-727-6247
michael.tilghman@dc.gov

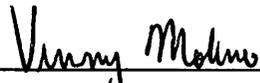
James Edward Tysse
Akin Gump Strauss Hauer & Feld LLP (DC)
1333 New Hampshire Ave NW
Washington, DC 20036
202-887-4571
jtysse@akingump.com

Stuart Alan Raphael
Office of the Attorney General (Richmond)
202 North 9th Street
Richmond, VA 23219
804-786-7240
sraphael@oag.state.va.us

Matthew Robert McGuire
Office of the Attorney General (Richmond)
202 North 9th Street
Richmond, VA 23219
(804) 786-7773
mmcguire@oag.state.va.us

Trevor Stephen Cox
Office of the Attorney General (Richmond)
202 North 9th Street
Richmond, VA 23219
(804) 786-7704
Email: tcox@oag.state.va.us

BEFORE ME THIS 22nd DAY OF FEBRUARY, 2017



Vincent A. Molino
(Pro-Se Intervenor)
www.linkedin.com/in/vinnymolino
Bye-bye-boo-boo.com
Vincentmolino99@yahoo.com
985-551-0778
47 Susan dr
Chatham, N.J.
07928

EXHIBIT A

Age / Residence Protester Demographic

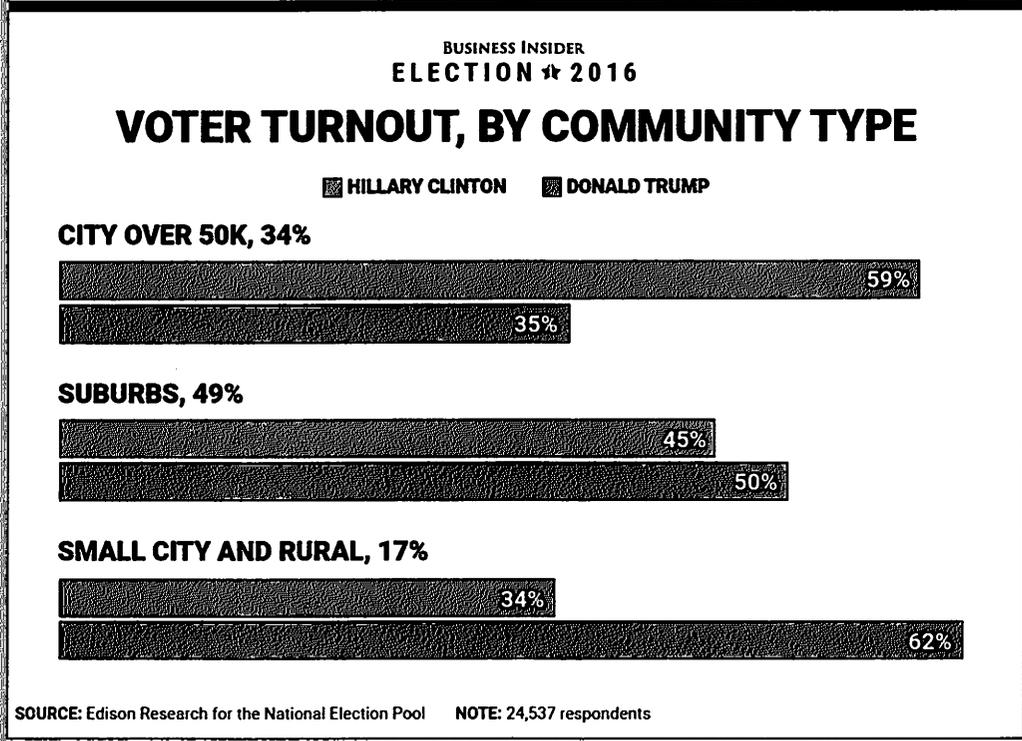
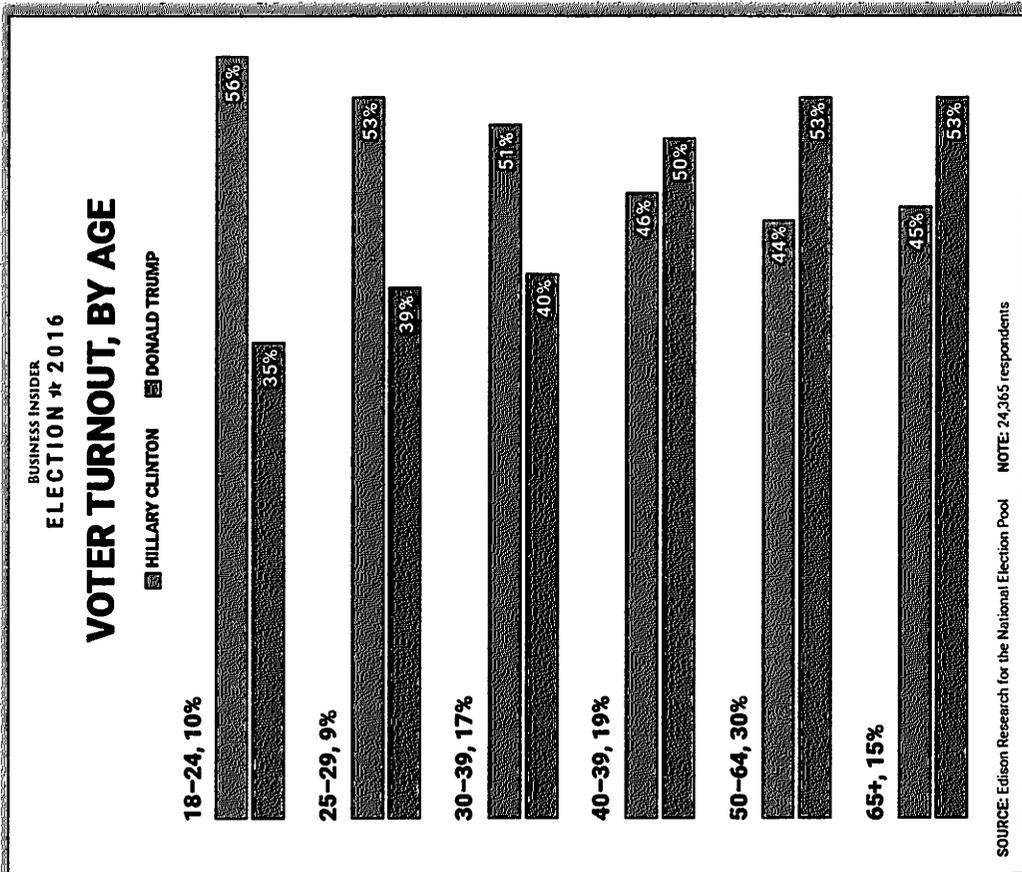


EXHIBIT B

2011 FBI Surveillance Footage - Storage Unit in Bowling Green, Kentucky

(Enhanced in Photoshop for clarity)



EXHIBIT C

26 Other Countries w/ Muslim Populations Over 90% (in green)

(Source www.en.wikipedia.org/wiki/Islam_by_country)

 Egypt	73,800,000	90 ^[50]	4.9
 Turkmenistan	4,830,000	93.3	0.3
 Jordan	6,397,000	93.8	0.4
 Mali	15,667,704	95 ^[23]	0.8
 Gambia	1,669,000	95.3	0.1
 Kosovo	1,584,000 ^[66]	95.6	0.1
 Senegal	14,584,931	95.9	0.8
 Pakistan	178,000,000	96.4	11.0
 Uzbekistan	26,833,000	96.5	1.7
 Libya	6,325,000	96.6	0.4
 Djibouti	853,000	97.0	0.1
 Saudi Arabia	25,493,000	97.1	1.6
 Palestinian Territories	4,298,000	97.5	0.3
 Algeria	40,400,000	98.2 ^[1] - >99 ^[23]	2.7
 Comoros	785,000	98.3	< 0.1
 Niger	19,502,214	98.3 ^[76]	1.0
 Azerbaijan	8,795,000	98.4	0.5
 Turkey	74,660,000	98.6	4.6
 Mayotte	197,000	98.8	< 0.1
 Morocco	32,381,000	99 ^[74]	2.0
 Tajikistan	7,006,000	99.0	0.4
 Western Sahara	528,000	99.6	< 0.1
 Afghanistan	29,047,100	99.8	1.8
 Tunisia	11,190,000	99.8	0.6
 Maldives	309,000	100	<0.1
 Mauritania	4,171,633	100 ^[70]	0.2

EXHIBIT D

1:17-CV-00480-CBA Petition in E.D. of N.Y
A.G. Eric Schneiderman. Doc 39-1 pp.8-9, 23

measures to keep radical Islamic terrorists out of the United States . . . We don't want them here.”⁵

19. The Executive Order on its face favors refugee applicants belonging to “minority religions” in the applicant’s country of origin. President Trump has admitted that the purpose of this provision is to favor Christians over other persons of other religions.

20. During an interview on Christian Broadcast News on January 27, 2017, President Trump stated that Christian refugee applicants would receive priority: “[Christians] have been horribly treated. Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair, everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them.”⁶

21. President Trump’s close associates confirmed that the proposed ban on individuals from particular areas was simply a method for implementing President Trump’s Muslim ban. On January 28, 2017, the day after the signing of the Executive Order, Rudolph Giuliani, a close advisor to President Trump, was asked whether the ban had anything to do with religion. Mr. Giuliani replied, “I’ll tell you the whole history of it. So when [President Trump] first announced it, he said ‘Muslim ban.’ He called me up. He said, ‘Put a commission together.

⁵ Dan Merica, *Trump Signs Executive Order to Keep Out “Radical Islamic Terrorists*, CNN (Jan. 30, 2017), <http://www.cnn.com/2017/01/27/politics/trump-plans-to-sign-executive-action-on-refugees-extreme-vetting/>.

⁶ Dan Brody, *President Trump Says Persecuted Christians Will Be Given Priority as Refugees*, CBS News, The Brody File (Jan. 27, 2017), <http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees>.

Show me the right way to do it legally.’ And what we did was, we focused on, instead of religion, *danger* — the areas of the world that create danger for us.”⁷

22. In addition to the Muslim ban, President Trump has proposed several other measures targeted specifically at Muslims.

23. During an interview on November 16, 2015, President Trump stated, “You’re going to have to watch and study the mosques, because a lot of talk is going on at the mosques.” When asked in the same interview whether he would consider shutting down mosques, he responded, “I would hate to do it, but it’s something that you’re going to have to strongly consider.”⁸

24. On November 20, 2015, during an interview, President Trump was asked whether he would create a database to track Muslims in the United States. He responded, “I would certainly implement that. Absolutely.” When asked whether Muslims would be legally obligated to register with that database, he stated, “They have to be—they have to be.”⁹

25. The First Amendment’s Establishment Clause forbids the government from favoring or disfavoring particular religions.

26. Despite this prohibition, Defendants have repeatedly demonstrated through their actions and statements, *see supra* ¶¶ 9-24, their intent to discriminate against Muslims on the basis of religion.

⁷ Available at Amy B. Wang, *Trump asked for a “Muslim Ban,” Giuliani Says – and Ordered a Commission to do it “Legally,”* Wash. Post (Jan. 29, 2016), https://www.washingtonpost.com/news/the-fix/wp/2017/01/29/trump-asked-for-a-muslim-ban-giuliani-says-and-ordered-a-commission-to-do-it-legally/?utm_term=.c6c40237e00d.

⁸ *Trump: We Must Watch and Study Mosques*, MSNBC (Nov. 16, 2015), <http://www.msnbc.com/morning-joe/watch/trump-we-must-watch-and-study-mosques-567563331864>.

⁹ Vaughn Hillyard, *Donald Trump’s Plan for a Muslim Database Draws Comparison to Nazi Germany*, NBC News (Nov. 20, 2015), <http://www.nbcnews.com/politics/2016-election/trump-says-he-would-certainly-implement-muslim-database-n466716>.

Petitioners moved the Court to clarify that its January 28, 2017 order is nationwide in scope and order the Respondents to enforce the stay of removal.

CLAIMS FOR RELIEF

First Cause of Action (Fifth Amendment-Equal Protection)

77. The NYAG realleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Complaint.

78. The Due Process Clause of the Fifth Amendment prohibits the federal government from denying equal protection of the laws.

79. The Executive Order was motivated by animus and a desire to harm a particular group, as demonstrated by statements made by Defendants concerning their intent and their proposed applications of those provisions.

80. The terms and application of the Executive Order are arbitrary and cannot be sufficiently justified by federal interests.

81. Sections 3 and 5 of the Executive Order target individuals for discriminatory treatment based on their country of origin and/or religion, without lawful justification.

82. For example, Section 3 of the Executive Order suspends entry into the U.S. even of persons holding valid visas to live, work, and study in the U.S. The specific process for applying for each of these visas differs by category, but applicants are always rigorously screened—often by multiple agencies of the U.S. government—before a visa can be approved. The Petition in this case describes the procedures required by the Iraqi Special Immigrant Visa (SIV) program, and the extensive screening applied to Petitioner Hameed Khalid Darweesh between his application for an SIV on or about October 1, 2014 and the visa issuance on January 20, 2017. *See* Petition ¶¶ 23-30.

EXHIBIT E

**Stock Photo by Mark J Sullivan / - NY AG Schneiderman, Rev Al
Sharpton at NAN, MKL Jr. House of Justice Harlem, NY Jan 18, 2016**



EXHIBIT F

Griffin vs. Trump, Congress, Europe

2:17-CV-00036-JLQ Eastern District of W.A.

United States District Court
Eastern District of Washington

Jean Pierre Griffin

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

THE PRESIDENT OF THE UNITED STATES OF AMERICA DONALD J. TRUMP

*(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)*

Case No. **2:17-CV-00036-JLQ**
(To be filled out by Clerk's
Office only)

COMPLAINT

Jury Demand?

Yes

No

RECEIVED

JAN 24 2017

CLERK, U.S. DISTRICT COURT
SPOKANE, WA

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

III. VENUE

This court can hear cases arising out of the Eastern District of Washington.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

THE ONLY VENUE THAT IS APPROPRIATE IS THE JUDICIAL MARIJUANA COURT.

IV. STATEMENT OF CLAIM

Place(s) of occurrence: FT. ORD, CA

Date(s) of occurrence: 1992

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

What happened to you?

I WAS THE LAST ACTIVE DUTY SERVICEMAN STATION AT FT. ORD, CA. I WAS NOT GIVEN MY PROPER BONUS OR PAY SINCE 1992 WHEN FT. ORD WAS PUT ON THE BASIC REORGANIZATION AND CLOSURE LIST OR (BRAC). I SHOULD UP BEEN GIVEN THE BONUS OF A FEW THOUS DOLLARS.

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

n/a

VI. RELIEF

The relief I want the court to order is:

- Money damages in the amount of:
- Other (explain):

\$ 999 MILLION DAMAGES FOR EVERY YEAR I WASN'T GIVEN PAIN
999 x 23

1
2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON

5 In re:

6 JUAN PIERRE GRIFFIN

NO. 2:17-MC-00002

7
8 ORDER OPENING CIVIL CASE
9 FILE, DENYING *IN FORMA*
10 *PAUPERIS* STATUS, AND CLOSING
11 FILE

12 On January 24, 2017, the court received a new civil rights complaint (ECF No. 11)
13 from Juan Pierre Griffin, along with an application to proceed *in forma pauperis* (ECF
14 No. 12). Pursuant to the Order entered January 12, 2017 (ECF No. 1), the documents
15 were filed in this miscellaneous case. The Clerk is **DIRECTED** to open a civil case and
16 directly assign it to the undersigned judicial officer. The Clerk shall lodge the Complaint
17 and applications to proceed *in forma pauperis, nunc pro tunc* as of January 24, 2017.

18 As an initial matter, the court notes Griffin did not comply with the Order
19 Requiring Court Approval Before Filing of Further Pro Se Actions in This District (ECF
20 No. 1). He did not present a "Petition Seeking Leave to File *Pro Se* Action" as outlined in
21 the Order and he did not present an Affidavit in proper legal form as directed. Griffin is
22 admonished to comply with this Order if he wishes to file further civil actions in this
23 district. Failure to comply with this court's Order is grounds for denial of leave to file a
24 complaint.

25 Notwithstanding the non-compliance, the court has considered the proposed
26 Complaint and finds it frivolous and malicious. The proposed Complaint repeats claims
27 previously dismissed regarding Griffin allegedly being the last soldier at Fort Ord and
28 being due a promotion to four-star general. (ECF No. 11 at 4); *see Griffin v. The*
President of the United States of America #41 et al., No. 2:17-CV-00005-JLQ; *Griffin v.*

1 *Every European Union Country, et al.*, No. 2:17-CV-00008-JLQ. The proposed
2 Complaint expands this claim to now include President Trump. (ECF No. 11 at 2).
3 Repeating previously dismissed claims is frivolous and malicious. *See Baize v. Austin*,
4 2016 WL 4127803 at *2 (S.D. Cal. August 3, 2016); *Cato v. U.S.*, 70 F.3d 1103, 1105 n.2
5 (9th Cir. 1995); *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988). There are no new
6 allegations in the proposed Complaint.

7 Because the court finds the proposed Complaint is frivolous and malicious, the
8 application to proceed *in forma pauperis* is **DENIED**. Based on these findings, the Clerk
9 is **DIRECTED** to **CLOSE** the civil case file. Griffin shall not file anything further in this
10 civil case file.

11 Griffin is also reminded the court issued an Order to Show Cause on January 9,
12 2017, in the then twelve existing cases Griffin initiated. Griffin was directed to respond to
13 the Order to Show Cause no later than January 27, 2017. To date, he has not responded to
14 the Order to Show Cause. Since the Order to Show Cause was issued, Griffin has filed or
15 attempted to file six additional complaints. Griffin is advised the court will consider all of
16 Griffin's filings, including those filed after the issuance of the Order to Show Cause, in
17 determining whether Griffin should be declared a vexatious litigant. Pending resolution
18 of the vexatious litigant status of Griffin, he shall file no further actions in this court,
19 without a prior application to and approval by the court, as set forth in the Order
20 Requiring Court Approval Before Filing of Further Pro Se Actions in This District (ECF
21 No. 1) entered on January 12, 2017.

22 **IT IS SO ORDERED.** The Clerk is directed to enter this Order in the
23 miscellaneous case file, and in the newly opened civil case file. The Clerk is directed to
24 furnish copies of this Order to Mr. Griffin.

25 Dated January 24, 2017.

26 s/ Justin L. Ouackenbush
27 JUSTIN L. QUACKENBUSH
28 SENIOR UNITED STATES DISTRICT JUDGE

EXHIBIT G

**Portions of the *Pro-Se Intervenors*
APPLICATION FOR SUPERVISORY WRIT OF REVIEW
to the Louisiana's First Circuit No. 2016-KW1198**

That proved;

1. The Forgery of a District Judges Signature by a Detective of the St. Tammany Sheriff's Office on his arrest Warrant
2. The Falsifying of the Court Transcripts in preceding, Louisiana vs. Molino No. 2016-561670
3. Gross Departure from Proper Judicial Proceedings
4. Violations of Due Process
5. Ineffective Counsel
6. Erroneous denial of Trial by Jury
7. Improper, Biased venue by Judge Hand and DA Montgomery
8. Politically motivated prosecution
9. Subornation of Perjury by Judge Hand and ADA Peters
10. District Attorneys lack of Jurisdiction
11. Clerk of Courts failure to subpoena
12. Excessive Bail / Fines
13. Obvious Reasonable doubt
14. Lack of authenticity of States evidence (Obvious fictitious/Altered pictures by STPSO/DA)
15. Denial of admission of Evidence by defense
16. Wrongfully Quashed subpoenaed witness's
17. Intimidating / threatening witness by ADA / Detectives
18. Admitted soliciting of victims

Pages 15-24 , 26 of No. 2016-KW1198 L.A. First Circuit of Appeals

STATE OF LOUISIANA
PARISH OF ST. TAMMANY
22ND JUDICIAL DISTRICT
APPLICATION FOR ARREST WARRANT

380813

STATE OF LOUISIANA
VERSUS

VINCENT MOLINO

4735 Pontchartrain Drive

Slidell, LA, 70458

DOB: 07/01/1973

[REDACTED]

White Male

I, Detective Matthew Bauer, certify under oath that one VINCENT MOLINO

on or about 08/01/2015 did commit

1 Count of RS14:67--THEFT-- (FELONY)

within this State and Parish, and the jurisdiction of the 22ND Judicial District

Court, contrary to the form of the statutes of the State of Louisiana in such case

made and provided, and against the peace and dignity of the same, in that the

following did occur:

On February 23, 2015, Detective Matt Bauer, assigned to the Criminal Investigations Division of the St. Tammany Parish Sheriff's Office, spoke with a complainant, Christopher Grieco, who owns the property at 4643 Pontchartrain Drive in Slidell, LA. Mr. Grieco's property, which is a vacant lot is located on US Highway 11 (Pontchartrain Drive) and is bordered by a bayou. On this date, Mr. Grieco reported the owner of a neighboring lot, Vincent Molino, had taken a large amount of dirt, trees, bushes, and vegetation off his property, without his permission. Mr. Grieco provided the following details.

Around late July 2014 and early August 2014, Mr. Grieco spoke with Molino who offered to use his heavy equipment to knock down the trees, bushes, and high grass on Mr. Grieco's property, so that he could make it more presentable. At the time, Mr. Grieco wished to have this done, but informed Molino it was not necessary for him to do, because Mr. Grieco had access to heavy equipment and could perform the work himself. After Molino continued to insist on performing the work, Mr. Grieco agreed, but instructed him to not remove anything from his property. Molino was asked to only "knock down" the trees and bushes.

After Molino completed the work, Mr. Grieco found Molino had removed all the trees, bushes, grass, and vegetation from his property. In addition, Molino also removed approximately two feet of dirt from the elevation of the property. Mr. Grieco asked Molino to fill the property back to its original level, and Molino agreed to do so.

Because Mr. Grieco had been spending a lot of time out of state, he had not checked on the progress or status of his property. On February 14, 2015, Mr. Grieco visited his property at 4643 Pontchartrain Drive and discovered Molino replaced the stolen soil and vegetation with large concrete blocks and trash. Furthermore, the elevation of Mr. Grieco's property was still noticeably beneath its original level.

389813

Mr. Grieco provided Detective Bauer with photographs of the current condition of his property, which clearly showed the concrete blocks, trash, and lack of vegetation on the piece of land. Detective Bauer also saw photographs of Mr. Grieco's property prior to Molino performing any "work," which displayed the property with an abundance of trees, bushes, and other vegetation. Mr. Grieco reported it would cost him approximately \$2500.00 to remove the trash from his property and have it filled back to its original level with the proper dirt/soil.

It should be noted, Molino was recently arrested for stealing another neighbors oyster shells which he later used to fill in his property (case #2014-011845). According to photographs, the statement provided by Mr. Grieco, and Molino's recent history/activity, it was clear that Molino intentionally removed the dirt and vegetation from Mr. Grieco's property which he likely used to fill in his own property. Detective Bauer also had photographic evidence of Molino's property/land increasing substantially since August 2014.

Based on the above information, Detective Bauer finds probable cause exists to charge Vincent Molino with violation of LRS 14:67 Theft (Felony), relative to the theft of land/dirt/plants from Mr. Grieco, and requests an arrest warrant be issued.

I hereby certify under oath the facts contained herein to be true and correct, under penalties of perjury, so help me God.



Det. Matthew Bauer
Affiant

THUS DONE AND PASSED on the 26 day of February, 2015.



William Burris

Judge, 22nd Judicial District Court

Judge, 22ND Judicial District

Victim Information
Name : Christopher Grieco
Address : 773 Buck Run
City : Pearl River
State : LA
Zip : 70452
Phone :

389813

**STATE OF LOUISIANA
PARISH OF ST. TAMMANY
22ND JUDICIAL DISTRICT
ARREST WARRANT**

**State of Louisiana
Versus
VINCENT MOLINO
4735 Pontchartrain Drive
Slidell, LA, 70458**

**DOB: 07/01/1973
[REDACTED]
White Male**

TO ANY COMMISSIONED PEACE OFFICER:

WHEREAS, complaint has been made to me under oath and under penalty of perjury, by **Detective Matthew Bauer** charging one **VINCENT MOLINO** with 1 Count of RS14:67--THEFT-- (FELONY) Committed on or about **08/01/2015**.

Now, therefore, you are hereby commanded, in the name of the State, to apprehend and arrest the said accused to be brought before our Court to answer the said complaint. You are further commanded to keep the said accused in safe custody pending a session of the Court, or until released according to law, and this shall be your warrant.

Given under my official signature, this 26 day of February, 2015 .



William Burris
Judge, 22ND Judicial District
State of Louisiana

Victim Information
Name : Christopher Grieco
Address : 773 Buck Run
City : Pearl River
State : LA
Zip : 70452
Phone :

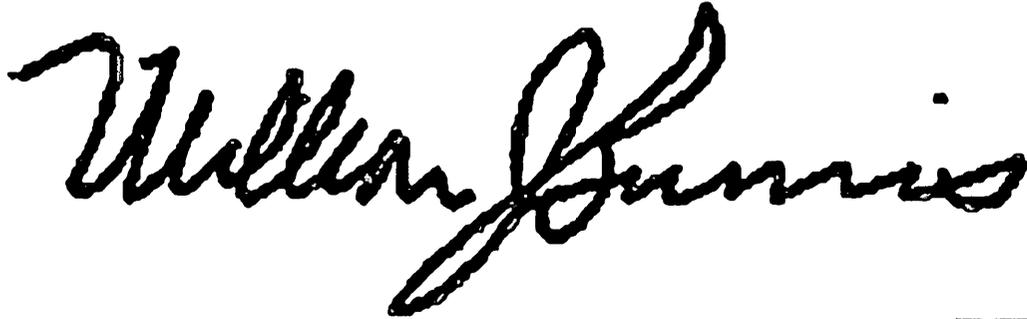
FORGERY OF JUDGE BURRIS SIGNATURE ON ARREST WARRANT

 <hr/> <p>William Burris</p> <p>Judge, 22nd Judicial District Court</p> <p>Judge, 22ND Judicial District</p> <p>Page 2 of Arrest Warrant</p>	 <hr/> <p>William Burris</p> <p>Judge, 22ND Judicial District State of Louisiana</p> <p>Page 3 of Arrest Warrant</p>
--	---

- A. When both signatures ¹³⁵ are zoomed in and cropped at approx. 350 pixels wide from both scanned multipage PDF given in discovery, (emailed by former attorney Racheal Yazback and Given by digitally signed PDF by ADA Peters a year after arrest. You'll see that the 2 are lined up perfectly; ruling out the possibility by 95% of a stamp authorized my Judges Burris being used. ¹³⁶ The figure of 95 percent was determined by the following Empirical Method;

¹³⁵ Writ app. pp. 285-287 *infra*.

¹³⁶ La. CCRP. Art. 162.2. Warrant issued upon electronic testimony E. Accompanying the electronic testimony shall be an electronic facsimile of the search warrant. If the judge finds probable cause and approves the issuance of the warrant, he shall affix his electronic signature to the warrant and return it immediately to the applicant. La. RS 9:2603.1. Electronic applications for all warrants; signatures; electronic judicial records. D. Any application used to attach a digital signature to any warrant or affidavit must have security procedures in place that insure the authenticity of the digital signature.

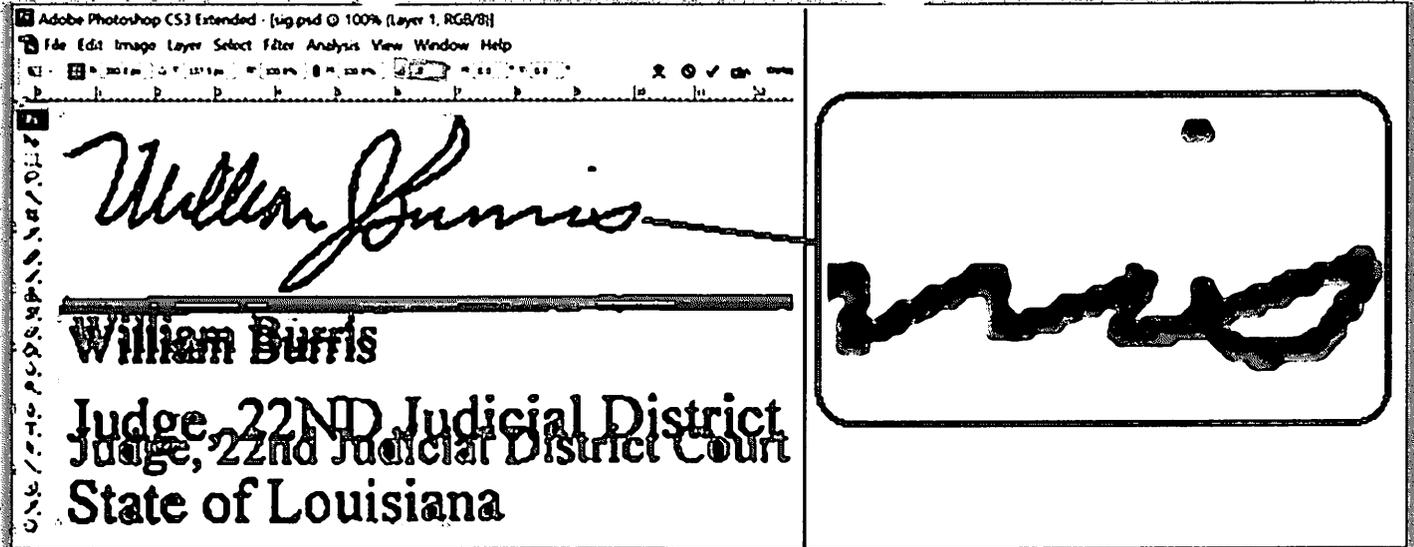


William Burris

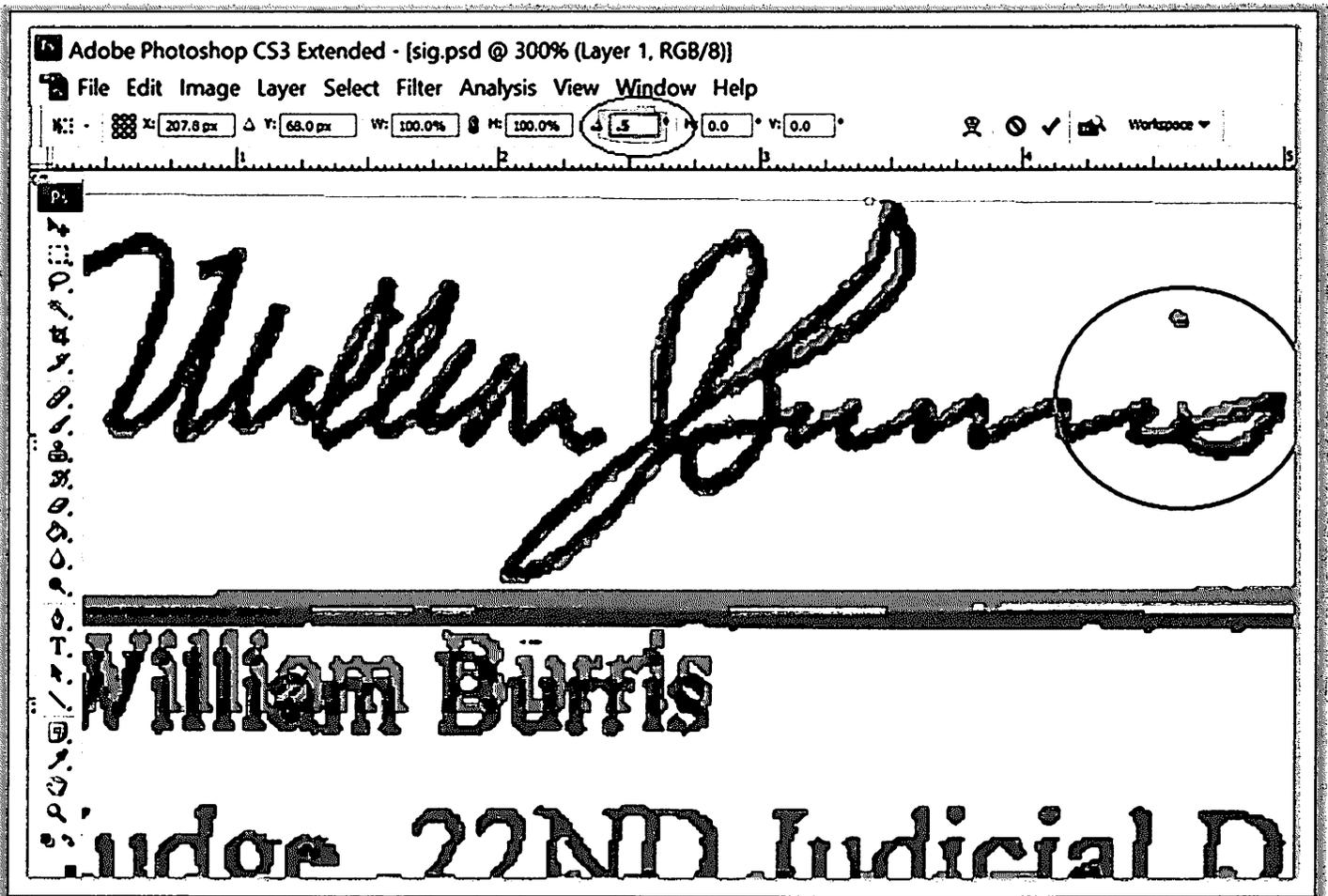
**Judge, 22ND Judicial District
Judge, 22nd Judicial District Court
State of Louisiana**

Judge, 22ND Judicial District

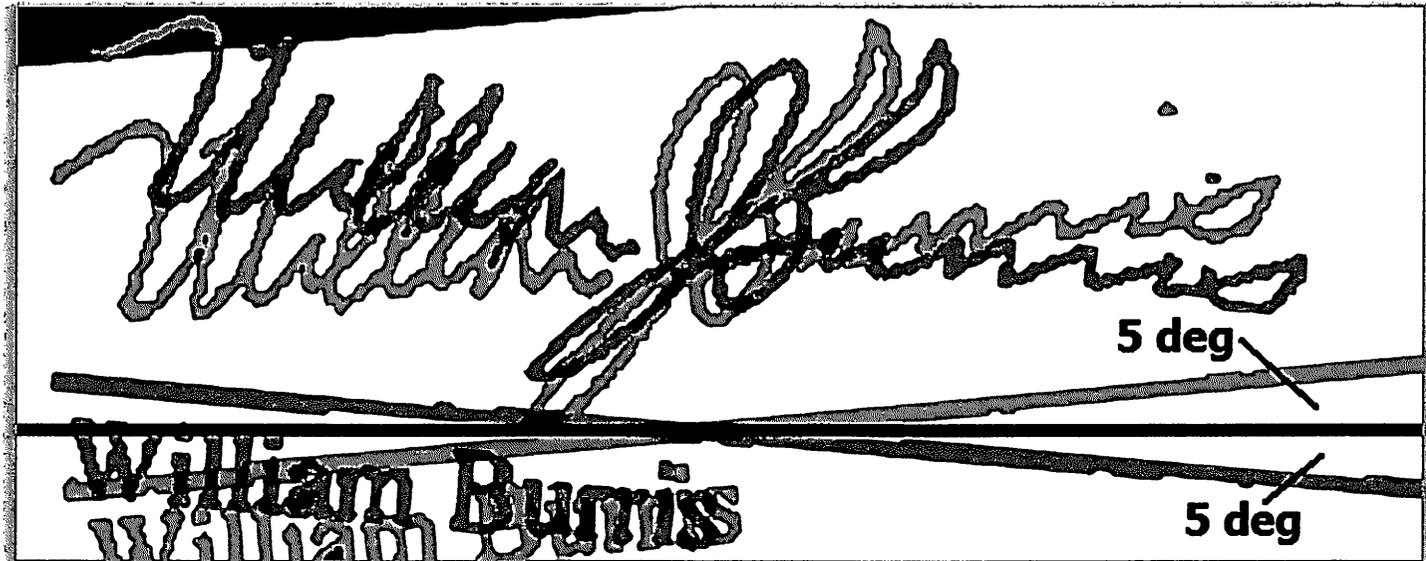
- B. The pixel resolution in increase to line it up by a fraction of a pixel or .2 degrees of rotation. The value of .2 degrees can be caused by the document being feed into the scanner.



C. Then we lower the resolution back down to the original; 364 wide. The minimal amount of rotation to twist the outer most pixel is $\frac{1}{2}$ of a degree. The precision per pixel is half of a degree.



- D. Assuming that a clerk authorized to stamp the judges signature will vary only by 5 degrees clock-wise and -5 degrees counter clock-wise resulting in a limit of non-alignment totaling 10 degrees of variations. A half of a degree in 10 degrees yields 20 possible variations of stamps



- E. The mathematical formula for figuring out the probability of a Clerk lining up 2 stamps perfectly is;

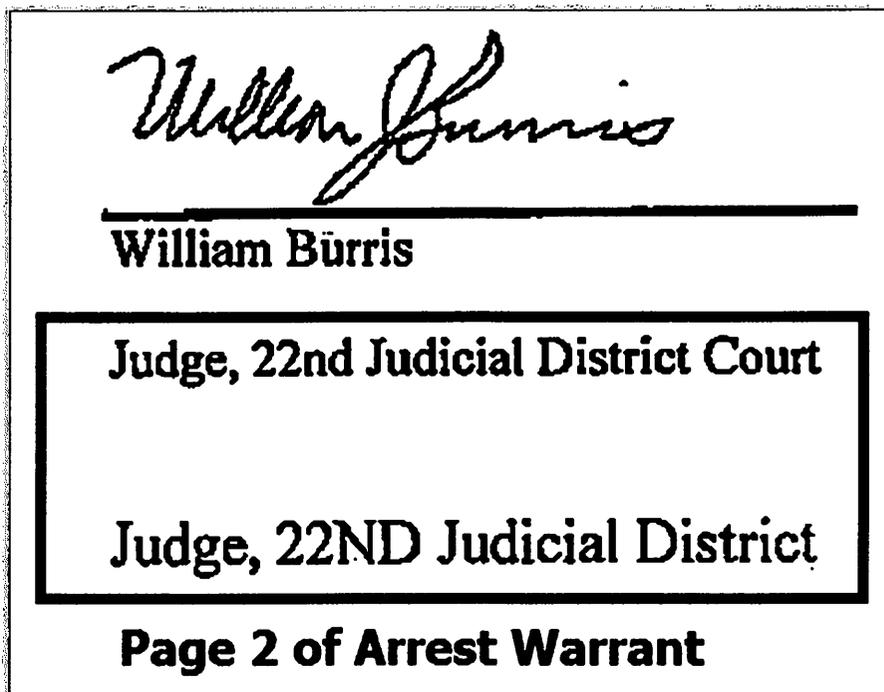
A representing *one possible stamp angle* and B representing *another*, given $A \leq B$ whereas $A / (A \times B) = 1 / B$. To help visualize this, suppose that you have two dice that have A sides and B sides each. If we roll these two dice then the probability of rolling the same number of both dice is $A / (A \times B) = 1 / B$.

Inputting 20 in the sides of dice yields $20 / (20 \times 20) = 1 / 20$. This means there is only a 5% chance that an authorized clerk could have stamped a judges signature twice and have it line up perfectly. A visual graph of this probability is depicted

1,1	2,1	3,1	4,1	5,1	6,1	7,1	8,1	9,1	10,1	11,1	12,1	13,1	14,1	15,1	16,1	17,1	18,1	19,1	20,1
1,2	2,2	3,2	4,2	5,2	6,2	7,2	8,2	9,2	10,2	11,2	12,2	13,2	14,2	15,2	16,2	17,2	18,2	19,2	20,2
1,3	2,3	3,3	4,3	5,3	6,3	7,3	8,3	9,3	10,3	11,3	12,3	13,3	14,3	15,3	16,3	17,3	18,3	19,3	20,3
1,4	2,4	3,4	4,4	5,4	6,4	7,4	8,4	9,4	10,4	11,4	12,4	13,4	14,4	15,4	16,4	17,4	18,4	19,4	20,4
1,5	2,5	3,5	4,5	5,5	6,5	7,5	8,5	9,5	10,5	11,5	12,5	13,5	14,5	15,5	16,5	17,5	18,5	19,5	20,5
1,6	2,6	3,6	4,6	5,6	6,6	7,6	8,6	9,6	10,6	11,6	12,6	13,6	14,6	15,6	16,6	17,6	18,6	19,6	20,6
1,7	2,7	3,7	4,7	5,7	6,7	7,7	8,7	9,7	10,7	11,7	12,7	13,7	14,7	15,7	16,7	17,7	18,7	19,7	20,7
1,8	2,8	3,8	4,8	5,8	6,8	7,8	8,8	9,8	10,8	11,8	12,8	13,8	14,8	15,8	16,8	17,8	18,8	19,8	20,8
1,9	2,9	3,9	4,9	5,9	6,9	7,9	8,9	9,9	10,9	11,9	12,9	13,9	14,9	15,9	16,9	17,9	18,9	19,9	20,9
1,10	2,10	3,10	4,10	5,10	6,10	7,10	8,10	9,10	10,10	11,10	12,10	13,10	14,10	15,10	16,10	17,10	18,10	19,10	20,10
1,11	2,11	3,11	4,11	5,11	6,11	7,11	8,11	9,11	10,11	11,11	12,11	13,11	14,11	15,11	16,11	17,11	18,11	19,11	20,11
1,12	2,12	3,12	4,12	5,12	6,12	7,12	8,12	9,12	10,12	11,12	12,12	13,12	14,12	15,12	16,12	17,12	18,12	19,12	20,12
1,13	2,13	3,13	4,13	5,13	6,13	7,13	8,13	9,13	10,13	11,13	12,13	13,13	14,13	15,13	16,13	17,13	18,13	19,13	20,13
1,14	2,14	3,14	4,14	5,14	6,14	7,14	8,14	9,14	10,14	11,14	12,14	13,14	14,14	15,14	16,14	17,14	18,14	19,14	20,14
1,15	2,15	3,15	4,15	5,15	6,15	7,15	8,15	9,15	10,15	11,15	12,15	13,15	14,15	15,15	16,15	17,15	18,15	19,15	20,15
1,16	2,16	3,16	4,16	5,16	6,16	7,16	8,16	9,16	10,16	11,16	12,16	13,16	14,16	15,16	16,16	17,16	18,16	19,16	20,16
1,17	2,17	3,17	4,17	5,17	6,17	7,17	8,17	9,17	10,17	11,17	12,17	13,17	14,17	15,17	16,17	17,17	18,17	19,17	20,17
1,18	2,18	3,18	4,18	5,18	6,18	7,18	8,18	9,18	10,18	11,18	12,18	13,18	14,18	15,18	16,18	17,18	18,18	19,18	20,18
1,19	2,19	3,19	4,19	5,19	6,19	7,19	8,19	9,19	10,19	11,19	12,19	13,19	14,19	15,19	16,19	17,19	18,19	19,19	20,19
1,20	2,20	3,20	4,20	5,20	6,20	7,20	8,20	9,20	10,20	11,20	12,20	13,20	14,20	15,20	16,20	17,20	18,20	19,20	20,20

20 possibilities out of 400 attempts = 1/20 = 5% chance

F. Issue 2 on forgery of signature – repetitive title



It appears that Detective Bauer forgot to exclude one of the 2 titles of “judge/district” when the signature was copied and pasted by a low level graphics program such as Microsoft paint.

G. Issue 3 – Careless mistake overlooked by multiple partiers

TO ANY COMMISSIONED PEACE OFFICER:

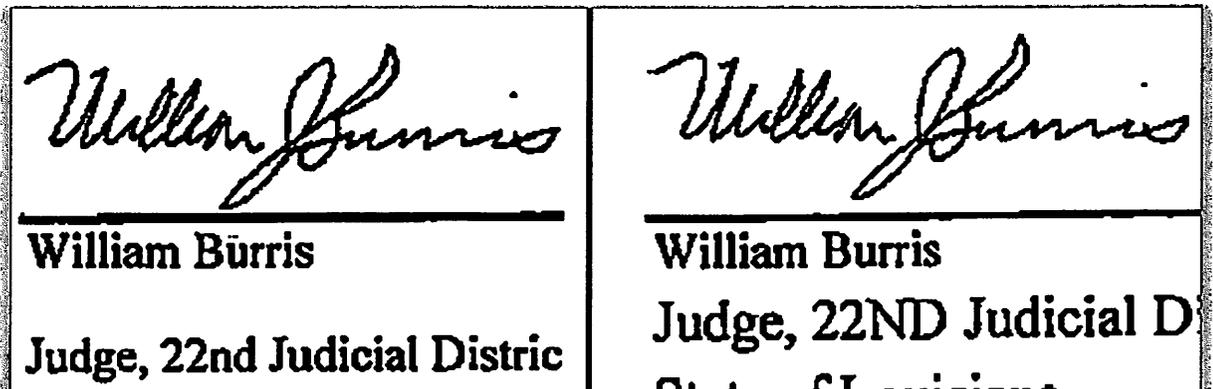
WHEREAS, complaint has been made to me under oath and under penalty of perjury, by Detective Matthew Bauer charging one VINCENT MOLINO with 1 Count of RS14:67--THEFT-- (FELONY)

Committed on or about 08/01/2015.

Now, therefore, you are hereby commanded, in the name of the State, to apprehend

This Warrant was made for the arrest date of March 1st, 2015. Detective Bauer is suggesting that not only did he overlook this obvious error on the warrant, but whoever signed the Judge’s signature also overlooked it

H. Issue 4 – graphic not overlapping signature line



Whether it is handwritten or stamped, the graphic does not overlap the signature line. This further suggests that an image square containing the signature was copied and pasted

I. Issue 5 - The last issue is the signature itself

When matched up to other court documents. Below are 8 signatures from Dec of 2012 to Oct of 2016 in order;

April 22, 2015	Docket #560938 ¹³⁷
Oct 6, 2014	Docket #553233 ¹³⁸
Aug 5, 2015	Docket #560938 ¹³⁹
Oct 13, 2016	Docket #529796 ¹⁴⁰
Nov 8, 2012	Docket #72-59342 ¹⁴¹
Dec 18, 2012	Docket #72-59342 ¹⁴²
Dec 13, 2015	Docket #560938 ¹⁴³
April 22, 2015	Docket #560938 ¹⁴⁴

¹³⁷ Writ app. pp. 288 *infra*.

¹³⁸ Writ app. pp. 289 *infra*.

¹³⁹ Writ app. pp. 290 *infra*.

¹⁴⁰ Writ app. pp. 291 *infra*.

¹⁴¹ Writ app. pp. 292 *infra*.

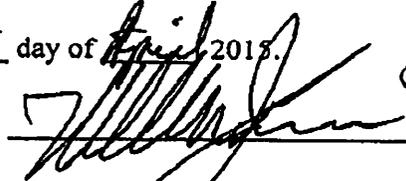
¹⁴² Writ app. pp. 293 *infra*.

¹⁴³ Writ app. pp. 294 *infra*.

¹⁴⁴ Writ app. pp. 295 *infra*.

indicated by disclosure obtained by the foregoing, or subsequent related motions.

Covington, LA, Louisiana, this 22 day of April, 2015.



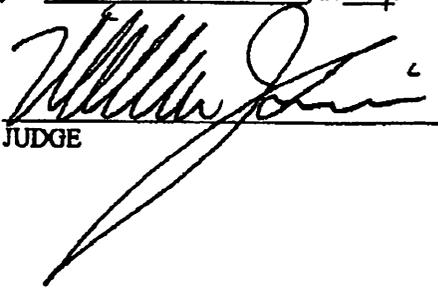
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing motion to the District Attorney for the Parish of St Tammany either by hand delivery, facsimile, through the St Tammany Parish Clerk of Court, or by U.S. mail, first-class postage prepaid and properly addressed, this 17th day of April, 2015.

Criminal Procedure.

Covington, Louisiana, this 6 day of Oct, 2014.

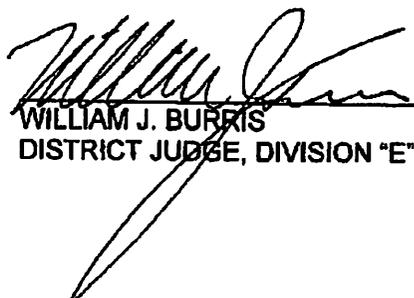


JUDGE

553233 STE

Jeremy J Wise

Signed this 5 day of August, 2015 in Covington, Louisiana.



WILLIAM J. BURRIS
DISTRICT JUDGE, DIVISION "E"

Covington, Louisiana, this 13 day of Oct, 2016.



DISTRICT JUDGE

CERTIFICATE OF SERVICE

release.

Covington, Louisiana, this _____ day of _____, 201_____.

[Handwritten signature]

JUDGE

CERTIFICATE OF SERVICE

I, Shannon Donnelly, do hereby certify that a copy of the foregoing

Covington, Louisiana, this 17 day of Dec., 2012.

[Handwritten signature]
DISTRICT JUDGE

CERTIFICATE OF SERVICE

seventy-two (72) hours prior to the hearing on these discovery matters.

Covington, Louisiana, this 13 day of April, 2015.

[Handwritten signature]
JUDGE

560938 STE
Jeffery Valentine

Criminal Procedure.

Covington, Louisiana, this 12 day of April, 2015.

[Handwritten signature]
JUDGE

560938 STE
Jeffery Valentine

With these final 3 traits in the arrest warrant, the probability of detective Bauer forging Judge Burris signature moves from 95% to near 100%.

This blatantly false signature and affidavit incriminates every official with a bar license whose viewed and accepted it as tangible evidence is guilty of the suborning perjury.

This applies to any lawyer who presents either testimony or an affidavit, or both, either to a judge or to a jury, which the attorney knows to be materially false, and not factual. This include but is not limited to District Attorney Warren Montgomery, ADA Harold Bartholomew, ADA Nicholas Blake Peters, ADA Darrel Sims, ADA / chief of criminal trials - Julius Collin Sims.¹⁴⁵

¹⁴⁵ **La. R.S. 14§126. Inconsistent statements; false swearing.** *It shall constitute false swearing whenever any person, having made a statement under sanction of an oath, or an equivalent affirmation, required by law, shall thereafter swear or affirm in a manner materially contradictory of or inconsistent with his former sworn or affirmed statement. It shall not be necessary for the prosecution, in such case, to show which of the contradictory or inconsistent statements was false; but it shall be an affirmative defense that at the time he made them, the accused honestly believed both statements to be true.*

18 U.S. Code § 505 - Seals of courts; signatures of judges or court officers *Whoever forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined under this title or imprisoned not more than five years, or both.(June 25, 1948, ch. 645, 62 Stat. 714; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)*

CONCLUSION

None of the claims in this Writ can be considered "harmless errors." Only "reversible errors" are stated. This gross misconduct can in no way be misconstrued as morally just "Judicial Activism / legislating from the bench", French Napoleonic or any other pretext or Jurisprudence. Once completed, this Writ will be irrefutable proof that the some of the Judges and DA's office of Warren Montgomery have turned the 22nd JDC, by definition into a corrupt "*Kangaroo court*" in violation of Federal Racketeering laws.¹⁴⁸ This Writ will also serve as an official criminal complaint and demand for the United States Department of Justice to expand the criminal investigation and prosecution of the previous DA, Walter Reed, to include the current DA, Warren Montgomery and indict the aforementioned by grand jury. Ad Hoc judge Carole Gillio, Judge Reggie Badueax and Judge A.J. Hand have also violated their oaths to the Constitution of the United States and are guilty of Treason.¹⁴⁹ The applicant/defendant cannot make a viable presentation of appealable trial court patent errors without the repairing of the injured (falsified) records and transcript. St Tammany Tax dollars from the 3 properties I own in this parish have gone towards the criminal racketeering activity to the 22JDC and STPSO to fabricate evidence, charges, extort and deny my life liberty and the pursuit of happiness under color of law. That is why I do not recognize any ruling from the Judge Hand nor do I recognize his orders to law enforcement about this case.

¹⁴⁸ **18 U.S.C.A. Sec. 1961(4).** Racketeer Influenced and Corrupt Organizations "*enterprise*" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

U.S. vs. Chief Raymond Casamayor Jr, 837 F.2d 1509 (11th Cir. 1988) *RICO case involving jury convictions of three members of the Key West Police Department, On appeal, defendants raised issues concerning: (1) severance; (2) sufficiency of evidence; (3) the Jencks act; (4) evidentiary rulings; (5) jury instructions; (6) jury misconduct; (7) prosecutorial misconduct; and (8) ineffective assistance of counsel. Concluding there was no error in denying a severance, that sufficient evidence supports the convictions, and that the district court committed no reversible error, we affirm. The superseding indictment upon which defendants were convicted alleged varying degrees of involvement with the Key West Police Department.*

¹⁴⁹ "*Any judge who has acted in violation of the Constitution is engaged in an act or acts of treason. If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason. Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.*" U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821)

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI,

Case No. _____

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; and JAMES T.
MADDEN, New York Field Director, CBP,

Date: January 28, 2017

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

Petitioners Hameed Khalid Darweesh, an Iraqi husband and father of three, and Haider Sameer Abdulkhaleq Alshawi,¹ an Iraqi husband and father, landed at John F. Kennedy International Airport (“JFK Airport”) on the evening of January 27, 2017. Petitioner Darweesh was granted a Special Immigrant Visa (“SIV”) on January 20, 2017 as a result of his service to the United States as an interpreter, engineer and contractor. Petitioner Alshawi was granted a Follow to Join Visa on January 11, 2017 to rejoin his wife and son, who were granted refugee status due to their family’s association with the United States military. After conducting standard procedures of administrative processing and security checks, the federal government has deemed both Petitioners not to pose threats to the United States.

Despite these findings and Petitioners’ valid entry documents, U.S. Customs and Border Protection (“CBP”) blocked both Petitioners from exiting JFK Airport and detained Petitioners therein. No magistrate has determined that there is sufficient justification for the continued detention of either Petitioner. Instead, CBP is holding Petitioners at JFK Airport solely pursuant to an executive order issued on January 27, 2017.

Because the executive order is unlawful as applied to Petitioners, their continued detention based solely on the executive order violates their Fifth Amendment procedural and substantive due process rights, and is ultra vires the immigration statutes. Further, Petitioners’ continued unlawful detention is part of a widespread pattern applied to many refugees and arriving aliens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of themselves and

¹ There are multiple English spellings of Mr. Alshawi’s name.

all others similarly situated, Petitioners respectfully apply to this Court for a writ of habeas corpus to remedy their unlawful detention by Respondents, and for declaratory and injunctive relief to prevent such harms from recurring.

JURISDICTION AND VENUE

1. Jurisdiction is conferred on this court by 28 U.S.C. §§ 1331, 1361, 2241, 2243, and the Habeas Corpus Suspension Clause of the U.S. Constitution. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

2. Venue properly lies within the Eastern District of New York because a substantial part of the events or omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b).

3. No petition for habeas corpus has previously been filed in any court to review either of Petitioners' cases.

PARTIES

4. Hameed Khalid Darweesh, named Petitioner, is a citizen of Iraq and recipient of an Iraqi Special Immigrant Visa (SIV). As an interpreter, electrical engineer and contractor, Mr. Darweesh performed valuable work on behalf of the U.S. government in Iraq from roughly 2003 to 2013. Despite being issued a valid visa on January 20, 2017 to relocate to the United States, Mr. Darweesh is presently detained at JFK Airport. As of the filing of this complaint, the sole basis for Defendants' continued custody of Mr. Darweesh is the January 27, 2017 executive order issued by President Donald J. Trump.

5. Haider Sameer Abdulkhaleq Alshawi, named Petitioner, is a citizen of Iraq and recipient of a Follow to Join (FTJ) Visa. His wife and child are lawful permanent residents residing in Houston, Texas. Despite being issued valid travel documentation on January 11, 2017, to relocate to the United States, Mr. Alshawi is presently detained at JFK Airport. As of the filing of this complaint, the sole basis for Defendants' continued custody of Mr. Alshawi is the January 27, 2017 executive order issued by President Donald J. Trump.

6. The U.S. Department of Homeland Security ("DHS") is a cabinet department of the United States federal government with the primary mission of securing the United States.

7. U.S. Customs and Border Protection ("CBP") is an agency within DHS with the primary mission of detecting and preventing the unlawful entry of persons and goods into the United States.

8. Respondent John Kelly is the Secretary of DHS. Secretary Kelly has immediate custody of Petitioners and other members of the proposed class. He is sued in his official capacity.

9. Respondent Kevin K. McAleenan is the Acting Commissioner of CBP. Acting Commissioner McAleenan has immediate custody of Petitioners and other members of the proposed class. He is sued in his official capacity.

10. Respondent James T. Madden is the Director of the New York Field Office of CBP, which has immediate custody of Petitioners and other members of the proposed class. He is sued in his official capacity.

11. Respondent Donald Trump is the President of the United States. He is sued in his official capacity.

STATEMENT OF FACTS

President Trump's January 27, 2017 Executive Order

12. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States.

13. One week later, on January 27, President Trump signed an executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States," which is attached hereto as Exhibit A and is hereinafter referred to as the "EO."

14. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the manner and extent to which non-citizens may seek and obtain admission to the United States, particularly (although not exclusively) as refugees. Among other things, the EO imposes a 120-day moratorium on the refugee resettlement program as a whole; proclaims that "that the entry of nationals of Syria as refugees is detrimental to the interests of the United States," and therefore "suspend[s]" indefinitely their entry to the country; similarly proclaims that "the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests" of the country.

15. Most relevant to the instant action is Section 3(c) of the EO, in which President Trump proclaims "that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States," and that he is therefore "suspend[ing] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order," with narrow exceptions not relevant here.

16. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. According to the terms of the EO, therefore, the “entry into the United States” of non-citizens from those countries is “suspended” from 90 days from the date of the EO.

Petitioner Hameed Khalid Darweesh

17. Hameed Khalid Darweesh is a 53-year-old citizen of Iraq, married with three children (twenty years, fifteen years, and seven years of age).

18. Mr. Darweesh was trained and worked as an electrical engineer in Iraq. Between March 20, 2003 and September 30, 2013, he was contracted by the U.S. government to work in a variety of positions that placed him in substantial risk of being targeted, attacked and killed by anti-American militias and insurgents.

19. Mr. Darweesh’s services included: working as an interpreter for the U.S. Army 101st Airborne in Baghdad and Mosul from April 1, 2003 to January 15, 2004; working as an interpreter for the 91st Engineering Unit at the Baghdad Airport from January 20, 2004 to August 4, 2004; working as a Project Engineer for the U.S. Government Projects Contracting Office Oil sector of North Iraq from December 5, 2005 to December 1, 2006; and, working for Vessar contractors of the U.S. government from 2006 to 2011.

20. Mr. Darweesh was directly targeted twice for his association with the U.S. Armed Forces. While working at the Baghdad Airport between 2004 and 2005, the Baghdad Police entered his house, claiming they were searching for a terrorist. The Baghdad Police are widely known to be closely affiliated with anti-American militias. Shortly after this incident, two of Mr.

Darweesh's colleagues were killed as soon as they arrived at work. As a result of these attacks, Mr. Darweesh feared for his safety and decided to leave Baghdad for Kirkuk.

21. In the second instance, in July 2009, Mr. Darweesh was stopped at a market in Kirkuk where he was informed by a local shopkeeper that men were driving around in a BMW asking for him by name and the location of his house. These men returned a second time the following week, and Mr. Darweesh had strong reasons to suspect that the men searching for him were terrorists. As a result, Mr. Darweesh and his family were forced to flee to a different area of Iraq, Erbil.

22. Based on these threats and his over ten years of service to the U.S. government, Mr. Darweesh applied for an Iraqi Special Immigrant Visa (SIV) status on or around October 1, 2014.

23. Congress created the Iraqi and Afghan Special Immigrant Visa (SIV) programs to provide safety and refuge in the United States for Iraqis and Afghans who face or have faced serious threats on account of their faithful and valuable service to the United States. The programs were established pursuant to the Refugee Crisis in Iraq Act of 2007, 8 U.S.C. § 1157 note at 1241-49 and the Afghan Allies Protection Act of 2008, 8 U.S.C. § 1101 note at 601-02.

24. The first step in pursuing a SIV is obtaining Chief of Mission (COM) Approval from the Embassy. The Chief of Mission determines whether the applicant has "provided faithful and valuable service to the United States" and "has experienced or is experiencing a serious threat" as a "consequence" of that service.

25. After obtaining COM Approval, a SIV Applicant files the Form I-360 petition to USCIS to apply for an SIV. Once the petition is approved, the applicant submits a DS-260 visa

application, along with accompanying documents, to the National Visa Center. After the DS-260 is processed, the applicant undergoes an interview at a U.S. consulate or embassy.

26. After the interview, SIV applications go into administrative processing during which the U.S. government conducts various security checks as well as a medical examination. Once an applicant is cleared, they are issued a SIV to travel to the United States.

27. Several weeks after the applicant enters the United States, the applicant receives a green card in the mail and can naturalize five years later.

28. Mr. Darweesh received COM Approval for the visa on January 26, 2015, in a signed statement from Lena Levitt, Refugee Coordinator of the Designee of the Chief of Mission, noting that Mr. Darweesh had provided “faithful and valuable service to the United States Government.”

29. Despite receiving COM approval in January 2015, it took over two years for Mr. Darweesh’s visa and visas for his family to be processed. After petitioning for a SIV through the U.S. Citizenship and Immigration Services, which was approved conditionally on March 25, 2015, Mr. Darweesh appeared for an in-person interview at the U.S. Embassy in Baghdad on April 12, 2016 and went through administrative processing, including security background checks as well as medical exams.

30. Five Special Immigrant Visas were issued to Mr. Darweesh and his family on January 20, 2017, and they received them by DHL on January 25, 2017. Because of the sensitive and dangerous nature of Mr. Darweesh’s situation, the family immediately boarded a flight from Erbil to New York City, via Istanbul, and arrived in the United States on January 27, 2017, around 6:00 PM EST.

31. Mr. Darweesh and his family were expecting to travel on to Charlotte, North Carolina, where they were to receive refugee benefits. However, after de-planing in John F. Kennedy Airport in Queens, New York, Mr. Darweesh was held by U.S. Customs and Border Protection (CBP) and remains in their custody.

32. Mr. Darweesh's attorney was present at the Arrivals section of Terminal 1 but did not enter the CBP area. Mr. Darweesh and his family waited to be processed by CBP for about an hour. Approximately one hour later, Mr. Darweesh himself was moved into "secondary screening." The family waited for over an hour before a CBP officer and Mr. Darweesh emerged to return passports for every member of Mr. Darweesh's family except for Mr. Darweesh himself. Mr. Darweesh was then taken back into secondary screening.

33. At approximately 11:30pm, two CBP officers, upon information and belief, Officer Scott Maurel and Officer Ray Sinacola, requested that the family return to the CBP-controlled security zone for additional questioning of Mr. Darweesh's wife. CBP refused to conduct the questioning of Mrs. Darweesh in the Arrivals area despite requests of counsel. When asked by counsel, the officers confirmed that they were making a request, not giving an order at that time. Through counsel, the family declined the request and left the airport.

34. Mr. Darweesh is not being permitted to meet with his attorneys who are present at JFK and have made multiple attempts to meet with him.

35. When Mr. Darweesh's attorneys approached CBP requesting to speak with Mr. Darweesh, CBP indicated that they were not the ones to talk to about seeing their client. When the attorneys asked "Who is the person to talk to?" the CBP agents responded, "Mr. President. Call Mr. Trump."

36. Upon knowledge and belief, Mr. Darweesh remains in the custody of CBP at JFK Airport.

37. Upon knowledge and belief, Mr. Darweesh is not being permitted to apply for asylum or other forms of protection from removal.

38. Upon knowledge and belief, Mr. Darweesh is at imminent risk of being returned to Iraq against his will, and despite the grave danger he faces there.

Petitioner Haider Sameer Abdulkhaleq Alshawi

39. Haider Sameer Abdulkhaleq Alshawi is an Iraqi national born on April 29, 1983 in Baghdad, Iraq. He studied accounting at Baghdad University, graduating in 2006.

40. Mr. Alshawi possesses the requisite documentation to enter the U.S.: an immigrant visa in his passport.

41. Upon information and belief, Mr. Alshawi was deemed admissible for a Follow to Join (FTJ) visa category F2A (joining spouse and child) awarded by the U.S. Department of State on January 11, 2017. *See generally* 8 U.S.C. § 1157(c)(2)(A); 8 C.F.R. § 207.7(a) (spouse or child of refugee “shall be granted refugee status if accompanying or following-to-join the principal alien”). Upon information and belief, the visa was authorized by USCIS and the State Department, documenting its approval of Mr. Alshawi’s admissibility to the United States as an FTJ Visa recipient. Upon information and belief, The U.S. Embassy in Stockholm also determined that Mr. Alshawi does not pose a security threat to the United States, and, as a result, is admissible to the United States.

42. The FTJ visa was granted to reunite Mr. Alshawi with his wife, Duniyya Alshawi, and their seven-year-old son in the United States. Mr. Alshawi and his wife have been married since 2008.

43. Ms. Alshawi worked for Falcon Security Group, a U.S. contractor, from 2006 to 2007 as an accountant. Upon information and belief, her brother also worked for Falcon Security Group in Human Resources. Mr. Alshawi heard through neighbors in the family's community in Baghdad that, due to the family's association with the U.S. military, insurgents thought that they were collaborators.

44. In 2010, insurgents attempted to kidnap Ms. Alshawi's brother. A month later, an IED placed on Mr. Alshawi's sister-in-law's car detonated, killing her husband and severely injuring her and her daughter. Fearing for their safety, Mr. Alshawi and his wife moved from Baghdad to Erbil, Iraq.

45. Ms. Alshawi and her son applied for refugee status in January 2011. Upon information and belief, in January of 2014 Ms. Alshawi and her son were approved to travel to Houston through the Priority 2-Direct Access Program (P2-DAP). Upon information and belief, Ms. Alshawi and her son have since adjusted their statuses to that of lawful permanent residents and now live in Houston, Texas. Ms. Alshawi subsequently filed for a FTJ visa for her husband. On October 9, 2014, USCIS approved Ms. Alshawi's I-730 petition for Mr. Alshawi's entry. On January 11, 2017, Mr. Alshawi obtained a U.S. Visa Foil Type ZZ (Visa 93) with a notation in his passport that the foil was prepared at DHS request.

46. Mr. Alshawi's FTJ visa grants him permission to enter the United States. Upon information and belief, pursuant to this visa Mr. Alshawi traveled from Stockholm, Sweden on January 27, 2017 (local time) to immigrate to the United States.

47. Additionally, Ms. Alshawi filed an I-130 application with USCIS to petition for Mr. Alshawi to enter as an alien relative. Mr. Alshawi has a priority date of December 18, 2015. Currently, the visa bulletin for February indicates that visas are being processed with final action dates up to April 15, 2015. Mr. Alshawi thus soon will be eligible for visa processing on this I-130 application in addition to his existing FTJ Visa.

48. Upon information and belief, Mr. Alshawi arrived in at John F. Kennedy airport in New York City on January 27, 2017 at approximately 8:22 PM EST on Norwegian Air flight DY 7005.

49. Upon arrival at the gate, Mr. Alshawi was blocked on the aircraft by CBP. A Norwegian Airline attendant confirmed that he was being held by CBP.

50. Mr. Alshawi is not being permitted to meet with his attorneys who are present at JFK and have made multiple attempts to meet with him.

51. When Mr. Alshawi's attorneys approached CBP requesting to speak with Mr. Alshawi, CBP indicated that they were not the ones to talk to about seeing their client. When the attorneys asked "Who is the person to talk to?" the CBP agents responded, "Mr. President. Call Mr. Trump."

52. Upon information and belief, Mr. Alshawi remains in the custody of CBP at JFK Airport.

53. Upon information and belief, Mr. Alshawi is not being permitted to apply for asylum or other forms of protection from removal.

54. Upon information and belief, Mr. Alshawi is at imminent risk of being returned to Iraq against his will, despite the grave danger he faces there.

REPRESENTATIVE HABEAS ACTION ALLEGATIONS

55. In addition to Petitioners Darweesh and Alshawi, there are numerous other individuals detained nationwide who are either refugees admitted via USRAP or visa holders from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen. Each of these similarly situated individuals has been detained and questioned by CBP officials, denied entry to the United States, and subject to the threat of return to the country from which their travel originated, regardless of their presentation of valid entry documents, their status in the prior country, and possible claims qualifying them for protection under 8 USC 1101(a)(42) and 8 U.S.C. § 1225(b)(1)(A)(ii).

56. Each of these similarly situated individuals is entitled to bring a petition for a writ of habeas corpus or, in the alternative a complaint for declaratory and injunctive relief, to prohibit the policy, pattern, and practice of Respondents detaining class members and prohibiting class members from entering the United States when they arrive at U.S. borders with valid entry documents. As set out in further detail in the concurrently filed Motion for Class Certification, these similarly situated individuals satisfy the numerosity, typicality, commonality, and

adequacy of representation requirements established by *United States ex rel. Sero v. Preiser*, 506 F.2d 1115, 1125-26 (2d Cir. 1974) and Fed. R. Civ. P. 23, and respectfully move this Court for an order certifying a representative class of Petitioners consisting of all individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States, but who have been or will be denied entry to the United States on the basis of the January 27, 2017 Executive Order.

CAUSES OF ACTION

COUNT ONE

FIFTH AMENDMENT – PROCEDURAL DUE PROCESS DENIAL OF RIGHT TO APPLY FOR ASYLUM

57. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

58. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment.

59. The United States government is obligated by United States and international law to hear the asylum claims of noncitizens presenting themselves at United States borders and ports of entry. The Immigration and Nationality Act provides that “[a]ny alien who is physically present in the United States or who arrives in the United States. . . irrespective of such alien’s status, may

apply for asylum in accordance with this section or, where applicable, section 235(b).” 8 U.S.C. § 1158(a)(1); *see also id.* § 1225(b)(1)(A)(ii).

60. Consistent with these United States statutory and international law obligations, individuals arriving at United States ports of entry must be afforded an opportunity to apply for asylum or other forms of humanitarian protection and be promptly received and processed by United States authorities.

61. Having presented themselves at a United States port of entry, Petitioners are entitled to apply for asylum and to be received and processed by United States authorities.

62. Respondents’ actions in denying Petitioners the opportunity to apply for asylum, taken pursuant to the EO, violate the procedural due process rights guaranteed by the Fourteenth Amendment.

COUNT TWO
FIFTH AMENDMENT – PROCEDURAL DUE PROCESS
DENIAL OF RIGHT TO WITHHOLDING/CAT PROTECTION

63. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

64. Under United States law as well as human rights conventions, the United States may not return (“*refoul*”) a noncitizen to a country where she may face torture or persecution. *See* 8 U.S.C. § 1231(b); United Nations Convention Against Torture (“CAT”), implemented in the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified as Note to 8 U.S.C. § 1231).

65. Respondents' actions in seeking to return Petitioners to Iraq, taken pursuant to the EO, deprive Petitioners of their rights under 8 U.S.C. § 1231(b) and the Convention Against Torture without due process of law.

COUNT THREE

THE IMMIGRATION AND NATIONALITY ACT, THE CONVENTION AGAINST TORTURE, THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998, IMPLEMENTING REGULATIONS

66. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

67. The Immigration and Nationality Act and implementing regulations, including 8 U.S.C. § 1225(b)(1) (expedited removal), 8 C.F.R. §§ 235.3(b)(4), 208.30, and 1003.42; 8 U.S.C. § 1158 (asylum), and 8 U.S.C. § 1231(b)(3) (withholding of removal), and the United Nations Convention Against Torture ("CAT"), implemented in the Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"), Pub.L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note), entitle Petitioners to an opportunity to apply for asylum, withholding of removal, and CAT relief. These provisions also entitle Petitioners to a grant of withholding of removal and CAT relief upon a showing that they meet the applicable legal standards. Respondents' actions in seeking to return Petitioners to Iraq, taken pursuant to the EO, deprive Petitioners of their statutory and regulatory rights.

COUNT FOUR

FIFTH AMENDMENT – EQUAL PROTECTION

68. Petitioners repeat and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

69. The EO discriminates against Petitioners on the basis of their country of origin, and without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.

70. Additionally, the EO was substantially motivated by animus toward—and has a disparate effect on—Muslims, which also violates the equal protection component of the Due Process Clause of the Fifth Amendment.

**COUNT FIVE
ADMINISTRATIVE PROCEDURE ACT**

71. Petitioners repeat and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

72. The INA forbids discrimination in issuance of visas based on a person's race, nationality, place of birth, or place of residence. 8 U.S.C. § 1152(a)(1)(A).

73. Respondents' detention and mistreatment of Petitioners and the members of the proposed class pursuant to the January 27 EO, as set forth above, is not authorized by the INA.

74. Respondents' actions in detaining and mistreating Petitioners and other members of the proposed class as set forth above were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

PRAYER FOR RELIEF

WHEREFORE, Petitioners and other members of the proposed class pray that this Court grant the following relief:

- (1) Issue a Writ of Habeas Corpus requiring Respondents to release Petitioners and other members of the proposed class forthwith;
- (2) Issue an injunction ordering Respondents not to detain any individual solely on the basis of the EO;
- (3) Enter a judgment declaring that Respondents' detention of Petitioners and other members of the proposed class is and will be unauthorized by statute and contrary to law;
- (4) Award Petitioners and other members of the proposed class reasonable costs and attorney's fees; and
- (5) Grant any other and further relief that this Court may deem fit and proper.

DATED: January 28, 2017
Brooklyn, New York

Respectfully submitted,

/s/ Michael J. Wishnie
Michael J. Wishnie (MW 1952)
Elora Mukherjee
Amit Jain, Law Student Intern
Natalia Nazarewicz, Law Student Intern
My Khanh Ngo, Law Student Intern
Yusuf Saei, Law Student Intern

Rachel Wilf, Law Student Intern
The 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

Rebecca Heller
Mark Doss
Julie Kornfeld
International Refugee Assistance Project
Urban Justice Center
40 Rector St., 9th Floor
New York, NY 10006
Phone: (646) 704-3922

Karen C. Tumlin†
Nicholas Espiritu†
Melissa S. Keaney†
Esther Sung†
National Immigration Law Center
3435 Wilshire Boulevard, Suite 1600
Los Angeles, CA 90010
Phone: (213) 639-3900
Jonathan E. Polonsky

Justin Cox
National Immigration Law Center
1989 College Ave. NE
Atlanta, GA 30317
Phone: (678) 404-9119

Omar C. Jadwat
Lee Gelernt
Cecillia D. Wang
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

Jennifer Chang Newell[†]
Cody H. Wofsy[†]
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

Kilpatrick Townsend & Stockton LLP
1114 Avenue of the Americas
New York, NY 10036
Phone: (212) 775-8703
Fax: (212) 775-8819