



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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**HAMEED KHALID DARWEESH and  
HAIDER SAMEER ABDULKHALEQ  
ALSHAWI, on behalf of themselves and others  
similarly situated,**

Petitioners,

- against -

**DONALD TRUMP, *President of the United  
States*; U.S. DEPARTMENT OF  
HOMELAND SECURITY (“DHS”); U.S.  
CUSTOMS AND BORDER PROTECTION  
 (“CBP”); JOHN KELLY, *Secretary of DHS*;  
KEVIN K. MCALEENAN, *Acting  
Commissioner of CBP*; JAMES T.  
MADDEN, *New York Field Director, CBP*,**

**Respondents.**

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ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

**IT APPEARING** to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

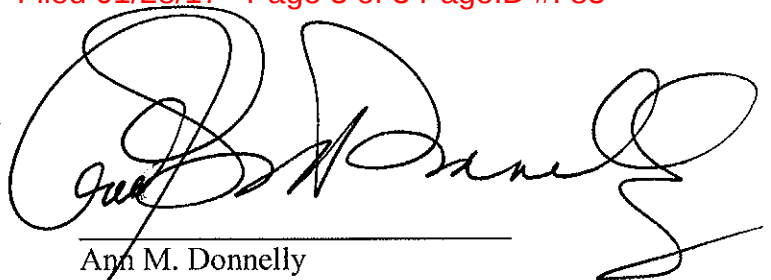
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

**WHEREFORE, IT IS HEREBY ORDERED** that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

**ENJOINED AND RESTRAINED** from, in any manner or by any means, removing 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.

**IT IS FURTHER ORDERED** that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

**SO ORDERED.**



Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
January 28, 2017

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:17-cv-00480**

DARWEESH et al  
Assigned to:  
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 01/28/2017  
Jury Demand: None  
Nature of Suit: 463 Habeas Corpus -  
Alien Detainee  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**HAMEED KHALID DARWEESH**

represented by **Lee Gelernt**  
American Civil Liberties Union  
Foundation  
Immigrants' Rights Project  
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New York, NY 10004  
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*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**HAIDER SAMEER ABDULKHALEQ  
ALSHAWI**

represented by **Lee Gelernt**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Michael J. Wishnie**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Donald J Trump**

Date Filed	#	Docket Text
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01/28/2017	<a href="#">1</a>	COMPLAINT against Donald J Trump Was the Disclosure Statement on Civil Cover Sheet completed -Yes,, filed by HAMEED KHALID DARWEESH, HAIDER SAMEER ABDULKHALEQ ALSHAWI. (Wishnie, Michael) (Entered: 01/28/2017)
01/28/2017	<a href="#">2</a>	NOTICE by HAIDER SAMEER ABDULKHALEQ ALSHAWI re <a href="#">1</a> Complaint (Wishnie, Michael) (Entered: 01/28/2017)
01/28/2017	<a href="#">3</a>	NOTICE by HAIDER SAMEER ABDULKHALEQ ALSHAWI re <a href="#">1</a> Complaint (Wishnie, Michael) (Entered: 01/28/2017)
01/28/2017	<a href="#">4</a>	MOTION to Certify Class by HAMEED KHALID DARWEESH. (Wishnie, Michael) (Entered: 01/28/2017)
01/28/2017	<a href="#">5</a>	CERTIFICATE OF SERVICE by HAIDER SAMEER ABDULKHALEQ ALSHAWI, HAMEED KHALID DARWEESH re <a href="#">4</a> MOTION to Certify Class (Wishnie, Michael) (Entered: 01/28/2017)
01/28/2017	<a href="#">6</a>	Emergency MOTION to Stay <i>Removal</i> by HAIDER SAMEER ABDULKHALEQ ALSHAWI, HAMEED KHALID DARWEESH. (Attachments: # <a href="#">1</a> Memorandum in Support) (Wishnie, Michael) (Entered: 01/28/2017)
01/28/2017	<a href="#">7</a>	NOTICE of Appearance by Lee Gelernt on behalf of All Plaintiffs (aty to be noticed) (Gelernt, Lee) (Entered: 01/28/2017)
01/28/2017	<a href="#">8</a>	ORDER granting <a href="#">6</a> Motion to Stay. For the reasons stated on the record, and as set out in the attached Order, the Motion to Stay is granted. Ordered by Judge Ann M Donnelly on 1/28/2017. (J.M.G.) (Entered: 01/28/2017)
01/28/2017		Minute Entry for proceedings held before Judge Ann M Donnelly: Motion Hearing held on 1/28/2017 re <a href="#">6</a> Emergency MOTION to Stay Removal filed by HAIDER SAMEER ABDULKHALEQ ALSHAWI and HAMEED KHALID DARWEESH. Case called. Lee Gelernt, Omar Jadwat, and Davis Hausman appeared for the petitioner; Gisela Westwater (by telephone), Susan Riley, Elliot M. Schachner, and Scott Dunn appeared for the respondent. Discussions held. For the reasons stated on the record, and as set out in the January 28, 2017 Order, the Motion to Stay is granted, and the respondents are enjoined and restrained from, in any manner or by any means, removing 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. (Audio Recording 8:31-9:05.) (J.M.G.) (Entered: 01/28/2017)
01/28/2017		ORDER: As stated on the record at the January 28, 2017 hearing, the government's submission in connection with the petitioner's requested injunctive relief is due by February 10, 2017; petitioner's opposition by February 13, 2017; government's reply by February 21, 2017. Ordered by Judge Ann M Donnelly on 1/28/2017. (Y.R.Z.) (Entered: 01/28/2017)
01/28/2017		ORDER: As stated on the record at the January 28, 2017 hearing, the respondents are to provide a list of individuals detained, pursuant to the January 27, 2017 Executive Order, to the petitioner's counsel. Ordered by Judge Ann M Donnelly on 1/28/2017. (J.M.G.) (Entered: 01/28/2017)
01/29/2017	<a href="#">9</a>	NOTICE by HAIDER SAMEER ABDULKHALEQ ALSHAWI, HAMEED KHALID DARWEESH re <a href="#">8</a> Order on Motion to Stay , <i>Emergency Motion for Clarification and Enforcement of Order</i> (Wishnie, Michael) (Entered: 01/29/2017)