

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

HAMEED KHALID DARWEESH and  
HAIDER SAMEER ABDULKHALEQ  
ALSHAWI,

on behalf of themselves and others similarly  
situated,

*Petitioners,*

v.

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

*Respondents.*

**Emergency Motion for Clarification  
and Enforcement of Order**

Case No. 1:17-cv-00480

Date: January 29, 2017

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

Pursuant to Federal Rule of Civil Procedure 7(b)(1) and Local Rule 7.1, Petitioners Hameed Khalid Darweesh, Haider Sameer Abdulkhaleq Alshawi, and class members file this *emergency motion* respectfully requesting that the Court immediately clarify and enforce its order granting Petitioners’ Motion for Emergency Stay of Removal. Petitioners’ counsel have learned that Respondents may not be complying with this Court’s Decision and Order. *See* ECF No. 8 (enjoining and restraining Respondents from removing individuals under the January 27th Executive Order). Specifically, Petitioners’ counsel have received repeated reports of individual members subject to the Order who have been placed on planes, possibly deported, and subject to

intimidation to sign removal orders after the issuance of the Court's Order. This information pertains to individuals at Los Angeles International Airport (LAX Airport) and JFK Airport. Furthermore, Assistant United States Attorney, Scott Dunn, has indicated to Petitioners' counsel that Respondents believe this Court's Order may not apply nationwide, and refused to confirm that Respondents would respect the Order nationwide.

Therefore, on behalf of themselves and all others similarly situated putative class members, Petitioners respectfully move this Court to immediately clarify that its January 28th Order is nationwide and order Respondents to enforce the stay of removal.

DATED: January 29, 2017  
New Haven, Connecticut

Respectfully submitted,

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\*\*Application for admission forthcoming.

\* Motion for law student appearance forthcoming.

† Motion for admission *pro hac vice* forthcoming.

†† For identification purposes only. This motion has been prepared by a clinic operated by Yale Law School, but does not purport to present the school's institutional views, if any.

*Counsel for Petitioners*

**CERTIFICATE OF SERVICE**

I, Michael Wishnie, hereby certify that on January 29, 2017 the foregoing emergency motion was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

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