 (b)(6), (b)(7)(C)



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From: (b)(7)(E)
Sent: Wednesday, February 01, 2017 9:45 PM
To: FLORES, PETE ROMERO
Subject: RE: EO - Carrier Liaison Notice

10-4

From: FLORES, PETE ROMERO
Sent: Wednesday, February 01, 2017 5:20:24 PM

To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Subject: FW: EO - Carrier Liaison Notice

FYSA

From: MURDOCK, JUDSON W
Sent: Wednesday, February 01, 2017 5:03:01 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ
Cc: HUTTON, JAMES R; HOFFMAN, TODD A; (b)(6), (b)(7)(C)
Subject: EO - Carrier Liaison Notice

DFOs,

The attached notice was shared with wide ranging stakeholders today through the Carrier Liaison Program. This information should also be available on CBP.gov later this evening or tomorrow morning.

Jud Murdock
Executive Director, Operations (Acting)
Office of Field Operations
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) office
cell

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From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 5:59 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Canceled: EO Update

Okay.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 2:57:10 PM
To: FLORES, PETE ROMERO
Subject: RE: Canceled: EO Update

Got it, we have another Iraqi LPR that just entered 20 minutes ago.

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 3:13:29 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Canceled: EO Update
When: Saturday, January 28, 2017 4:00 PM-4:30 PM.
Where: Conf Call

When: Saturday, January 28, 2017 11:00 PM-11:30 PM. UTC
Where: Conf Call

~~*~*~*~*~*~*~*~*

Conference call: SDFO Conference line.

Call in number: (b)(7)(E)
Pin: (b)(7)(E)

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 8:43 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Congressional and Media Contact

It has been - hopefully it will slow down tomorrow.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 5:41:21 PM
To: FLORES, PETE ROMERO
Subject: RE: Congressional and Media Contact

Long day

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:37:23 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Congressional and Media Contact

Thanks for the disregard - I thought we had a new primary point of contact for the FO..LOL

I was looking for my resignation notice on the web.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 5:30:37 PM
To: (b)(6), (b)(7)(C); FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Congressional and Media Contact

Sorry wrong list

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:30:11 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Congressional and Media Contact

Fyi. Call me if you receive any of the inquiries below.

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:27:25 PM
To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Congressional and Media Contact

PDs,

Please ensure the following is strictly adhered too.

Any calls or requests from a member of Congress or their staff should be referred to Office of Congressional Affairs: (b)(6), (b)(7)(C) and Kim Lowry (b)(6), (b)(7)(C)

For internal OFO questions pertaining to the implementation of the new policy APP has created a new mailbox (b)(7)(E)

Also, public information about what we doing and EO will be placed on our website shortly so we can directly the general public to our page for answers.

From: FLORES, PETE ROMERO
Sent: Monday, January 30, 2017 7:26 AM
Subject: FW: EO CAT

None for the SDFO

From: HOFFMAN, TODD A
Sent: Monday, January 30, 2017 2:27:09 AM
To: DIRECTORS FIELD OPS

Cc: (b)(6), (b)(7)(C) Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: EO CAT

Directors,

Good morning, can you please let me know if you have any reportable issues related to the EO. There were no waivers pending C1 approval as of 0300 hours. (b)(5), (b)(7)(E) Please be advised that we have stood up a 24x7 CAT staffed by members of APP, OCC, OPA, INA, NTC, and Ops. Please feel free to use the CAT as a resource and provide all reportable issues directly to them via (b)(7)(E) Thank you for your engagement and diligence over the weekend.

Todd A. Hoffman
Executive Director, Admissibility and Passenger Programs
Office of Field Operations
U.S. Customs and Border Protection

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:53 PM
To: MARTEL, CARLOS C; (b)(6), (b)(7)(C)
Cc: LAX-WATCH-CMDR; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FOR REVIEW WITH NEW LANGUAGE: EO 212(f) Exemption for (b)(6), (b)(7)(C)

ALCON,

OFO recommends that you (b)(5) under Section 3(g) of the President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) to (b)(6), (b)(7)(C) DOB (b)(6), (b)(7)(C) arrived on Saudi Airlines Flight# (b)(7)(C) (b)(7)(C) (b)(6), (b)(7)(C) presented herself for inspection as a (b)(6), (b)(7)(C) by presenting her valid Syrian Passport # (b)(6), (b)(7)(C) and U.S. C1/D Visa Foil# (b)(6), (b)(7)(C) is currently employed by (b)(6), (b)(7)(C) and has multiple entries into the U.S. (b)(7)(E) (b)(7)(E) and the (b)(7)(E) with results that indicate there is no nexus to terrorism. (b)(5)

(b)(5)
 (b)(5)
 (b)(5) we recommend that this individual (b)(5) consistent with Section 3(g) of the Executive Order.

(b)(5)

Subject (b)(6), (b)(7)(C) DOB (b)(6), (b)(7)(C) COC: SYRIA arrived at LAX, Tom Bradley Terminal at Los Angeles International Airport at 1113 hours on 01/28/2017.

Subject presented a passport from Syria with a C1/D visa classification.

Subject arrived today as part of the (b)(6), (b)(7)(C)

Subject was referred at approximately 1214 hours to Passport Control Secondary as a match to Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States".

Thank you,

(b)(6), (b)(7)(C)
 Chief, Passenger Operations
 Los Angeles International Airport
 U.S. Customs and Border Protection

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 1:54 PM
To: (b)(6), (b)(7)(C)
Cc: MARTEL, CARLOS C; (b)(6), (b)(7)(C)
Subject: FW: Immediate Action Needed
Attachments: 8 - order granting stay.pdf; ATT00001.htm

(b)(6), (b)(7)(C) - FYSA

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 9:09 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Immediate Action Needed

Good morning; (b)(6), (b)(7)(C)

Just FYI. I think this attorney sent this to me in error. Anyway, she sent this to (b)(6), (b)(7)(C) at LAX. I am sure this has probably made its way to your desk. It is the lawsuit filed by a group of attorneys regarding the recent EO.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:07 PM
To: (b)(6), (b)(7)(C)
Subject: Fwd: Immediate Action Needed

Sent from my iPhone

Begin forwarded message:

From: (b)(6), (b)(7)(C)
Date: January 28, 2017 at 7:05:48 PM PST
To: (b)(6), (b)(7)(C)
Subject: Immediate Action Needed

A woman covered by this court order needs to be taken off her flight out of LAX, leaving in we believe the next 10-15 minutes. The airline refuses to comply; please reach out to them immediately to have her removed from the flight. Failure to do so is in violation of federal court order.

(b)(6), (b)(7)(C) Norwegian Airlines flight (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

This message contains information which may be confidential and privileged.

Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete any version, response or reference to it. Thank you.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

**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.

----- X

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;

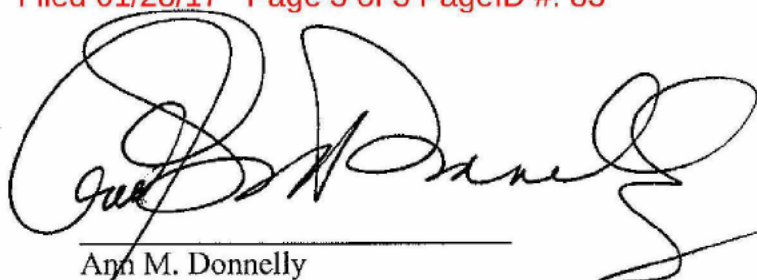
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested 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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 4:04 PM
To: MARTEL, CARLOS C; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: EO Media Guidance

DFO Martel - and PD (b)(6), (b)(7)(C)

Just spoke with CBP Media Division Director/ and DHS HQ continues to be the lead on the media front.

DHS PIO and White House PIO are in a conference call. White House advises no media interaction.

HQ -CBP advises to AVOID any CBP interaction with the local press -- this is a nationwide guidance.

HQ want us to remain silent. We are just tracking media inquiries-- All local TV stations, radio and newspapers have contacted me.

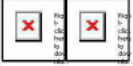
All airports facing the same scenario.

Will keep you posted,

(b)(6), (b)(7)(C)
Branch Chief
Northern and Coastal Branch
Office of Public Affairs
Customs and Border Protection
U.S. Department of Homeland Security
(b)(6), (b)(7)(C)

From: MARTEL, CARLOS C
To: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 12:50 PM
Subject: Message Recall Success: ACTION: EO Guidance - Returning Refugees

From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:14 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Update #2

South bound Center Way is now closed to through traffic up to the both 44 next to the 401 Parking structure. At this time approximately 200 protestors have gathered inside lower level and 100 have gathered curbside lower level TBIT. More to follow.

Today's Date: 01-29-2017.

Current Time: 12:13:27.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

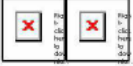
Roadways Impact: No.

Terminal Impact: No.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:29 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Update #3

The demonstrators are now moving upper level TBIT, 380 World Way and using the Northside doors. There are approximately 300 upper level at this time 200 protestors downstairs. More to follow.

Today's Date: 01-29-2017.

Current Time: 12:28:42.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: No.

Terminal Impact: No.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 4:37 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Update #5

Inner lane, lower level traffic is being diverted prior to TBIT. Traffic units are on scene at Pillar B-B directing all vehicle traffic to the outer lanes of 380 World Way. Traffic is being rerouted past the area and allowed to re-enter inner lanes at terminal four. More to follow.

Today's Date: 01-29-2017.

Current Time: 13:36:18.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

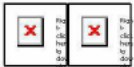
Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:21 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - REVISED UPDATE



[Please click here to acknowledge receipt of this message](#)

Protestors have gathered lower level. There are approximately 200 inside the terminal and 100 outside on the curb.

Today's Date: 01-29-2017.

Current Time: 12:20:52.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: No.

Terminal Impact: No.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts [REDACTED] (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 4:46 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



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Update #6

There is approximately 1500 protestors at lower level 380 at this time. Approximately 100 additional protestors have been observed walking into the Airport from Little Century at Sepulveda and from Sky Way. More to follow.

Today's Date: 01-29-2017.

Current Time: 13:45:53.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 4:05 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Update #4

Approximately 10 Executive Directive supporters gathered on Center Way. More to follow.

Today's Date: 01-29-2017.

Current Time: 13:04:38.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

UPDATED -Roadways Impact: Yes.

UPDATED -Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 5:05 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Inbound, lower level traffic is being diverted to West Way arrivals level. Inner and outer lanes are being diverted around lower level TBIT to allow for the growing number of protestors.

Today's Date: 01-29-2017.

Current Time: 14:04:58.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts [REDACTED] (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 8:40 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

There are now over 3,000 protesters in the upper and lower levels of the CTA marching and blocking traffic . Busses have been observed dropping off additional protesters. LAX Air Traffic Control is reporting normal flight operations at this time. More to follow.

Today's Date: 01-29-2017.

Current Time: 17:39:21.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 9:12 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Traffic Lower Level from Terminal 1 has been released and is being diverted at West Way to World Way South. More to follow.

Today's Date: 01-29-2017.

Current Time: 18:11:42.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 10:21 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE #8



[Please click here to acknowledge receipt of this message](#)

Protestors are now blocking the roadway Upper level at TBIT. More to follow.

Today's Date: 01-29-2017.

Current Time: 19:20:23.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

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From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 10:42 PM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Westbound 105 coming into LAX is at a complete standstill at this time. Vehicles dropping and picking up passengers are advised to temporarily use the upper level roadway. More to follow.

Today's Date: 01-29-2017.

Current Time: 19:41:29.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

This message contains confidential information and is intended only for the individual named. Do not disseminate, or distribute, except to those that need to know. If you have received this notification in error or for technical assistance, contact (b)(7)(E)

From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 12:16 AM
To: MARTEL, CARLOS C
Subject: LAX - DEMONSTRATION/PROTEST - UPDATE



[Please click here to acknowledge receipt of this message](#)

Upper and Lower Level roadways in the Central Terminal Area are now completely open to all traffic. More to follow.

Today's Date: 01-29-2017.

Current Time: 21:15:27.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

This message contains confidential information and is intended only for the individual named. Do not disseminate, or distribute, except to those that need to know. If you have received this notification in error or for technical assistance, contact (b)(7)(E)

From: LAWA Alerts (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 3:37 AM
To: MARTEL, CARLOS C
Subject: LAX - TBIT Protest Demonstration - CLOSED



[Please click here to acknowledge receipt of this message](#)

The Demonstrators have dispersed and the LAPD/Airport Police are demobilizing. LAWA Shuttle bus operations have resumed normal operations throughout the CTA.

UPDATED -Today's Date: 01-30-2017.
Current Time: 00:36:32.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

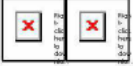
Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

This message contains confidential information and is intended only for the individual named. Do not disseminate or distribute, except to those that need to know. If you have received this notification in error or for technical assistance, contact

(b)(7)(E)

From: LAWA Alerts: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 2:12 AM
To: MARTEL, CARLOS C
Subject: LAX - TBIT Protest Demonstration - UPDATE



[Please click here to acknowledge receipt of this message](#)

Approximately 100-150 demonstrators remain at LAX. Demonstrators and Police have agreed to only block the upper/lower levels alternately for 15 minutes every half hour. Two arrests have been made so far.

Today's Date: 01-29-2017.

Current Time: 23:11:58.

Narrative: There is a scheduled demonstration to be held today at 1100hrs -1600hrs. The protest is against the Muslims ban at LAX. Demonstration will be held at 380 World Way, Tom Bradley International Terminal. APD and LAPD will be on scene to monitor the event. The CP is located at LAFD Fire Station #5, more to follow.

Airfield Impact: No.

Roadways Impact: Yes.

Terminal Impact: Yes.

CP Location: LAFD Fire Station #5.

This message contains confidential information and is intended only for the individual named. Do not disseminate, or distribute, except to those that need to know. If you have received this notification in error or for technical assistance, contact (b)(7)(E)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 2:47 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); MARTEL, CARLOS C.; (b)(6), (b)(7)(C)
Subject: FW: Immediate Action Needed
Attachments: 8 - order granting stay.pdf; ATT00001.htm

FYI. Please be advised that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) are my POCs for this so please include them on correspondence, as well as me. Thank you. (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 10:54 AM
To: (b)(6), (b)(7)(C)
Cc: MARTEL, CARLOS C <(b)(6), (b)(7)(C)>
Subject: FW: Immediate Action Needed

(b)(6), (b)(7)(C) - FYSA

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 9:09 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Immediate Action Needed

Good morning (b)(6), (b)(7)(C)

Just FYI. I think this attorney sent this to me in error. Anyway, she sent this to (b)(6), (b)(7)(C) at LAX. I am sure this has probably made its way to your desk. It is the lawsuit filed by a group of attorneys regarding the recent EO.

Thanks,

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:07 PM
To: (b)(6), (b)(7)(C)
Subject: Fwd: Immediate Action Needed

Sent from my iPhone

Begin forwarded message:

From: (b)(6), (b)(7)(C)
Date: January 28, 2017 at 7:05:48 PM PST

To: (b)(6), (b)(7)(C)

Subject: Immediate Action Needed

A woman covered by this court order needs to be taken off her flight out of LAX, leaving in we believe the next 10-15 minutes. The airline refuses to comply; please reach out to them immediately to have her removed from the flight. Failure to do so is in violation of federal court order.

(b)(6), (b)(7)(C) Norwegian Airlines flight (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete any version, response or reference to it. Thank you.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

**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.

----- X

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;

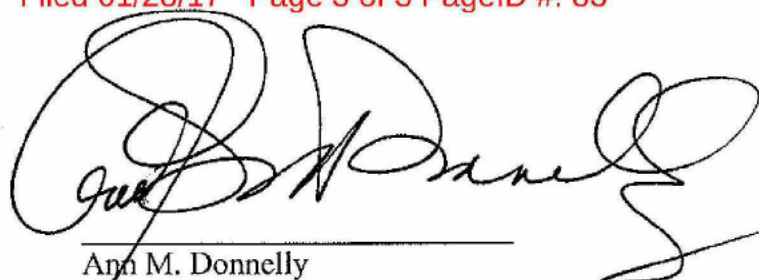
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested 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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 3:21 PM
To: (b)(6), (b)(7)(C)
Cc: LAX-WATCH COMMANDER; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: Situational Awareness: Los Angeles, CA: EV EO Inadmissible Iranian Citizen
Importance: High

Situational Awareness: Los Angeles, CA: EV EO Inadmissible Iranian Citizen

Summary:

On Saturday, January 28, 2017 (b)(6), (b)(7)(C) a 44 year-old female holding dual citizenship from both Australia and Iran, arrived at Los Angeles International Airport on board flight QF 11 coming from Sydney, Australia. Ms. (b)(6), (b)(7)(C) applied for admission as a B-2 visitor for pleasure. Ms. (b)(6), (b)(7)(C) was referred for further processing to the (b)(7)(E) (b)(7)(E) under the new President's Executive Order which suspends the entry of citizens from Iran.

Ms. (b)(6), (b)(7)(C) was issued her NIV on 20 October 2016 B1/B2 visa (foil (b)(6), (b)(7)(C) on her Australian passport (b)(6), (b)(7)(C) Ms. (b)(6), (b)(7)(C) applied for admission as a visitor for pleasure using her Australian citizenship and to attend a seminar at (b)(6), (b)(7)(C) for which she has professional ties.

Ms. (b)(6), (b)(7)(C) was (b)(7)(E), Ms. (b)(6), (b)(7)(C) admitted she was still currently a citizen of Iran, and she visited Iran in 2010 using her valid Iranian passport. The purpose of her trip to Iran was to visit her immediate family, who are currently residing in Iran.

Therefore, subject is inadmissible under the Pursuant to Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. Mr. (b)(6), (b)(7)(C) was found inadmissible to the United States pursuant to Section 212(a)(7)(B)(i)(II) non-immigrant without proper documents because he is required to have a 212(f) waiver in addition to his Non-Immigrant Visa.

Updates to follow.

(b)(6), (b)(7)(C)

Biographical Information:

Passenger Name (b)(6), (b)(7)(C)
 POB Tehran
 COC Australia PP# (b)(6), (b)(7)(C) and Iran PP# (Unknown)
 US NIV (b)(6), (b)(7)(C)
 DOB (b)(6), (b)(7)(C)
 Arrival Flight QF 11 on 01/28/2017

Travel History:

Multiples trips to the U.S. since 2003.

Have a Blessed Day!

Chief (b)(6), (b)(7)(C)
 Los Angeles Field Office
 Chaplain
 Passenger Operations

(b)(6), (b)(7)(C)



From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:33 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Situational Awareness: Los Angeles, CA: EV EO: Inadmissible Sudan Citizen

I am referring to TTRT. I think it warrants further inspection

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:32 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Situational Awareness: Los Angeles, CA: EV EO: Inadmissible Sudan Citizen

FYI

(b)(6), (b)(7)(C)
(A) Assistant Port Director
Los Angeles International Airport (LAX)
U.S. Customs & Border Protection

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:17 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: Situational Awareness: Los Angeles, CA: EV EO: Inadmissible Sudan Citizen

Situational Awareness: Los Angeles, CA: EV EO: Inadmissible Sudan Citizen

Summary:

On Saturday, January 28, 2017, (b)(6), (b)(7)(C), a 53 year old male citizen of Sudan arrived at the Los Angeles International Airport onboard flight (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was referred to the (b)(7)(E) for a lookout placed as a result of the President's Executive Order. The subject was allowed to withdraw his application for admission. The subject is in (b)(7)(E) pending further guidance regarding the temporary emergency stay issued by a federal judge in Brooklyn, New York.

Details:

On Saturday, January 28, 2017, (b)(6), (b)(7)(C), a 53 year old male citizen of Sudan arrived at the Los Angeles International Airport onboard flight (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) applied for admission as a B2 visitor for pleasure. (b)(6), (b)(7)(C) was referred to the (b)(7)(E) for further processing due to an augment lookout related to the President's Executive Order which suspends the entry of citizens from Sudan.

(b)(6), (b)(7)(C) was issued his B1/B2 NIV with visa (foil (b)(6), (b)(7)(C)) on January 12, 2017.

(b)(6), (b)(7)(C) was determined to be inadmissible pursuant to Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. (b)(6), (b)(7)(C) was found inadmissible to the United States pursuant to Section 212(a)(7)(B)(i)(II) non-immigrant without proper documents because he is required to have a 212(f) waiver in addition to his non-immigrant visa.

Updates to follow

(b)(6), (b)(7)(C)

Biographical Information:

Passenger Name (b)(6), (b)(7)(C)
POB Sudan
COC Sudan
PP: (b)(6), (b)(7)(C)
DOB: (b)(6), (b)(7)(C)
Arrival Flight: SV 41

Six Month Travel History: Subject has no previous crossings

Thank You,

(b)(6), (b)(7)(C)
Chief, Passenger Operations
Los Angeles International Airport
U.S. Customs and Border Protection

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 5:55 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: (b)(6), (b)(7)(C) Order requiring admission
Attachments: 17-0702 (b)(6), (b)(7)(C) FINAL.012917- order.pdf; FILED Pet for Writ of Habeas Corpus 012817.pdf

Importance: High

FYSA

Respectfully,

(b)(6), (b)(7)(C)
 Section Chief
 Passenger Operations
 U.S. Customs and Border Protection
 Los Angeles International Airport ✈

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 2:17 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: (b)(6), (b)(7)(C) Order requiring admission
Importance: High

Dear Chief (b)(6), (b)(7)(C)
 Please find attached an order from District Court Judge Dolly M. Gee ordering that Mr. (b)(6), (b)(7)(C) be admitted immediately to the US. He is in Dubai awaiting authorization to return to the US.

Mr. (b)(6), (b)(7)(C) is in danger of imminent removal from Dubai to Iran at any moment, in violation of this order. Please convey the order to CBP or other US officials in Dubai airport, and let us know if there are any other individuals I can contact.

Please contact attorney (b)(6), (b)(7)(C) with the ACLU at (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Law Offices of (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Los Angeles, CA 90014

Telephone: (b)(6), (b)(7)(C)

Facsimile: (b)(6), (b)(7)(C)

Email: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ali Khoshbakhti Vayeghan,	}	Case No. CV 17-0702
Petitioner,	}	
v.	}	
Kelly, et al.,	}	
Respondents.	}	

On January 28, 2017, Petitioner Vayeghan filed a Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, an Order to Show Cause re Preliminary Injunction, and an *Ex Parte* Application for Temporary Restraining Order (“TRO”) staying his removal from the United States, and ordering his release from the custody of the Department of Homeland Security. [Doc. ##1, 2.] Before the Court could rule on the TRO, he was placed on a flight to Dubai to be removed to Iran. On January 29, 2017, he filed an Amended *Ex Parte* Application for Temporary Restraining Order (“Amended TRO”), which is currently before the Court. [Doc. # 4.]

1 Federal Rule of Civil Procedure 65 governs the issuance of TROs and preliminary
2 injunctions, and courts apply the same standard to both. *See Credit Bureau Connection,*
3 *Inc. v. Pardini*, __ F. Supp. 2d __, 2010 WL 2737128, at *5 (E.D. Cal. July 12, 2010)
4 (citing *Ne. Ohio Coal. for the Homeless & Serv. Employees Int’l Union, Local 1199 v.*
5 *Blackwell*, 467 F.3d 999, 1009 (6th Cir. 2006)). The purpose of such injunctive relief is
6 to preserve the rights and relative positions of the parties, *i.e.*, the *status quo*, until a final
7 judgment issues. *See U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th
8 Cir. 2010) (citing *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395, 101 S.Ct. 1830, 68
9 L.Ed.2d 175 (1981)).

10
11 Having reviewed and considered Petitioner’s written submissions, the Court finds
12 that:

- 13
14 1. Petitioner has demonstrated a strong likelihood of success in establishing that
15 removal violates the Establishment Clause, the Immigration and Nationality Act,
16 and his rights to Equal Protection guaranteed by the United States Constitution.
17 *See* 8 U.S.C. §§ 1151, 1152(a)(1)(A) (“[N]o person shall receive any preference or
18 priority or be discriminated against in the issuance of an immigrant visa because of
19 the person’s race, sex, nationality, place of birth, or place of residence.”); *Johnson*
20 *v. California*, 543 U.S. 499, 506–508 (2005); *Board of Educ. Of Kiryas Joel Vill.*
21 *Sch. Dist. V. Grumet*, 512 U.S. 687, 696, 702–703 (1994); *Vill. of Arlington*
22 *Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 266–67 (1977).
23
24 2. There is a strong likelihood that Petitioner is likely to suffer irreparable harm in the
25 absence of interim injunctive relief.
26
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1 3. The balance of equities weighs sharply in favor of Petitioner and granting interim
2 injunctive relief.

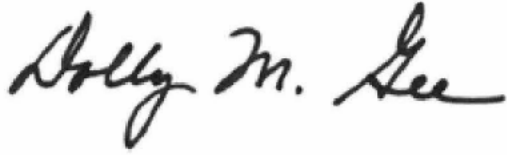
3
4 4. The Court must consider the public interest in upholding constitutional rights.
5 *Preminger v. Pincipi*, 422 F.3d 815, 826 (9th Cir. 2005). Given the constitutional
6 rights at issue in this case, interim injunctive relief is in the public interest.

7
8 In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- 9
10 1. Respondents are enjoined and restrained from barring Petitioner's return to the
11 United States.
- 12
13 2. Respondents shall transport Petitioner back to the United States and admit him
14 under the terms of his previously approved visa.
- 15
16 3. Respondents shall communicate the terms of this Court's order immediately to
17 officers in Dubai, and to authorities in the airport in Dubai holding Petitioner on
18 Respondents' orders.
- 19
20
21 4. Respondents shall file their opposition to Petitioners' *Ex Parte* Application by
22 February 3, 2017. Petitioner shall file her reply by February 7, 2017.
- 23
24 5. Respondents shall appear before the assigned judge on February 10, 2017 at 9:30
25 a.m. to show cause why the preliminary injunctive relief sought in the *Ex Parte*
26
27
28

6. Application for Temporary Restraining Order and Order to Show Cause re Preliminary Injunction should not be granted.

IT IS SO ORDERED.



DATED: January 29, 2017

DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

DATED: January 29, 2017

DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

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1 Carmen Iguina (CA SBN #277369)
 2 Jennifer Pasquarella (CA SBN #263241)
 3 Ahilan Arulanantham (CA SBN# 237841)
 4 Peter Bibring (CA SBN #223981)
 5 ACLU of Southern California
 6 1313 West 8th Street
 7 Los Angeles, CA 90017
 8 Telephone: (213) 977-9500
 9 Facsimile: (213) 977-5297
 10 Email: ciguina@aclusocal.org

11 Stacy Tolchin (CA SBN #217431)
 12 Megan Brewer (CA SBN#268248)
 13 Law Offices of Stacy Tolchin
 14 634 S. Spring St., Suite 500A
 15 Los Angeles, CA 90014
 16 Telephone: (213) 622-7450
 17 Facsimile: (213) 622-7233
 18 Email: Stacy@Tolchinimmigration.com
 19 Email: Megan@Tolchinimmigration.com

20 UNITED STATES DISTRICT COURT FOR THE
 21 CENTRAL DISTRICT OF CALIFORNIA

22 Ali Khoshbakhti Vayeghan,

23 Petitioner,
 24 v.

25 John F. Kelly; Secretary, Department of
 26 Homeland Security; DONALD TRUMP,
 27 President of the United States; U.S.
 28 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 MITCHELL MERRIAM, Los
 Angeles Field Director, CBP,

Respondents.

Case No.

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

INTRODUCTION

1
2
3 Petitioner Ali Khoshbakhti Vayeghan, is an Iranian citizen who has a U.S.
4 Visa, landed at Los Angeles International Airport (“LAX Airport”) on the evening
5 of January 27, 2017. The U.S. government granted Petitioner Vayeghan an
6 immigrant visa on October 27, 2016 as a result of a petition filed by his U.S. citizen
7 son.

8 Despite these findings and Petitioner’s valid entry documents, U.S. Customs
9 and Border Protection (“CBP”) blocked Petitioner from exiting Los Angeles
10 International (“LAX”) Airport and detained Petitioner therein. No magistrate has
11 determined that there is sufficient justification for the continued detention of
12 Petitioner. Instead, CBP is holding Petitioner at LAX Airport and threatening to
13 deport him back to Iran today at 3:00 p.m. solely pursuant to an executive order
14 issued on January 27, 2017.

15 Because the executive order is unlawful as applied to Petitioner, his
16 continued detention based solely on the executive order violates his Fifth
17 Amendment procedural and substantive due process rights, violates the First
18 Amendment Establishment Clause, is ultra vires the immigration statutes, and
19 violates the Administrative Procedure Act and Religious Freedom Restoration Act.
20 Further, Petitioner continued unlawful detention is part of a widespread pattern
21 applied to many refugees and arriving aliens detained after the issuance of the
22 January 27, 2017 executive order. Therefore, Petitioner respectfully applies to this
23 Court for a writ of habeas corpus to remedy his unlawful detention by Respondents,
24 and for declaratory and injunctive relief to prevent such harms from recurring.

JURISDICTION AND VENUE

25
26
27 1. Jurisdiction is conferred on this court by 28 U.S.C. §§ 1331, 1361,
28 2241, 2243, and the Habeas Corpus Suspension Clause of the U.S. Constitution.

1 This court has further remedial authority pursuant to the Declaratory Judgment Act,
2 28 U.S.C. § 2201 *et seq.*

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

6 3. No petition for habeas corpus has previously been filed in any court to
7 review Petitioner's cases.

8 **PARTIES**

9
10 4. Petitioner Khoshbakthi Vayeghan is an Iranian citizen with an
11 approved U.S. visa issued on October 27, 2016 on the basis of a petition filed by
12 his U.S. citizen son. He currently being detained at LAX Airport and threatened
13 with deportation to Iran on January 28, 2017 at 3:00 p.m. Petitioner is Muslim.

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

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

20 7. Respondent John Kelly is the Secretary of DHS. Secretary Kelly has
21 immediate custody of Petitioner. He is sued in his official capacity.

22 8. Respondent Kevin K. McAleenan is the Acting Commissioner of CBP.
23 Acting Commissioner McAleenan has immediate custody of Petitioner. He is sued
24 in his official capacity.

25 9. Respondent Mitchell Merriam is the Director of the Los Angeles Field
26 Office of CBP, which has immediate custody of Petitioner. He is sued in his official
27 capacity.

28

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

5
6 **Petitioner Vayeghan**

7 16. Petitioner Khoshbakthi Vayeghan is an Iranian citizen with an
8 approved U.S. visa issued on October 27, 2016 on the basis of a petition filed by
9 his U.S. citizen son, who lives in Indiana. The visa is set to expire on February 14,
10 2017. Based on this visa, Petitioner Khoshbakthi Vayeghan would be eligible to
11 adjust to legal permanent resident status upon his admission to the United States.

12 17. Had he been afforded admission, several weeks after entering the
13 United States, Petitioner would have received a green card in the mail and could
14 naturalize five years later.

15 18. After selling his business and assets in Iran in anticipation of
16 immigrating to the United States to join his son, Petitioner travelled to the United
17 States. He departed on flight from Dubai and arrived at LAX Airport at
18 approximately 7:15 p.m. on January 27, 2017.

19 19. Upon arrival at LAX Airport, CBP officers detained Petitioner
20 Khoshbakthi Vayeghan. His brother and sister-in-law, who live in Los Angeles,
21 have been informed that Petitioner Khoshbakthi Vayeghan will be deported back to
22 Iran on a flight leaving LAX Airport on January 28, 2017 at approximately 3:00
23 p.m.

24 20. Petitioner is not being permitted to meet with his attorneys who are
25 present at LAX Airport and have made multiple attempts to meet with him. After
26 requesting on multiple occasions to meet with Petitioner, attorneys have been
27 informed that access to Petitioner is denied on the basis of 8 C.F.R. § 292.1.
28

1 See Michael D. Shear & Helene Cooper, *Trump Bars Refugees and Citizens of 7*
2 *Muslim Countries*, N.Y. Times (Jan. 27, 2017), (“[President Trump] ordered that
3 Christians and others from minority religions be granted priority over Muslims.”);
4 Carol Morello, *Trump Signs Order Temporarily Halting Admission of Refugees,*
5 *Promises Priority for Christians*, Wash. Post (Jan. 27, 2017).

6 8. Applying a general law in a fashion that discriminate on the basis of
7 religion in this way violates Petitioner’s rights to equal protection the Fifth
8 Amendment Due Process Clause. *Hayden v. County of Nassau*, 180 F.3d 42, 48 (2d
9 Cir. 1999); *Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886). Petitioner satisfies
10 the Supreme Court’s test to determine whether a facially neutral law – in the case,
11 the EO and federal immigration law – has been applied in a discriminatory fashion.
12 The Supreme Court requires an individual bringing suit to challenge the application
13 of a law bear the burden of demonstrating a “prima facie case of discriminatory
14 purpose.” *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266-
15 7 (1977). This test examines the impact of the official action, whether there has
16 been a clear pattern unexplainable on other grounds besides discrimination, the
17 historical background of the decision, the specific sequence of events leading up to
18 the challenged decision, and departures from the normal procedural sequence. *Id.*

19 9. Here, President Donald Trump and senior staff have made clear that
20 EO will be applied to primarily exclude individuals on the basis of their national
21 origin and religion. See, e.g., sources cited, *supra*. See, e.g., Donald J. Trump,
22 *Donald J. Trump Statement On Preventing Muslim Immigration*, (Dec. 7, 2015),
23 [https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-](https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration)
24 [preventing-muslim-immigration](https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration) (“Donald J. Trump is calling for a total and
25 complete shutdown of Muslims entering the United States until our country’s
26 representatives can figure out what is going on.”); Abby Phillip and Abigail
27 Hauslohner, *Trump on the Future of Proposed Muslim Ban, Registry: ‘You know*
28

1 *my plans*’, Wash. Post (Dec. 22, 2016). Further, the President has promised that
2 preferential treatment will be given to Christians, unequivocally demonstrating the
3 special preferences and discriminatory impact that the EO has upon Petitioner. *See*
4 *supra*.

5 10. Thus, Respondents have applied the EO with forbidden animus and
6 discriminatory intent in violation of the equal protection of the Fifth Amendment
7 and violated Petitioner’s equal protection rights.

8
9 **COUNT THREE**
ADMINISTRATIVE PROCEDURE ACT

10 11. Petitioner repeats and incorporates by reference each and every
11 allegation contained in the preceding paragraphs as if fully set forth herein.

12 12. Respondents detained and mistreated Petitioner solely pursuant to an
13 executive order issued on January 27, 2017, which expressly discriminates against
14 Petitioner on the basis of their country of origin and was substantially motivated by
15 animus toward Muslims. *See supra* Count Five.

16 13. The EO exhibits hostility to a specific religious faith, Islam, and gives
17 preference to other religious faiths, principally Christianity.

18 14. The INA forbids discrimination in issuance of visas based on a
19 person’s race, nationality, place of birth, or place of residence. 8 U.S.C. §
20 1152(a)(1)(A).

21 15. Respondents’ actions in detaining and mistreating Petitioner were
22 arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with
23 law, in violation of APA § 706(2)(A); contrary to constitutional right, power,
24 privilege, or immunity, in violation of APA § 706(2)(B); in excess of statutory
25 jurisdiction, authority, or limitations, or short of statutory right, in violation of APA
26 § 706(2)(C); and without observance of procedure required by law, in violation of §
27 706(2)(D).

28
