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The People of the State of California, and
7 The People of the United States of America
8
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10 IN THE UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO
13

14 People of the United States of
15 America and the State of California,

16 Plaintiffs,

17 vs.

18 Donald Trump; United States of
19 America,

20 Defendants.
21

Case Number: 3:17-cv-00451-JD

FIRST AMENDED COMPLAINT FOR
INJUNCTION AND REPEAL OF
UNCONSTITUTIONAL SEGMENTS
OF THE PRESIDENTIAL
EXECUTIVE ORDER DATED
MARCH 6, 2017 SUSPENDING
ENTRY OF TARGET PERSONS
INTO THE UNITED STATES

The Hon. James Donato, Presiding.

22
23 **I. JURISDICTION**

24 This action, which was the first constitutional challenge to the President's
25 Executive Order number 13769 issued on January 27, 2017, was filed several hours
26 later, on January 28, 2017. The claims arise under the Constitution, laws, or treaties
27 of the United States, and is specific to the Executive Order of the President issued
28

1 March 6, 2017, and captioned:

2 Executive Order Protecting The Nation From Foreign Terrorist Entry
3 Into The United States

4 Jurisdiction is pursuant to Federal Question under 28 U.S.C. § 1331. The Executive
5 Order at issue shall hereinafter be referenced as “SUBJECT EXECUTIVE ORDER.”
6 A true and correct copy of the SUBJECT EXECUTIVE ORDER is attached as Exhibit
7 A hereto.

8 **VENUE**

9 Defendant is the United States. Venue is proper in any judicial district pursuant
10 to 28 U.S.C. § 1391(e).

11 **PARTIES**

12 1. Plaintiffs are the People of the United States of America and the State of
13 California (hereinafter “THE PEOPLE”), by way of the Private Attorney General
14 statutes of the State of California and United States. The action is on behalf of all
15 persons in the United States, who are negatively and adversely impacted by the
16 SUBJECT EXECUTIVE ORDER, in protection of their civil rights, pursuant to 42
17 U.S.C. § 1988. THE PEOPLE include persons within the purview of Sections 2(c)
18 and 3(a) of the SUBJECT EXECUTIVE ORDER, as well as professionals, educators,
19 persons of varying religious beliefs and backgrounds, and persons of all ethnicity.
20 The term, “THE PEOPLE,” therefore references all interests OPPOSED to the
21 challenged LIMITED PROVISIONS of the SUBJECT EXECUTIVE ORDER,
22 including but not limited to those persons who have filed declarations as presented
23 with the Requests for Judicial Notices dated 2/10/2017 (doc. 16) and 2/19/17 (doc.
24 20). Said declarations represent a sampling of the affected persons, and include
25 doctors, lawyers, educators, other professionals, Christians, Catholics, Jews, Muslims,
26 persons of other religious beliefs, companies and business entities, and persons
27 otherwise directly and adversely affected by the SUBJECT EXECUTIVE ORDER.
28

1 Constitution, Amendment 14. The request for removal of the words “on the effective
2 date of this order” on Section 3(a)(iii) is to prevent the harm and inadvertent injustice
3 in denying entry to persons simply because of administrative and other delays which
4 would cause the issuance of their visas to take place after the March 16, 2017
5 deadline.

6 The provisions for bolstering of the vetting process to include background
7 investigations, interviews, and other measures to assure that persons coming into the
8 country from any of the designated countries are not being challenged, although it is
9 requested that the vetting process be expanded to include vetting of persons from any
10 country accessible to terrorists, rather than from just the six designated countries.

11
12 **FIRST CAUSE OF ACTION FOR INJUNCTIVE RELIEF TO**
13 **REMEDY EQUAL PROTECTION CONCERNS BY REMOVING**
14 **REFERENCE TO DESIGNATED COUNTRIES**

15 5. THE PEOPLE identify the non-compliance of the SUBJECT
16 EXECUTIVE ORDER with the Equal Protection Clause of the Fourteenth
17 Amendment with respect to Section 2, which is based on the countries identified on
18 Section 1(f) as follows:

19 Section 1(f): [...] Accordingly, while that assessment is ongoing, I am
20 imposing a temporary pause on the entry of nationals from Iran, Libya,
21 Somalia, Sudan, Syria, and Yemen, subject to categorical exceptions and
22 case-by-case waivers, as described in section 3 of this order.

23 The unconstitutional provision is Section 2(c), which reads in relevant part:

24 I therefore direct that the entry into the United States of nationals of
25 those six countries be suspended for 90 days from the effective date of
26 this order, subject to the limitations, waivers, and exceptions set forth in
27 sections 3 and 12 of this order.

28 The provision violates the Equal Protection clause and adversely affects those persons
whom remain on U.S. soil and are deprived of access to their family members,
business associates, employees (as discussed pp. 10 and 28 of the Ninth Circuit order
in Washington v. Trump, case number 17-35105 (2/9/17)), and others, and is generally

1 “They kept saying, ‘you don’t belong here, get out of this country, go
2 back to your country,’ and finally they came really close and they were
3 like, ‘take that rag off your head,’” she said.

4 The discrimination fostered by specificity of a select group of predominantly Muslim
5 countries on the SUBJECT EXECUTIVE ORDER was also evident by recent actions
6 of Enforcement Officers whom had adopted general discriminatory practices and
7 detained persons whom were not otherwise subject to the travel ban. An example was
8 the February 25, 2017 detention of the late Mr. Muhammad Ali’s son, Mr.
9 Muhammad Ali Jr., a Muslim. Despite having been born and raised in the U.S., Mr.
10 Ali was detained by immigration officials at a Florida airport and questioned about his
11 ancestry and religion simply because he was Muslim. Mr. Ali’s mother Mrs. Khalila
12 Camacho Ali was also detained. In yet another recent incident on or about 2/27/17,
13 former renown soccer player Mr. Dwight Yorke, a Tobagonian, was denied entry into
14 the U.S. under Executive Order 13769, even though enforcement of it had been
15 suspended by the Court of Appeals, simply because his passport contained an Iranian
16 stamp.

17 The injuries extend to strained relations between the Honorable President
18 Donald Trump on the one hand, and the Judiciary on the other hand, evidenced by Mr.
19 Trump’s upset statement of February 4, 2017, directed to the Honorable Federal Judge
20 James Robart, to wit:

21 “The opinion of this so-called judge, which essentially takes
22 law-enforcement away from our country, is ridiculous and will be
23 overturned!”

24 In response, on or about February 6, 2017, the several people in disagreement with
25 Mr. President Trump, including famed film-maker Mr. Michael Moore, resorted
26 to referring to Mr. President as the “so-called president.” The combination of pre-
27 election promises to ban Muslim entry, issuance of Executive Order 13769 and
28 resulting protests and attacks on persons of Muslim beliefs or Middle East appearance,

1 and the new March 6, 2017 Executive Order, all serve to foster discrimination,
 2 national polarization, and attacks and injuries on innocent people of the United States.
 3 The remedy is simply to remove the specificity of the six predominantly Muslim
 4 countries of designation on the Executive Order.

5 **SECOND CAUSE OF ACTION FOR INJUNCTIVE RELIEF TO**
 6 **REMEDY EQUAL PROTECTION CONCERNS BY REMOVING**
 7 **TIME RESTRICTION FOR OBTAINING VISAS**

7 7. THE PEOPLE identify the non-compliance of the SUBJECT
 8 EXECUTIVE ORDER with the Equal Protection Clause of the Fourteenth
 9 Amendment with respect to Section 2, which is based on the ban of entry provision
 10 premised on the date of obtaining a travel visa, identified on Section 2(a)(iii) as
 11 follows:

12 [(a) Scope. Subject to the exceptions set forth in subsection (b) of this
 13 section and any waiver under subsection (c) of this section, the
 14 suspension of entry pursuant to section 2 of this order shall apply only
 to foreign nationals of the designated countries who:

15 (i) are outside the United States on the effective date of this order;

16 (ii) did not have a valid visa at 5:00p.m., eastern standard time on
 17 January 27, 2017; and]

18 (iii) do not have a valid visa **on the effective date of this order.**
 19 [Emphasis added.]

20 The Equal Protection violation is in the disparate treatment of persons who may suffer
 21 delays due to administrative backlog or error, or for any other reason, which equally
 22 translates to harms suffered by family members and affiliates in the United States who
 23 suffer inaccessibility to their family members, friends, employees and the like, as
 24 articulated in part on the Ninth Circuit decision referenced above. Those who do not
 25 suffer delays will be permitted entry, while those who suffer delays will be subjected
 26 to entry on a discretionary basis as articulated in Section 3(c):

27 Waivers. Notwithstanding the suspension of entry pursuant to section 2
 28 of this order, a consular officer, or, as appropriate, the Commissioner,
 U.S. Customs and Border Protection (CBP), or the Commissioner's

CERTIFICATE OF SERVICE

I, Sonia Dunn-Ruiz, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at 7525 Leviston Ave, El Cerrito, CA. On March 10, 2017 I served the attached:

FIRST AMENDED COMPLAINT FOR INJUNCTION AND REPEAL OF UNCONSTITUTIONAL SEGMENTS OF THE PRESIDENTIAL EXECUTIVE ORDER DATED MARCH 6, 2017 SUSPENDING ENTRY OF TARGET PERSONS INTO THE UNITED STATES; Exhibit A

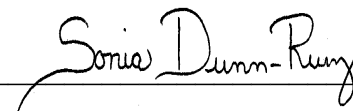
on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

United States Attorney
450 Golden Gate Avenue
San Francisco, CA 94102

and served the named document in the manner indicated below:

BY MAIL: I am familiar with the practices of the U.S. Postal Service, and I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelopes(s) addressed to the addressees, at an office of the U.S. Postal Service in El Cerrito, California, for collection and mailing by first class mail with the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 10, 2017, at El Cerrito, California.



Sonia Dunn-Ruiz