

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:17-cv-00353-TCB**

Tawfeeq v. U.S. Department of Homeland Security et al
Assigned to: Judge Timothy C. Batten, Sr
Cause: 28:2201 Declaratory Judgment

Date Filed: 01/30/2017
Date Terminated: 08/11/2017
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

Mohammed Abdullah Tawfeeq

represented by **Carl W. Hampe**
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V.

Defendant

**U.S. Department of Homeland Security
(DHS)**

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Defendant**John F. Kelly**
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*ATTORNEY TO BE NOTICED***Defendant****U.S. Customs and Border Protection**
*(CBP)*represented by **Sheetul Sheth Wall**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****Kevin A. McAleenan**
*Acting Commissioner of CBP*represented by **Sheetul Sheth Wall**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****Carey Davis**
*Port Director, CBP*represented by **Sheetul Sheth Wall**
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*ATTORNEY TO BE NOTICED***Defendant****Andy Pryor**
*Manager, CBP*represented by **Sheetul Sheth Wall**
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*ATTORNEY TO BE NOTICED***Defendant****Shana Wells**
*Manager, CBP*represented by **Sheetul Sheth Wall**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****U.S. Department of State**
*(Department of State)*represented by **Sheetul Sheth Wall**
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*ATTORNEY TO BE NOTICED***Defendant****Thomas A. Shannon**
*Acting Secretary of State, Department of State*represented by **Sheetul Sheth Wall**
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Date Filed	#	Docket Text
01/30/2017	<u>1</u>	COMPLAINT FOR DECLARATORY, MANDAMUS, AND INJUNCTIVE RELIEF filed by Mohammed Abdullah Tawfeeq against Defendants. (Filing fee \$ 400 receipt number 113E-6944220.) (Attachments: # <u>1</u> Exhibit A – Executive Order, # <u>2</u> Civil Cover Sheet)(aaq) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 01/31/2017)

01/31/2017	<u>2</u>	Summons Issued as to Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State and Shana Wells. (aaq) (Entered: 01/31/2017)
01/31/2017		Submission of the <u>1</u> COMPLAINT FOR DECLARATORY, MANDAMUS, AND INJUNCTIVE RELIEF to District Judge Timothy C. Batten. (aaq) (Entered: 01/31/2017)
01/31/2017	<u>3</u>	APPLICATION for Admission of Carl W. Hampe Pro Hac Vice (Application fee \$ 150, receipt number 113E-6945025)by Mohammed Abdullah Tawfeeq. (Moser, Theresia) (Entered: 01/31/2017)
01/31/2017	<u>4</u>	APPLICATION for Admission of Daniel P. Pierce Pro Hac Vice (Application fee \$ 150, receipt number 113E-6945170)by Mohammed Abdullah Tawfeeq. (Moser, Theresia) (Entered: 01/31/2017)
02/01/2017		APPROVAL by Clerks Office re: <u>4</u> APPLICATION for Admission of Daniel P. Pierce Pro Hac Vice (Application fee \$ 150, receipt number 113E-6945170). Attorney Daniel P. Pierce added appearing on behalf of Mohammed Abdullah Tawfeeq (pmb) (Entered: 02/01/2017)
02/01/2017		APPROVAL by Clerks Office re: <u>3</u> APPLICATION for Admission of Carl W. Hampe Pro Hac Vice (Application fee \$ 150, receipt number 113E-6945025). Attorney Carl W. Hampe added appearing on behalf of Mohammed Abdullah Tawfeeq (pmb) (Entered: 02/01/2017)
02/01/2017	<u>5</u>	Emergency MOTION to Expedite Proceedings with Brief In Support by Mohammed Abdullah Tawfeeq. (Attachments: # <u>1</u> Brief in Support of Motion to Expedite, # <u>2</u> Exhibit A: Declaration of Deborah Rayner, # <u>3</u> Text of Proposed Order in Response to Motion to Expedite, # <u>4</u> Text of Proposed Order Setting Expedited Briefing Schedule)(Moser, Theresia) (Entered: 02/01/2017)
02/02/2017	<u>6</u>	AFFIDAVIT of Service for Summons and Complaint , as to U.S. Customs and Border Protection. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>7</u>	AFFIDAVIT of Service for Summons and Complaint , as to U.S. Department of State. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>8</u>	AFFIDAVIT of Service for Summons and Complaint , as to Kevin McAleenan. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>9</u>	AFFIDAVIT of Service for Summons and Complaint , as to Thomas Shannon. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>10</u>	AFFIDAVIT of Service for Summons and Complaint , as to U.S. Department of Homeland Security. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>11</u>	AFFIDAVIT of Service for Summons and Complaint , as to John F. Kelly. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>12</u>	AFFIDAVIT of Service for Summons and Complaint , as to Andy Pryor. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>13</u>	AFFIDAVIT of Service for Summons and Complaint , as to Carey Davis. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>14</u>	AFFIDAVIT of Service for Summons and Complaint , as to Shana Wells. (Moser, Theresia) (Entered: 02/02/2017)
02/02/2017	<u>15</u>	ORDER DIRECTING defendants to file their response(s), if any, to Plaintiff's Motion to Expedite Proceedings by 2/8/17. Plaintiff is DIRECTED to serve this order on defendants. Signed by Judge Timothy C. Batten, Sr on 2/2/17. (jlm) (Additional attachment(s) added on 2/2/2017: # <u>1</u> Order) (jlm). (Entered: 02/02/2017)
02/02/2017		Clerks Certificate of Mailing as to defendants Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State and Shana Wells re <u>15</u> Order. (Using addresses provided on summonses) (jlm) (Entered: 02/02/2017)

02/02/2017	<u>16</u>	CERTIFICATE OF SERVICE re <u>15</u> Order, Set Submission Deadline,, filed by Mohammed Abdullah Tawfeeq (Moser, Theresia) (Entered: 02/02/2017)
02/03/2017	<u>17</u>	NOTICE of Appearance by Sheetul Sheth Wall on behalf of Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells (Wall, Sheetul) (Entered: 02/03/2017)
02/03/2017	<u>18</u>	ORDER directing Clerk's Office to make case filings electronically available for review through PACER. Signed by Judge Timothy C. Batten, Sr on 2/3/17. (rsh) (Entered: 02/03/2017)
02/03/2017		MINUTE ORDER granting <u>3</u> Application for Admission Pro Hac Vice of Carl W. Hampe; granting <u>4</u> Application for Admission Pro Hac Vice of Daniel P. Pierce. Entered by CRD at the direction of Judge Timothy C. Batten, Sr. on 2/3/17. (se) (Entered: 02/03/2017)
02/07/2017	<u>19</u>	WITHDRAWN MOTION to Dismiss <i>Complaint for Declaratory, Mandamus, and Injunctive Relief</i> with Brief In Support by Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit A – 2–1–17 White House Counsel Memorandum, # <u>3</u> Exhibit B – Louhghalam v. Trump, Mem. & Order at 6–7, Civ. No. 17–10154–NMG (D. Mass. Feb. 3, 2017, # <u>4</u> Exhibit C – 2–3–17 Department of Homeland Security Memorandum)(Wall, Sheetul) Modified on 4/4/2017 (jlm). (Entered: 02/07/2017)
02/08/2017	<u>20</u>	RESPONSE in Opposition re <u>5</u> Emergency MOTION to Expedite Proceedings filed by Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells. (Wall, Sheetul) (Entered: 02/08/2017)
02/09/2017	<u>21</u>	REPLY to Response to Motion re <u>5</u> Emergency MOTION to Expedite Proceedings filed by Mohammed Abdullah Tawfeeq. (Attachments: # <u>1</u> Exhibit A– CBP Q & A, # <u>2</u> Exhibit B– Gov't Washington Litigation Reply Brief)(Pierce, Daniel) (Entered: 02/09/2017)
02/10/2017		Submission of <u>5</u> Emergency MOTION to Expedite Proceedings, submitted to District Judge Timothy C. Batten. (jlm) (Entered: 02/10/2017)
02/10/2017	<u>22</u>	ORDER denying <u>5</u> Motion to Expedite. Signed by Judge Timothy C. Batten, Sr. on 2/10/17. (se) (Entered: 02/10/2017)
02/17/2017	<u>23</u>	First MOTION for Extension of Time Respond to Defendants' Motion to Dismiss re: <u>19</u> MOTION to Dismiss <i>Complaint for Declaratory, Mandamus, and Injunctive Relief</i> with Brief In Support by Mohammed Abdullah Tawfeeq. (Attachments: # <u>1</u> Brief in Support of Joint Motion to Delay Response to Defendants' Motion to Dismiss, # <u>2</u> Exhibit A – Washington v. Trump, # <u>3</u> Text of Proposed Order Granting Joint Motion to Delay Response)(Pierce, Daniel) (Entered: 02/17/2017)
02/21/2017	<u>24</u>	ORDER granting <u>23</u> Motion for Extension of Time through 2/28/17 for Plaintiff to respond to Dfts' Motion to Dismiss. Signed by Judge Timothy C. Batten, Sr on 2/21/17. (rsh) (Entered: 02/21/2017)
02/27/2017	<u>25</u>	RESPONSE in Opposition re <u>19</u> MOTION to Dismiss <i>Complaint for Declaratory, Mandamus, and Injunctive Relief</i> filed by Mohammed Abdullah Tawfeeq. (Attachments: # <u>1</u> Exhibit A – Washington v. Trump (9th Cir. 2017), # <u>2</u> Exhibit B – Statement by Sec. John Kelly, # <u>3</u> Exhibit C – Govt 9th Cir. Reply Brief, # <u>4</u> Exhibit D – Fox News Report, # <u>5</u> Exhibit E – Gov Opp to TRO in W.D. Wash, # <u>6</u> Exhibit F – W.D. Wash. TRO, # <u>7</u> Exhibit G – ED Va. Memo re Grant of PI, # <u>8</u> Exhibit H – ED Va. PI)(Pierce, Daniel) (Entered: 02/27/2017)
03/03/2017	<u>26</u>	MOTION for Leave to File Amicus Curaie Brief by Victor Williams. (Attachments: # <u>1</u> Amicus Curaie Brief, # <u>2</u> Envelope)(adg) Modified on 4/3/2017 to correct filer information (adg). (Entered: 03/08/2017)
03/09/2017	<u>27</u>	Joint MOTION for Extension of Time File Reply and Pretrial Discovery re: <u>20</u> Response in Opposition to Motion, <u>19</u> MOTION to Dismiss <i>Complaint for Declaratory, Mandamus, and Injunctive Relief</i> with Brief In Support by Carey Davis,

		John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit A – Revised Executive Order, # <u>3</u> Text of Proposed Order)(Wall, Sheetul) (Entered: 03/09/2017)
03/09/2017	<u>29</u>	LETTER from the U.S. Department of State returning <u>15</u> Order. (Attachments: # <u>1</u> Envelope) (dfb) (Entered: 03/13/2017)
03/13/2017	<u>28</u>	ORDER GRANTING <u>27</u> Motion for Extension of Time to and including 3/23/17 for defendant's to file a reply re <u>19</u> MOTION to Dismiss Complaint for Declaratory, Mandamus, and Injunctive Relief and for parties to exchange initial disclosures and file joint preliminary report and discovery plan. Signed by Judge Timothy C. Batten, Sr on 3/10/17. (jlm) (Entered: 03/13/2017)
03/21/2017	<u>30</u>	Joint MOTION for Extension of Time to Amend Complaint and Further Deadlines Regarding Motion to Dismiss re: <u>1</u> Complaint, <u>19</u> MOTION to Dismiss <i>Complaint for Declaratory, Mandamus, and Injunctive Relief</i> with Brief In Support by Mohammed Abdullah Tawfeeq. (Attachments: # <u>1</u> Brief In Support of Joint Motion Regarding Amendment to Complaint and Further Deadlines, # <u>2</u> Text of Proposed Order In Support of Joint Motion Regarding Amendment to Complaint and Further Deadlines)(Pierce, Daniel) (Entered: 03/21/2017)
03/22/2017	<u>31</u>	ORDER GRANTING Plaintiff through 3/23/17 to file an Amended Complaint; ALLOWING defendant to withdraw their <u>19</u> Motion to Dismiss; GRANTING Defendant 30 days from the filing of Plaintiff's Amended Complaint to file a response. (See order for deadlines re discovery and FRCP 26 obligations). Signed by Judge Timothy C. Batten, Sr on 3/22/17. (jlm) (Entered: 03/22/2017)
03/22/2017	<u>32</u>	RESPONSE in Opposition re <u>26</u> MOTION for Leave to File Amicus Curaie Brief filed by Mohammed Abdullah Tawfeeq. (Pierce, Daniel) (Entered: 03/22/2017)
03/23/2017	<u>33</u>	First AMENDED COMPLAINT against Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells, filed by Mohammed Abdullah Tawfeeq. (Attachments: # <u>1</u> Exhibit A – Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States, # <u>2</u> Exhibit B – Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States 3–6–2017, # <u>3</u> Exhibit C – State of Hawaii v Trump TRO, # <u>4</u> Exhibit D – International Assistance Project v Trump TRO, # <u>5</u> Exhibit E – Statement by John Kelly on Entrance of Lawful Permanent Residents, # <u>6</u> Exhibit F – White House Counsel Memo, # <u>7</u> Exhibit G– Statement on Countries Suspended from Travel to US, # <u>8</u> Exhibit H – Declaration of Deborah Rayner, # <u>9</u> Exhibit I – Trump Rally (3–15–2017))(Pierce, Daniel) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 03/23/2017)
03/29/2017	<u>35</u>	REPLY to Response to Motion re <u>26</u> MOTION for Leave to File Amicus Curaie Brief filed by Victor Williams. (adg) Modified on 4/3/2017 to correct filer (adg). (Entered: 04/03/2017)
03/31/2017	<u>34</u>	INSTRUCTIONS to Parties and Counsel. Signed by Judge Timothy C. Batten, Sr on 3/31/17. (jlm) (Entered: 03/31/2017)
04/03/2017		Notification of Docket Correction re <u>26</u> MOTION for Leave to File Amicus Curaie Brief by Victor Williams, <u>35</u> Reply to Response to Motion by Victor Williams. Modified on 4/3/2017 to correct filer (adg) (Entered: 04/03/2017)
04/03/2017		Submission of <u>26</u> MOTION for Leave to File Amicus Curaie Brief to District Judge Timothy C. Batten. (adg) (Entered: 04/03/2017)
04/04/2017		Submission of <u>19</u> MOTION to Dismiss <i>Complaint for Declaratory, Mandamus, and Injunctive Relief</i> , <u>31</u> Order, submitted to District Judge Timothy C. Batten. (jlm) (Entered: 04/04/2017)
04/04/2017		MINUTE ORDER APPROVING WITHDRAWAL of Plaintiff's <u>19</u> MOTION to Dismiss Complaint for Declaratory, Mandamus, and Injunctive Relief as agreed upon by parties (See 3/22/17 Order). (Entered at the direction of Chambers) Ordered by

		Judge Timothy C. Batten, Sr on 4/4/17. (jlm) (Entered: 04/04/2017)
04/24/2017	<u>36</u>	MOTION to Dismiss <i>Complaint</i> with Brief In Support by Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells. (Attachments: # <u>1</u> Brief Memorandum in Support of Motion to Dismiss, # <u>2</u> Exhibit A – Joint Ltr. to President, # <u>3</u> Exhibit B – DHS Press Release)(Wall, Sheetul) (Entered: 04/24/2017)
05/08/2017	<u>37</u>	RESPONSE re <u>36</u> MOTION to Dismiss <i>Complaint</i> filed by Mohammed Abdullah Tawfeeq. (Pierce, Daniel) (Entered: 05/08/2017)
05/19/2017	<u>38</u>	Joint MOTION for Extension of Time to file Reply in Support of Motion to Dismiss re: <u>36</u> MOTION to Dismiss <i>Complaint</i> , <u>37</u> Response to Motion with Brief In Support by Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Wall, Sheetul) (Entered: 05/19/2017)
05/22/2017	<u>39</u>	ORDER GRANTING <u>38</u> Motion for Extension of Time to and including 6/6/17 for defendant's to file a reply to plaintiff's <u>37</u> Response to <u>36</u> Motion to Dismiss. Signed by Judge Timothy C. Batten, Sr on 5/22/17. (jlm) (Entered: 05/22/2017)
06/06/2017	<u>40</u>	REPLY to Response to Motion re <u>36</u> MOTION to Dismiss <i>Complaint</i> filed by Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells. (Wall, Sheetul) (Entered: 06/06/2017)
06/06/2017		Submission of <u>36</u> MOTION to Dismiss <i>Complaint</i> , submitted to District Judge Timothy C. Batten. (jlm) (Entered: 06/06/2017)
06/28/2017	<u>41</u>	Joint MOTION for Extension of Time Joint Motion to Reset Deadline to File Joint Preliminary Report and Scheduling Order and Serve Initial Disclosures with Brief In Support by Carey Davis, John F. Kelly, Kevin A. McAleenan, Andy Pryor, Thomas A. Shannon, U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Department of State, Shana Wells. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(Wall, Sheetul) (Entered: 06/28/2017)
06/29/2017	<u>42</u>	ORDER granting <u>41</u> Joint Motion for Extension of Time to and including 7/7/17 for parties to exchange initial disclosures and file a joint preliminary report and discovery plan. Signed by Judge Timothy C. Batten, Sr on 6/29/17. (jlm) (Entered: 06/29/2017)
07/07/2017	<u>43</u>	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by Mohammed Abdullah Tawfeeq. (Pierce, Daniel) (Entered: 07/07/2017)
07/18/2017	<u>44</u>	Notice for Leave of Absence for the following date(s): 7/24/17, 7/25/17, 7/26/17, 7/27/17, 7/28/17, by Sheetul Sheth Wall. (Wall, Sheetul) (Entered: 07/18/2017)
07/31/2017	<u>45</u>	SCHEDULING ORDER: re: <u>43</u> Joint Preliminary Report and Discovery Plan. The Court's 3/22/17 Order setting out discovery deadlines was in response to the parties' joint request for same. The parties now disagree on that issue. Discovery in this case is STAYED pending the Courts ruling on the motion to dismiss. Signed by Judge Timothy C. Batten, Sr on 7/31/17. (rsh) (Entered: 07/31/2017)
07/31/2017		Clerks Certificate of Mailing as to Victor Williams re <u>45</u> Scheduling Order. Notice of street name change for the Atlanta courthouse included. (rsh) (Entered: 07/31/2017)
08/11/2017	<u>46</u>	ORDER granting <u>36</u> Dfts' Motion to Dismiss; denying as moot <u>26</u> non-party Victor Williams's Motion for Leave to File an amicus curiae brief. Clerk directed to close case. Signed by Judge Timothy C. Batten, Sr on 8/11/17. (rsh) (Entered: 08/11/2017)
08/11/2017	<u>47</u>	CLERK'S JUDGMENT dismissing action, pursuant to Court's order on motion to dismiss. (rsh)—Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist— (Entered: 08/11/2017)
08/11/2017		Civil Case Terminated. (rsh) (Entered: 08/11/2017)
08/11/2017		Clerks Certificate of Mailing as to Victor Williams re <u>47</u> Clerk's Judgment, <u>46</u> Order. Notice of street name change for the Atlanta courthouse included. (rsh) (Entered: 08/11/2017)

		08/11/2017)
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