

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**USAMA JAMIL HAMAMA, et al.,**

Petitioners and Plaintiffs,

v.

**REBECCA ADDUCCI, et al.,**

Respondents and Defendants.

Case No. 2:17-cv-11910  
Hon. Mark A. Goldsmith  
Mag. David R. Grand  
Class Action

**STIPULATED ORDER LIFTING THE PRELIMINARY INJUNCTION  
(ECF 87) FOR JAMES KASHA**

Undersigned counsel stipulate and agree that this Court issue and enter this Order lifting the stay of enforcement of removal for James Kasha, only.

The bases for the order are as follows:

1. As of June 24, 2017, Mr. Kasha, an Iraqi national, had an order of removal from the United States by the Immigration Court.
2. Since at least March 6, 2017, Mr. Kasha has been detained by ICE.
3. Mr. Kasha has consulted with counsel about his prospects for immigration relief, his rights under the Preliminary Injunction in this case, and his prospects for relief from detention. The declaration of Monika Langarica, a lawyer who provided consultation on these matters, is attached as Exhibit A.

4. Mr. Kasha's signed waiver, by which he seeks prompt removal to Iraq, is attached as Exhibit B.

5. The parties believe that Mr. Kasha's waiver is knowing and voluntary, and provides an appropriate basis for this Court to lift the Preliminary Injunction as to him, only.

Therefore undersigned counsel stipulate and agree and the Court hereby orders the following:

It is ORDERED that the stay of the enforcement of removal be lifted for James Kasha. Therefore, ICE may effectuate his order of removal.

SO ORDERED.

Dated: March 7, 2018  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 7, 2018.

s/Karri Sandusky  
Case Manager

SO STIPULATED.

Date: March 7, 2018

/s/ Miriam J. Aukerman (with consent)

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# EXHIBIT A

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DECLARATION OF MONIKA Y. LANGARICA

I, Monika Y. Langarica, make this statement under the penalties of perjury of the laws of the United States and if called to testify I could and would do so competently based upon my personal knowledge as follows:

1. I am a lawyer admitted to practice in the state of California. I have substantial experience in the area of immigration law.
2. On February 16, 2018, I agreed to assist in this litigation by providing pro bono counsel to James Kasha, an immigration detainee housed in Otay Mesa Detention Center in San Diego, California.
3. I did not agree to represent Mr. Kasha in his immigration case or in federal litigation. Rather, my purpose was to explain to him the options available to him, under immigration law and procedure and the ongoing federal case, *Hamama v. Adducci*.
4. Mr. Kasha is an Iraqi national, with a final order of removal that existed on June 24, 2017. Therefore, it is my understanding that he is a putative class member in the Hamama litigation, temporarily protected from removal by the Preliminary Injunction granted in that case on July 24, 2017. His [REDACTED]
5. Mr. Kasha had expressed interest in waiving coverage by the Preliminary Injunction and seeking prompt removal to Iraq. The meeting I had with him was to provide assurance that any such waiver was knowing and voluntary.
6. I met with Mr. Kasha on March 01, 2018, at the detention facility already mentioned. We spoke for approximately 25 minutes. I explained to him the motion to reopen process, and his prospects for success in such a motion, along with the possibility of prolonged detention and the potential routes out of detention short of removal.

7. I communicated in English, a language Mr. Kasha seemed to understand well. I believe that my communication with Mr. Kasha was effective.
8. On the basis of my conversation with Mr. Kasha, considering the information I conveyed and his responses to me, I believe that he wishes to be promptly removed to Iraq, and that this waiver of the protections provided by the Hamama Preliminary Injunction is both knowing and voluntary.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 1<sup>st</sup> day of March 2018 in San Diego, California.

Signature

A handwritten signature in black ink, consisting of a stylized 'u' followed by a large loop and a horizontal line extending to the right, positioned above a solid horizontal line.

# **EXHIBIT B**

**DETAINEE STIPULATION TO  
PROMPT REMOVAL TO IRAQ**

I wish to be removed to Iraq as promptly as possible, and stipulate that the Preliminary Injunction in *Hamama v. Adducci*, 17-cv-11910 (E.D. Mich.), will no longer prevent that removal.

I make this stipulation knowingly and voluntarily, understanding that it will be introduced in federal court and that it waives my rights under the existing Preliminary Injunction, and will lead to my removal.

I have not been pressured or coerced in any way by ICE or other detention staff or officers.

James KASHA

Print Detainee Name

[Signature]

Detainee Signature

[Redacted]

A Number

03/01/2018

Date

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**DO NOT WRITE BELOW THIS LINE - FOR ERO USE ONLY**

\_\_\_\_\_  
Print Name and Title of ERO Officer Accepting Request

\_\_\_\_\_  
Date