

CLOSED,REOPENED

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:13-cv-12038-VAR-RSW**

Mokdad v. Holder et al
Assigned to: District Judge Victoria A. Roberts
Referred to: Magistrate Judge R. Steven Whalen
Case in other court: U.S. Court of Appeals – Sixth Circuit,
14–01094
U.S. Court of Appeals – Sixth Circuit,
14–01094
U.S. Court of Appeals – Sixth Circuit,
16–02442
U.S. Court of Appeals – Sixth Circuit,
16–02442

Date Filed: 05/08/2013
Date Terminated: 08/10/2016
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Cause: 28:1331 Federal Question: Other Civil Rights

Plaintiff

Saeb Mokdad

represented by **Nabih H. Ayad**
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ATTORNEY TO BE NOTICED

V.

Defendant

Eric Holder

represented by **Brigham Bowen**
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TERMINATED: 11/18/2015
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Defendant

Robert S Mueller

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(See above for address)
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Joseph C. Folio , III
(See above for address)

TERMINATED: 11/18/2015
ATTORNEY TO BE NOTICED

Defendant**Timothy J Healy**

represented by **Brigham Bowen**
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ATTORNEY TO BE NOTICED

Joseph C. Folio , III
(See above for address)
TERMINATED: 11/18/2015
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/08/2013	<u>1</u>	COMPLAINT filed by Saeb Mokdad against All Defendants. Plaintiff requests summons issued. Receipt No: 0645-4083278 – Fee: \$ 400. County of 1st Plaintiff: wayne – County Where Action Arose: Wayne – County of 1st Defendant: D.C.. [Previously dismissed case: No] [Possible companion case(s): None] (Ayad, Nabih) (Entered: 05/08/2013)
05/08/2013	<u>2</u>	SUMMONS Issued for *Eric Holder* (DWor) (Entered: 05/08/2013)
05/08/2013	<u>3</u>	SUMMONS Issued for *Robert S Mueller* (DWor) (Entered: 05/08/2013)
05/08/2013	<u>4</u>	SUMMONS Issued for *Timothy J Healy* (DWor) (Entered: 05/08/2013)
05/08/2013	<u>5</u>	SUMMONS Issued for the United States Attorney and the Office of the Attorney General. (DWor) (Entered: 05/08/2013)
05/08/2013		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (DWor) (Entered: 05/08/2013)
05/09/2013	<u>6</u>	INDEX of Exhibits re <u>1</u> Complaint, by Saeb Mokdad (Attachments: # <u>1</u> Exhibit Verification, # <u>2</u> Exhibit TRIP INQUIRIES) (Ayad, Nabih) (Entered: 05/09/2013)
06/10/2013	<u>7</u>	CERTIFICATE of Service/Summons Returned Executed. Office of U.S. Attorney General served on 05/20/2013. (Ayad, Nabih) (Entered: 06/10/2013)
06/10/2013	<u>8</u>	CERTIFICATE of Service/Summons Returned Executed. FBI served on 05/20/2013. (Ayad, Nabih) (Entered: 06/10/2013)
06/10/2013	<u>9</u>	CERTIFICATE of Service/Summons Returned Executed. U.S. Attorney General served on 05/20/2013. (Ayad, Nabih) (Entered: 06/10/2013)
06/10/2013	<u>10</u>	CERTIFICATE of Service/Summons Returned Executed. U.S. Attorney on behalf of All Plaintiffs. (Ayad, Nabih) (Entered: 06/10/2013)
06/10/2013	<u>11</u>	CERTIFICATE of Service/Summons Returned Executed. FBI served on 05/20/2013. (Ayad, Nabih) (Entered: 06/10/2013)
07/10/2013	<u>12</u>	NOTICE of Appearance by Joseph C. Folio, III on behalf of All Defendants. (Folio, Joseph) (Entered: 07/10/2013)
07/10/2013	<u>13</u>	STIPULATION to Extend Time for Defendants to Answer or Otherwise Respond by All Parties (Folio, Joseph) (Entered: 07/10/2013)
07/12/2013	<u>14</u>	ORDER Extending Time, (Responses due by 7/22/2013). Signed by District Judge Victoria A. Roberts. (Ciesla, C) (Entered: 07/12/2013)
07/18/2013	<u>15</u>	STIPULATION AND ORDER ENLARGING PAGE LIMITS FOR BRIEFING ON MOTION TO DISMISS, Signed by District Judge Victoria A. Roberts. (Ciesla, C) (Entered: 07/18/2013)
07/22/2013	<u>16</u>	MOTION to Dismiss by All Defendants. (Attachments: # <u>1</u> Exhibit Exhibit A) (Folio, Joseph) (Entered: 07/22/2013)

07/23/2013	<u>17</u>	Emergency MOTION for Order <i>Permitting Immediate Travel</i> by All Plaintiffs. (Ayad, Nabih) (Entered: 07/23/2013)
07/24/2013	<u>18</u>	**STICKEN** ORDER EXPEDITING BRIEFING ON PENDING MOTIONS re <u>16</u> MOTION to Dismiss filed by Timothy J Healy, Eric Holder, Robert S Mueller AND <u>17</u> Emergency MOTION for Order <i>Permitting Immediate Travel</i> filed by Saeb Mokdad. Set Motion and R&R Deadlines/Hearings as to <u>16</u> MOTION to Dismiss AND <u>17</u> Emergency MOTION: (Responses due by 7/29/2013, Replies due by 8/2/2013). Signed by District Judge Victoria A. Roberts. (Ciesla, C) Modified on 7/26/2013 (LVer). (Entered: 07/24/2013)
07/25/2013	<u>19</u>	Emergency MOTION for Extension of Time to File Response/Reply as to <u>18</u> Order, Set Motion and R&R Deadlines/Hearings,,,, by Saeb Mokdad. (Ayad, Nabih) (Entered: 07/25/2013)
07/25/2013	<u>20</u>	RESPONSE to <u>19</u> Emergency MOTION for Extension of Time to File Response/Reply as to <u>18</u> Order, Set Motion and R&R Deadlines/Hearings,,,, filed by All Defendants. (Folio, Joseph) (Entered: 07/25/2013)
07/26/2013	<u>21</u>	ORDER Granting <u>19</u> Motion and Striking Briefing Schedule. Signed by District Judge Victoria A. Roberts. (see image for details and dates) (LVer) (Entered: 07/26/2013)
08/12/2013	<u>22</u>	RESPONSE to <u>16</u> MOTION to Dismiss filed by Saeb Mokdad. (Ayad, Nabih) (Entered: 08/12/2013)
08/14/2013	<u>23</u>	STIPULATED ORDER Enlarging Page Limits for Defendants' Response to Plaintiff's <u>17</u> Emergency MOTION for Order <i>Permitting Immediate Travel</i> . Signed by District Judge Victoria A. Roberts. (Loury, R) (Entered: 08/14/2013)
08/16/2013	<u>24</u>	RESPONSE to <u>17</u> Emergency MOTION for Order <i>Permitting Immediate Travel</i> filed by All Defendants. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Lubman Declaration, # <u>3</u> Exhibit B – Allied Erecting and Dismantling Co., Inc. v. Genesis Equip. & Mfg., Inc., 511 F. App'x 398 (6th Cir. 2013)) (Folio, Joseph) (Entered: 08/16/2013)
08/20/2013	<u>25</u>	REPLY to Response re <u>17</u> Emergency MOTION for Order <i>Permitting Immediate Travel</i> & <i>MOTION TO STRIKE RESPONSE</i> filed by Saeb Mokdad. (Ayad, Nabih) (Entered: 08/20/2013)
08/22/2013	<u>26</u>	RESPONSE to <u>25</u> Reply to Response to Motion <i>Defendants' Response to Plaintiff's Motion to Strike</i> by All Defendants. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – <i>Stirton v. Mich. Tooling Ass'n</i> , 2005 WL 3502153 (E.D. Mich. 2005), # <u>3</u> Exhibit <i>Dearborn Lodging, Inc. v. City of Dearborn</i> , 2012 WL 1658684 (E.D. Mich. 2012)) (Folio, Joseph) (Entered: 08/22/2013)
08/23/2013	<u>27</u>	REPLY to Response re <u>17</u> Emergency MOTION for Order <i>Permitting Immediate Travel With Request to Strike</i> filed by Saeb Mokdad. (Ayad, Nabih) (Entered: 08/23/2013)
08/27/2013	<u>28</u>	MOTION for Leave to File Excess Pages by All Defendants. (Folio, Joseph) (Entered: 08/27/2013)
08/28/2013	<u>29</u>	ORDER Granting <u>28</u> Motion for Leave to File Excess Pages. Signed by District Judge Victoria A. Roberts. (Loury, R) (Entered: 08/28/2013)
08/29/2013	<u>30</u>	REPLY to Response re <u>16</u> MOTION to Dismiss filed by All Defendants. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – <i>Thomson v. Stone</i> (E.D. Mich.), # <u>3</u> Exhibit B – <i>Latif v. Holder</i> (D. Or.), # <u>4</u> Exhibit C – <i>Bennafield v. City of Canton Police Dep't</i> (6th Cir.), # <u>5</u> Exhibit D – <i>Shearson v. Holder</i> (6th Cir.)) (Folio, Joseph) (Entered: 08/29/2013)
09/03/2013	<u>31</u>	MOTION to Strike <u>30</u> Reply to Response to Motion, by Saeb Mokdad. (Ayad, Nabih) (Entered: 09/03/2013)
09/04/2013	<u>32</u>	ORDER Denying Motions to Strike <u>25</u> and <u>31</u> . Signed by District Judge Victoria A. Roberts. (LVer) (Entered: 09/04/2013)
10/25/2013	<u>33</u>	EXHIBIT re <u>25</u> Reply to Response to Motion, <u>17</u> Emergency MOTION for Order <i>Permitting Immediate Travel</i> by Saeb Mokdad (Attachments: # <u>1</u> Exhibit Letter from

		General Consulate of Lebanon) (Ayad, Nabih) (Entered: 10/25/2013)
12/05/2013	<u>34</u>	ORDER granting <u>16</u> Motion to Dismiss; terminating <u>17</u> Motion for Order for Emergency Travel. See order for details. Signed by District Judge Victoria A. Roberts. (CPin) (Entered: 12/05/2013)
12/05/2013	<u>35</u>	JUDGMENT in favor of Defendants against Plaintiff Signed by District Judge Victoria A. Roberts. (CPin) (Entered: 12/05/2013)
01/24/2014	<u>36</u>	NOTICE OF APPEAL by Saeb Mokdad re <u>35</u> Judgment, <u>34</u> Order on Motion to Dismiss, Order on Motion for Order. Receipt No: 0645-4470669 – Fee: \$ 505 – Fee Status: Fee Paid. (Ayad, Nabih) (Entered: 01/24/2014)
01/24/2014	<u>37</u>	Certificate of Service re <u>36</u> Notice of Appeal. (TMcg) (Entered: 01/24/2014)
06/25/2014	<u>38</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re <u>36</u> Notice of Appeal filed by Saeb Mokdad [Appeal Case Number 14-1094] (KKra) (Entered: 06/26/2014)
10/26/2015	<u>41</u>	OPINION from U.S. Court of Appeals – Sixth Circuit re <u>36</u> Notice of Appeal filed by Saeb Mokdad [Appeal Case Number 14-1094] (Ahmed, N) (Entered: 12/15/2015)
10/26/2015	<u>42</u>	JUDGMENT from U.S. Court of Appeals – Sixth Circuit re <u>36</u> Notice of Appeal filed by Saeb Mokdad [Appeal Case Number 14-1094] (Ahmed, N) (Entered: 12/15/2015)
10/29/2015		Set Deadlines/Hearings: TELEPHONIC Status Conference set for 11/17/2015 at 4:00 PM before District Judge Victoria A. Roberts. The Court will initiate the call. (LVer) (Entered: 10/29/2015)
11/17/2015	<u>39</u>	NOTICE of Appearance by Brigham Bowen on behalf of Timothy J Healy, Eric Holder, Robert S Mueller. (Bowen, Brigham) (Entered: 11/17/2015)
11/18/2015	<u>40</u>	STIPULATION AND ORDER of Attorney Withdrawal by Joseph Folio. Signed by District Judge Victoria A. Roberts. (CPin) (Entered: 11/18/2015)
11/23/2015		Set Deadlines/Hearings: TELEPHONIC Status Conference set for 12/3/2015 at 2:00 PM before District Judge Victoria A. Roberts. The Court will initiate the call. (LVer) (Entered: 11/23/2015)
11/24/2015		Set Deadlines/Hearings: TELEPHONIC Status Conference reset for 12/3/2015 at 12:30 PM before District Judge Victoria A. Roberts. PLEASE NOTE THIS IS A TIME CHANGE ONLY. (LVer) (Entered: 11/24/2015)
12/03/2015		Set Deadlines/Hearings: TELEPHONIC Status Conference set for 12/14/2015 at 10:00 AM before District Judge Victoria A. Roberts. (LVer) (Entered: 12/03/2015)
12/14/2015		Minute Entry for proceedings before District Judge Victoria A. Roberts: Telephonic Status Conference held on 12/14/2015 (CPin) (Entered: 12/14/2015)
12/16/2015	<u>43</u>	ORDER. TELEPHONIC Status Conference set for 1/12/2016 at 9:30 AM before District Judge Victoria A. Roberts. Signed by District Judge Victoria A. Roberts. (see image for details and dates) (LVer) (Entered: 12/16/2015)
12/18/2015	<u>44</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to <u>42</u> Appeal Order/Opinion/Judgment [Appeal Case Number 14-1094] (Ahmed, N) (Entered: 12/18/2015)
12/24/2015	<u>45</u>	NOTICE by All Defendants re <u>43</u> Order, Set Deadlines/Hearings – <i>Notice of DHS TRIP Response</i> (Attachments: # <u>1</u> Exhibit – DHS TRIP Response Letter) (Bowen, Brigham) (Entered: 12/24/2015)
01/12/2016		Set Deadlines/Hearings: TELEPHONIC Status Conference set for 4/4/2016 at 10:00 AM before District Judge Victoria A. Roberts. The Court will initiate the call. (LVer) (Entered: 01/12/2016)
01/12/2016		Minute Entry for proceedings before District Judge Victoria A. Roberts: Telephonic Status Conference held on 1/12/2016 (CPin) (Entered: 01/12/2016)
04/04/2016		Set Deadlines/Hearings: TELEPHONIC Status Conference set for 4/14/2016 at 2:00 PM before District Judge Victoria A. Roberts. The Court will initiate the call. (LVer) (Entered: 04/04/2016)

04/12/2016		Set Deadlines/Hearings: TELEPHONIC Status Conference reset for 4/26/2016 03:00 PM before District Judge Victoria A. Roberts (CPin) (Entered: 04/12/2016)
04/27/2016		Minute Entry for proceedings before District Judge Victoria A. Roberts: Telephonic Status Conference held on 4/27/2016 (CPin) (Entered: 04/27/2016)
04/29/2016	<u>46</u>	Order Setting Briefing Schedule. Signed by District Judge Victoria A. Roberts. (see image for details and dates) (LVer) (Entered: 04/29/2016)
05/18/2016	<u>47</u>	MOTION to Dismiss <i>for Lack of Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted</i> by Timothy J Healy, Eric Holder, Robert S Mueller. (Bowen, Brigham) (Entered: 05/18/2016)
06/09/2016	<u>48</u>	(STRICKEN)STIPULATION by Saeb Mokdad (Ayad, Nabih)[STIPULATION TO EXTEND RESPONSE DEADLINE] Modified on 6/10/2016 (DPer). Modified on 6/10/2016 (CPin). (Entered: 06/09/2016)
06/10/2016		TEXT-ONLY ORDER STRIKING <u>48</u> Stipulation and Order filed by Saeb Mokdad Signed by District Judge Victoria A. Roberts. (CPin) (Entered: 06/10/2016)
06/14/2016	<u>49</u>	STIPULATION AND ORDER to Extend Time to File Response re <u>47</u> MOTION to Dismiss <i>for Lack of Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted</i> filed by Timothy J Healy, Eric Holder, Robert S Mueller. Response due by 6/24/2016 Reply due by 7/15/2016 Signed by District Judge Victoria A. Roberts. (CPin) (Entered: 06/14/2016)
06/24/2016	<u>50</u>	RESPONSE to <u>47</u> MOTION to Dismiss <i>for Lack of Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted</i> filed by Saeb Mokdad. (Ayad, Nabih) (Entered: 06/24/2016)
07/08/2016	<u>51</u>	Ex Parte MOTION for Leave to File Excess Pages by All Defendants. (Bowen, Brigham) (Entered: 07/08/2016)
07/11/2016	<u>52</u>	ORDER granting <u>51</u> Motion for Leave to File Excess Pages. Signed by District Judge Victoria A. Roberts. (CPin) (Entered: 07/11/2016)
07/15/2016	<u>53</u>	REPLY to Response re <u>47</u> MOTION to Dismiss <i>for Lack of Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted</i> filed by Timothy J Healy, Eric Holder, Robert S Mueller. (Bowen, Brigham) (Entered: 07/15/2016)
07/19/2016	<u>54</u>	ORDER Requiring Briefing regarding <u>47</u> Motion to Dismiss Notice of Hearing on Motion <u>47</u> MOTION to Dismiss <i>for Lack of Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted</i> :(Motion Hearing set for 8/9/2016 at 2:30 PM before District Judge Victoria A. Roberts) Response due by 7/27/2016 Signed by District Judge Victoria A. Roberts. (see image for details and dates) (LVer) (Entered: 07/19/2016)
07/27/2016	<u>55</u>	SUPPLEMENTAL BRIEF re <u>54</u> Order Requiring Responsive Pleading, Order Setting Hearing on Motion,, filed by Timothy J Healy, Eric Holder, Robert S Mueller. (Bowen, Brigham) (Entered: 07/27/2016)
07/27/2016	<u>56</u>	SUPPLEMENTAL BRIEF re <u>54</u> Order Requiring Responsive Pleading, Order Setting Hearing on Motion,, <u>50</u> Response to Motion filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit) (Ayad, Nabih) (Entered: 07/27/2016)
08/09/2016		Minute Entry for proceedings before District Judge Victoria A. Roberts: Motion Hearing held on 8/9/2016 re <u>47</u> MOTION to Dismiss <i>for Lack of Jurisdiction and Failure to State a Claim Upon Which Relief Can Be Granted</i> filed by Timothy J Healy, Eric Holder, Robert S Mueller Disposition: Motion granted (Court Reporter: Janice Coleman) (CPin) (Entered: 08/15/2016)
08/10/2016	<u>57</u>	ORDER Granting <u>47</u> Motion to Dismiss. Signed by District Judge Victoria A. Roberts. (see image for details and dates) (LVer) (Entered: 08/10/2016)
08/16/2016	<u>58</u>	DECLARATION by Timothy P. Groh re <u>57</u> Order on Motion to Dismiss filed by Timothy J Healy, Eric Holder, Robert S Mueller (Bowen, Brigham) (Entered: 08/16/2016)

10/06/2016	<u>59</u>	NOTICE OF APPEAL by Saeb Mokdad. Receipt No: 0645-5904639 – Fee: \$ 505 – Fee Status: Fee Paid. (Ayad, Nabih) (Entered: 10/06/2016)
10/06/2016	<u>60</u>	Certificate of Service re <u>59</u> Notice of Appeal. (SOso) (Entered: 10/06/2016)
12/13/2016	<u>61</u>	TRANSCRIPT of Motion to Dismiss held on August 9, 2016. (Court Reporter/Transcriber: Janice Coleman) (Number of Pages: 43) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 1/3/2017. Redacted Transcript Deadline set for 1/13/2017. Release of Transcript Restriction set for 3/13/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber at www.transcriptorders.com before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Coleman, J.) (Entered: 12/13/2016)
11/13/2017	<u>62</u>	OPINION from U.S. Court of Appeals – Sixth Circuit re <u>59</u> Notice of Appeal filed by Saeb Mokdad [Appeal Case Number 16-2442] (DWor) (Entered: 11/13/2017)
11/21/2017	<u>63</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re <u>59</u> Notice of Appeal filed by Saeb Mokdad [Appeal Case Number 16-2442] (DWor) (Entered: 11/21/2017)
11/21/2017	<u>64</u>	OPINION and JUDGMENT from U.S. Court of Appeals – Sixth Circuit re <u>62</u> Appeal Order/Opinion/Judgment, <u>59</u> Notice of Appeal filed by Saeb Mokdad [Appeal Case Number 16-2442] (DWor) (Entered: 11/21/2017)
01/10/2018	<u>65</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to <u>62</u> Appeal Order/Opinion/Judgment [Appeal Case Number 16-2442] (SKra) (Entered: 01/10/2018)