

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAHINAH IBRAHIM,
Plaintiff,

No. C 06-00545 WHA

v.


DEPARTMENT OF HOMELAND
SECURITY, et al.,
Defendants.

**REQUEST FOR SUBMISSIONS
RE SSI VERSUS SECRET
STANDARDS**

With respect to the government’s contention that it cannot defend itself without revealing information it has stamped classified, please address the legal issue of the difference in standards for SSI versus secret. Put differently, given that SSI already has a level of protection from disclosure, what more is required to qualify for state secrets treatment than is already required for SSI? If the government’s interest could be adequately protected via SSI treatment, which can be disclosed for litigation without public access, why should the government be allowed to classify evidence as state secrets and thereby deny the opponent an opportunity to meet the evidence? Did the court of appeals consider this distinction in *Mohamed v. Jeppesen Dataplan, Inc.*, 614 F.3d 1070, 1080 (9th Cir. 2010) (en banc)?

IT IS SO ORDERED.

Dated: December 7, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California