

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NASSER AL-AULAQI,

Plaintiff,

v.

BARACK H. OBAMA, *et al.*,

Defendants.

No. 10-cv. _____

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65(a), Plaintiff Nasser Al-Aulaqi moves for the issuance of a preliminary injunction (1) declaring that, outside of armed conflict, the Constitution prohibits Defendants from carrying out the targeted killing of U.S. citizens, including Plaintiff's son, except in circumstances in which they present concrete, specific, and imminent threats to life or physical safety, and there are no means other than lethal force that could reasonably be employed to neutralize the threats; (2) declaring that, outside of armed conflict, treaty and customary international law prohibit Defendants from carrying out the targeted killing of individuals, including Plaintiff's son, except in circumstances in which they present concrete, specific, and imminent threats to life or physical safety, and there are no means other than lethal force that could reasonably be employed to neutralize the threats; and (3) prohibiting Defendants from intentionally killing U.S. citizen Anwar Al-Aulaqi unless he is found to present a concrete, specific, and imminent threat to life or physical safety, and there are no means other than lethal force that could reasonably be employed to neutralize the threat; or, in the alternative, (4)

ordering the Defendants to disclose the criteria that are used in determining whether the government will carry out the targeted killing of a U.S. citizen.

The grounds for this motion are that Plaintiff has a substantial probability of success on the merits of his claim that the executive's asserted authority to carry out "targeted killings" of U.S. citizens suspected of terrorism far from any field of armed conflict violates the Fourth and Fifth Amendments to the United States Constitution and is contrary to treaty and customary international law; that absent immediate relief, Plaintiff will suffer irreparable harm; that the requested relief will not injure Defendants; and that the public interest supports granting the requested relief.

In support of this application, Plaintiff respectfully refers the Court to the Complaint, the Memorandum in Support of Plaintiff's Motion for Preliminary Injunction, the Declaration of Nasser Al-Aulaqi, and the Declaration of Ben Wizner.

A proposed order is attached.

Respectfully submitted,

/s/ Arthur B. Spitzer
Arthur B. Spitzer (D.C. Bar No. 235960)
American Civil Liberties Union
of the Nation's Capital
1400 20th Street, N.W., Suite 119
Washington, DC 20036
Tel. 202-457-0800
Fax 202-452.1868
artspitzer@aol.com

Jameel Jaffer (to be admitted *pro hac vice*)
Ben Wizner (to be admitted *pro hac vice*)
Jonathan M. Manes
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 519-7814
jjaffer@aclu.org

Pardiss Kebriaei
Maria C. LaHood
William Quigley
Center for Constitutional Rights
666 Broadway, 7th floor
New York, NY 10012
(212) 614-6452
PKebriaei@ccrjustice.org

August 30, 2010