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*\*Pro Hac Vice Application  
 Forthcoming*

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 (See Next Page For Additional Counsel)*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF HAWAI‘I

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STATE OF HAWAI‘I,  
  
 Plaintiff,  
  
 v.  
  
 DONALD J. TRUMP, in his official capacity as  
 President of the United States; U.S.  
 DEPARTMENT OF HOMELAND SECURITY;  
 JOHN F. KELLY, in his official capacity as  
 Secretary of Homeland Security; U.S.  
 DEPARTMENT OF STATE; REX TILLERSON,  
 in his official capacity as Acting Secretary of  
 State; and the UNITED STATES OF AMERICA,  
  
 Defendants.

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Civil Action No.

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER**

**ADDITIONAL COUNSEL**

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## **PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Rules 7 and 65 of the Federal Rules of Civil Procedure and Local Rule 7.2 for the U.S. District Court for the District of Hawaii, Plaintiff State of Hawai‘i, by and through its counsel, hereby moves this Honorable Court for a temporary restraining order prohibiting Defendants from enforcing and implementing key portions of the January 27, 2017 Executive Order issued by Defendant Donald J. Trump (the “Executive Order”), which imposes a nationwide ban on immigrants and travelers from seven Muslim-majority countries. Specifically, Sections 3(c), 5(a)-(c), and 5(e) reflect blatant state-sanctioned preference for Christian refugees and disfavor toward Muslims, in violation of the First and Fifth Amendments to the United States Constitution. They also fail to provide appropriate protections for those detained pursuant to the Executive Order and thereby violating the Fourteenth Amendment.

The foregoing harassing and discriminatory provisions of the Executive Order have no place in the State of Hawai‘i, where Defendants’ actions have caused, and continue to cause, irreparable injury to Plaintiff. As an immediate remedy, and to maintain the status quo while more permanent solutions may be considered, Plaintiff asks that the Court enter a temporary restraining order enjoining Defendants from enforcing or implementing Sections 3(c), 5(a)-(c), and

5(e) of the Executive Order nationwide. Plaintiff further requests that the Court set an expedited hearing to determine whether such order should remain in place.

This motion is supported by the attached Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order, accompanying declarations, and the records and files in this action, as well as any additional submissions and oral argument that may be considered by the Court.

DATED: Honolulu, Hawai'i, February 3, 2017.

Respectfully submitted,

/s/ Douglas S. Chin

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