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(See Next Page For Additional Counsel)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I**

STATE OF HAWAI'I and ISMAIL ELSHIKH,
Plaintiffs,

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
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

Civil Action No. 1:17-cv-00050-
DKW-KSC

**MOTION TO ENFORCE OR,
IN THE ALTERNATIVE, TO
MODIFY PRELIMINARY
INJUNCTION**

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MOTION TO ENFORCE OR, IN THE ALTERNATIVE, TO MODIFY
PRELIMINARY INJUNCTION

Pursuant to Local Rules 6.2, 7, and 10.2(g) for the United States District Court for the District of Hawai‘i and Rule 7 of the Federal Rules of Civil Procedure, Plaintiffs State of Hawai‘i (the “State”) and Dr. Ismail Elshikh, by and through their counsel, respectfully request that the Court partially lift the April 3, 2017 Order staying these proceedings (Dkt. No. 279) for the limited purpose of issuing an Order enforcing or, in the alternative, modifying the scope of the Court’s June 19, 2017 amended preliminary injunction (Dkt. No. 291).

The Government has announced that it is implementing, and that it intends to continue implementing, Executive Order 13780 in a manner that conflicts with the portions of this Court’s preliminary injunction that were not stayed by the Supreme Court’s June 26, 2017 ruling. Plaintiffs therefore request that the Court issue an Order enforcing or modifying its preliminary injunction to reflect that: (1) the injunction bars the Government from implementing the Executive Order against grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins of persons in the United States; (2) the injunction prohibits the Government from applying sections 6(a) and 6(b) to exclude refugees who: (i) have a formal assurance from a resettlement agency within the United States (ii) have a bona fide client relationship with a U.S. legal services organization; or (iii) are in the U.S. Refugee Admissions Program (“USRAP”)

through the Iraqi Direct Access Program for “U.S.-affiliated Iraqis,” the Central American Minors Program, or the Lautenberg Program; (3) the injunction bars defendants from suspending any part of the refugee admission process, including any part of the “Advanced Booking” process, for individuals with a bona fide relationship with a U.S. person or entity; and (4) the preliminary injunction prohibits the Government from applying a presumption that an applicant lacks “a bona fide relationship with a person or entity in the United States.”

The Government began implementing the Executive Order on June 29, 2017. Counsel for Plaintiffs contacted counsel for the Government on July 7, 2017 to advise them of their intention to file this motion. In light of the exigent circumstances, Plaintiffs request that the Court consider their motion on an emergency basis and shorten the time for consideration and any responsive briefing pursuant to Local Rule 6.2. The court may also wish, in light of the extensive briefing on these issues already, to forgo a hearing under Local Rule 7.2. A supporting memorandum of law is attached.

DATED: Washington, D.C., July 8, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

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