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(See Next Page For Additional Counsel)

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

STATE OF HAWAII and ISMAIL ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
 President of the United States; U.S.
 DEPARTMENT OF HOMELAND SECURITY;
 ELAINE DUKE, in her official capacity as
 Acting 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.

**PLAINTIFFS' MOTION
 FOR TEMPORARY
 RESTRAINING ORDER;
 MEMORANDUM IN
 SUPPORT OF PLAINTIFFS'
 MOTION FOR
 TEMPORARY
 RESTRAINING ORDER;
 [PROPOSED]
 TEMPORARY
 RESTRAINING ORDER;
 CERTIFICATE OF
 SERVICE**

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

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PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Rules 7 and 65 of the Federal Rules of Civil Procedure and Local Rule 7.2 of the U.S. District Court for the District of Hawaii, Plaintiffs State of Hawaii and Dr. Ismail Elshikh, and prospective Plaintiffs John Doe 1, John Doe 2, and the Muslim Association of Hawaii, Inc.,¹ by and through their counsel, hereby move this Honorable Court for a temporary restraining order prohibiting Defendants from enforcing and implementing Sections 2(a)-(c), (e), (g), and (h) of the September 24, 2017 Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats issued by Defendant Donald J. Trump (“EO-3”), which imposes restrictions on immigration and travel by nationals of six Muslim-majority countries. Specifically, Sections 2(a)-(c), (e), (g), and (h) impermissibly conflict with 8 U.S.C. § 1152(a)(1)(A), exceed the scope of the President’s authority under 8 U.S.C. §§ 1182(f) and 1185(a)(1), and continue to reflect an intent to exclude Muslims from the United States in violation of the First and Fifth Amendments to the United States Constitution.

¹ Prospective Plaintiffs John Doe 1, John Doe 2, and the Muslim Association of Hawaii, Inc., are named parties to a Third Amended Complaint (“TAC”) that is the subject of Plaintiffs’ concurrently-filed Motion for Leave to File Third Amended Complaint.

The foregoing provisions of EO-3 will cause irreparable injury to the State of Hawaii, the individual plaintiffs, the Muslim Association of Hawaii, Inc., and our Nation as a whole. As an immediate remedy, and to maintain the status quo while more permanent solutions may be considered, Plaintiffs and prospective Plaintiffs respectfully request that the Court enter a temporary restraining order enjoining Defendants from enforcing or implementing Sections 2(a)-(c), (e), (g), and (h) of EO-3 nationwide.

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

DATED: Washington, DC, October 10, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

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