

February 10, 2017

The Honorable Theodore D. Chuang
United States District Court
District of Maryland
6500 Cherrywood Lane
Greenbelt, MD 20770

Re: *International Refugee Assistance Project v. Trump*, No. 8:17-cv-00361-TDC

Dear Judge Chuang:

We represent the plaintiffs in the above-referenced matter, and we write pursuant to § II.A of the Case Management Order to request a Pre-Motion Conference regarding Plaintiffs' desire to file a motion for a preliminary injunction.

Plaintiffs challenge an executive order signed by President Trump on January 27, 2017, entitled "Protecting the Nation from Terrorist Entry into the United States" (hereinafter, the "Executive Order"). Plaintiffs are likely to succeed on their claim that the Executive Order violates various constitutional and federal statutory provisions. In particular, there is voluminous and compelling evidence that the Executive Order was intended and designed to make it more difficult for Muslim immigrants to enter this country, precisely because they are Muslim, and that the order has that effect. The Executive Order thus violates two vital constitutional protections—the guarantee that the government shall make no law respecting an establishment of religion, and the guarantee of equal protection of the laws. *See Washington v. Trump*, No. ___ F.3d ___, 2017 WL 526497, at *7 (9th Cir. Feb. 9, 2017) (noting "the serious nature of the allegations the States have raised with respect to their religious discrimination claims"). The balance of hardships and the public interest also clearly favor granting a preliminary injunction.

Plaintiffs respectfully submit that the proposed motion is appropriate notwithstanding the fact that portions of the Executive Order are preliminarily enjoined pursuant to an order of the U.S. District Court for the Western District of Washington. The Washington injunction is currently on appeal in the Ninth Circuit Court of Appeals, which has set an expedited briefing schedule. And while yesterday the Ninth Circuit denied a motion to stay the injunction pending appeal,¹ the federal government could still seek rehearing of that decision and/or a stay from the Supreme

¹ *Washington v. Trump*, 2017 WL 526497 (refusing to stay the district court's preliminary injunction of §§ 3(a), 5(a), 5(b), 5(c), and 5(e) of the Executive Order).

Court. In light of the uncertainty regarding how long it will remain in effect and the continued harms inflicted and threatened by the Executive Order, Plaintiffs wish to move expeditiously for a preliminary injunction of the order as a whole.

Plaintiffs therefore respectfully request a Pre-Motion Conference and seek the Court's leave to file a motion for a preliminary injunction barring the enforcement and implementation of the Executive Order in its entirety.

Respectfully submitted,

/s/ Justin B. Cox

Justin B. Cox (Bar No. 17550)
National Immigration Law Center
1989 College Ave. NE
Atlanta, GA 30317
Tel: (678) 404-9119
Fax: (213) 639-3911
cox@nilc.org

Karen C. Tumlin†
Nicholas Espiritu†
Melissa S. Keaney†
Esther Sung†
National Immigration Law Center
3435 Wilshire Boulevard, Suite 1600
Los Angeles, CA 90010
Tel: (213) 639-3900
Fax: (213) 639-3911
tumlin@nilc.org
espiritu@nilc.org
keaney@nilc.org
sun@nilc.org

† *Appearing pro hac vice*

†† *Pro hac vice motion pending*

Omar C. Jadwat††
Lee Gelernt††
Hina Shamsi††
Hugh Handeyside††
Sarah L. Mehta††
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2600
Fax: (212) 549-2654
ojadwat@aclu.org
lgelernt@aclu.org
hshamsi@aclu.org
hhandeyside@aclu.org
smehta@aclu.org

Cecillia D. Wang††
Cody H. Wofsy††
American Civil Liberties Union
Foundation
39 Drumm Street
San Francisco, CA 94111
Tel: (415) 343-0770
Fax: (415) 395-0950
cwang@aclu.org
cwofsy@aclu.org

David Cole†
Daniel Mach†
Heather L. Weaver†
American Civil Liberties Union

Foundation
915 15th Street NW
Washington, DC 20005
Tel: (202) 675-2330
Fax: (202) 457-0805
dcole@aclu.org
dmach@aclu.org
hweaver@aclu.org

/s/ David Rocah

David Rocah (Bar No. 27315)
Deborah A. Jeon (Bar No. 06905)
Sonia Kumar (Bar No. 07196)
Nicholas Taichi Steiner (Bar
No. 19670)
American Civil Liberties Union
Foundation of Maryland
3600 Clipper Mill Road, Suite 350
Baltimore, MD 21211
Tel: (410) 889-8555
Fax: (410) 366-7838
jeon@aclu-md.org
rocah@aclu-md.org
kumar@aclu-md.org
steiner@aclu-md.org