



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,

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