

Exhibit 2

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ADHAM AMIN HASSOUN,

Petitioner,

v.

Case No. 1:19-cv-00370-EAW

JEFFREY SEARLS, in his official capacity
Acting Assistant Field Office Director and
Administrator of the Buffalo Federal
Detention Facility,

Respondent.

PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION

PLEASE TAKE NOTICE that pursuant to Rule 34 of the Federal Rules of Civil Procedure, 28 U.S.C. § 2241, and the order of the Court dated December 20, 2019, ECF No. 58, Petitioner Adham Amin Hassoun, by and through his attorneys, demands that the Respondent respond to the following Requests for Production.

DEFINITIONS

The following definitions shall apply to these Requests:

1. "This Matter" or "the matter" means the Petition in the above-captioned action filed in the Western District of New York on March 15, 2019.
2. "Respondent" means JEFFREY SEARLS, any U.S. government official, and any other person acting under color of law, including private contractors and employees/agents of the U.S. government.
3. "Petitioner" means ADHAM AMIN HASSOUN.
4. "Document(s)" means any writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, including electronically stored information, that are stored in any medium whatsoever from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, as well as any tangible things. Documents include, but are not limited to, electronic mail or e-mail, text messages, facsimiles, instant messages (IMs), calendars, diaries, appointment books, agendas, journals, drafts, voicemail messages, post cards, post-it notes, reports, logs, message slips, invoices, checks, paystubs, letters,

memoranda, agreements, contracts, tax returns, bank statements, video recordings, audio recordings, computer programs, printouts, and all other written, graphic or electronic materials of any nature whatsoever. A draft or non-identical copy of a document is a separate document within the meaning of this term. A document includes all appendices, schedules, exhibits and other attachments.

5. "Person" means any natural person or any legal entity, including, without limitation, any business or governmental entity, organization or association.
6. "Witness" or "informant" means any person that the government intends to call at the evidentiary hearing to be set by the Court in this matter, or any person upon which the government relied on to determine that Petitioner should be certified under 8 C.F.R. § 241.14(d) or 8 U.S.C. § 1226a.
7. "Relate" "related" or "relating" mean, in addition to their usual and customary meanings, concerning, referring to, reflecting, regarding, pertaining to, addressing, discussing, alluding to, describing, evidencing, constituting or otherwise having any logical or factual connection with the subject matter addressed.
8. The words "and" and "or" shall be construed disjunctively or conjunctively to bring within the scope of each interrogatory all responses which otherwise might be construed to be outside the scope of an interrogatory.
9. The word "any" shall be construed to include "all," and vice versa.
10. The word "each" shall be construed to include "every," and vice versa.
11. Any word in the singular form shall also be construed as plural, and vice versa.
12. The masculine form shall also be construed to include the feminine, and vice versa.

INSTRUCTIONS

1. Petitioner submits the following request for production of documents from Respondent. Petitioner requests that Respondent produce for inspection, copying, and use all responsive documents requested herein by January 6, 2020, pursuant to the Court's order dated December 20, 2019, ECF No. 58.
2. If certain requests are duplicative of previous requests to which documents have already been produced, Respondent need not reproduce such documents. Petitioner requests that the Respondent provide notice that such documents are among those already produced.
3. Petitioner requests that when Respondent produces the requested documents, including electronically stored information (ESI), Respondent will produce such documents or ESI as they are kept in the usual course of business or will organize and label them to

correspond to the categories in the request.

4. If Respondent believes that any responsive documents are privileged or otherwise exempt from disclosure, Respondent shall provide a privilege log detailing each document and the reason that Respondent believes the document is exempt from disclosure. Pursuant to the Court's order, Respondent shall provide such documents under a duly negotiated protective order whenever possible.
5. There is no time limitation on the documents requested unless specified in the Requests.

REQUESTS

1. All documents related to statements made by any witness/informant against and/or about Petitioner, including any written or recorded statements of said witness/informant, and any written statements or recordings and any notes or reports drafted by government officials about such statements or recordings.
2. All documents and other evidence that tend to contradict the government's asserted basis for detaining Petitioner, including, but not limited to, all documents and other evidence that would tend to undermine the credibility of all witnesses/informants against Petitioner or that would be considered exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), including prior inconsistent statements, requests for relief or special treatment, and any benefit offered or granted to such witnesses/informants before or after they provided the statements against Petitioner.
3. All documents related to disciplinary records, detention or incarceration histories, and prior statements in other immigration and/or criminal proceedings of all witnesses/informants.
4. All documents, including sound or video recordings, related to the religious sermons Petitioner has given at the Buffalo Federal Detention Facility (BFDF).
5. All documents related to Petitioner's telephone calls to and from the BFDF, including all recordings and call logs.
6. All documents related to Petitioner's mail correspondence to and from the BFDF, including all photocopies of such correspondence and notes by government officials about such correspondence.
7. All documents contained in Petitioner's master file kept by the Department of Homeland Security (DHS), otherwise known as the "A File."
8. All documents in DHS's possession, custody, or control that it used to determine that Petitioner should be certified under 8 C.F.R. § 241.14(d) or 8 U.S.C. § 1226a.
9. All documents in the Federal Bureau of Investigation's (FBI) possession, custody, or

control that it relied upon to develop the recommendations in its letter dated February 21, 2019.

10. All documents related to information provided to other detainees about Petitioner upon entering the BFDF or afterwards.
11. All documents or other evidence Respondent intends to introduce at the evidentiary hearing to be set by the Court in this Matter.

Dated: December 23, 2019
Buffalo, New York,

Jonathan Hafetz
Brett Max Kaufman
Charlie Hogle*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
212-549-2500
jhafetz@aclu.org
*New York bar admission pending

Judy Rabinovitz
Celso Perez
American Civil Liberties Union Foundation
Immigrants' Rights Project
125 Broad Street, 18th Floor
New York, NY 10004
212-549-2616
jrabinovitz@aclu.org

Victoria Roeck
Christopher Dunn
New York Civil Liberties Union Foundation
125 Broad Street, 19th Floor
New York, NY 10004
212-607-3300
cdunn@nyclu.org

Respectfully submitted,

/s/ A. Nicole Hallett

A. Nicole Hallett
Jonathan Manes
Supervising Attorneys
Richard Barney III
Erin Barry
Colton Kells
Andrew Kij
Marline Paul
Jesselyn Zailac

Student Attorneys
507 O'Brian Hall, North Campus
University at Buffalo School of Law
Buffalo, NY 14260
716-645-2167
jmmanes@buffalo.edu
nicole@buffalo.edu

Counsel for Petitioner