

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Farah IBRAHIM, Ibrahim MUSA, Khalid
Abdallah MOHMED, Ismail JIMCALE
ABDULLAH, Abdiwali Ahmed SIYAD,
Ismael Abdirashed MOHAMED, and
Khadar Abdi IBRAHIM on behalf of
themselves and all those similarly situated,

Case No.:

Plaintiffs/Petitioners,

CLASS ACTION

v.

Juan ACOSTA, Assistant Field
Officer Director, Miami Field Office,
Immigration and Customs Enforcement;
David HARDIN, Sheriff of Glades
County; Marc J. MOORE, Field Office
Director, Miami Field Office, Immigration
Customs Enforcement; Thomas HOMAN,
Acting Director, Immigration and Customs
Enforcement; Kirstjen NIELSEN,
Secretary of Homeland Security.

Defendants/Respondents.

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR STAY OF REMOVAL AND
REQUEST FOR EMERGENCY HEARING**

1. Pursuant to Fed. R. Civ. P. 65, Plaintiffs/Petitioners seek a Temporary Restraining Order and/or stay of removal that bars their removal until an appropriate process has determined whether, in light of current conditions and circumstances, they are entitled to mandatory protection from removal.

REQUEST FOR EMERGENCY HEARING

2. Undersigned counsel requests that the Court set this motion for a hearing as soon as possible in light of their imminent deportation.

2. Plaintiffs/Petitioners and the class they represent face imminent removal to Somalia. Undersigned counsel understands that Defendants/Respondents may put Plaintiffs/Petitioners on another plane as soon as *Wednesday, December 20, 2017* if not sooner.

3. Undersigned counsel Rebecca Sharpless, at 3:05 pm on December 18, 2017, spoke with Alicia Welch, Assistant U.S. Attorney for the Southern District, and counsel for Defendants/Respondents to ask Defendants/Respondents' position on this motion and to ascertain the date of the next flight to Somalia. Undersigned counsel has not yet heard back from Defendants/Respondents but will update the Court as communications occur.

5. Plaintiffs/Petitioners, and the class they represent, are noncitizens facing deportation to Somalia. Many have lived in the United States for years and have U.S. citizen families. All fear return to Somalia. While they all have removal orders to Somalia, these orders do not reflect critical changed circumstances that have resulted from ICE's abuses of Plaintiffs/Petitioners on December 7 flight, as well as the severe escalation of anti-West terrorist violence in Somalia in recent weeks.

6. Immigration law forbids the return of anyone who will likely be persecuted or tortured and permits reopening of removal orders based on changed circumstances. Plaintiffs/Petitioners seek a temporary restraining order or stays of removal for themselves and similarly situated people request a temporary restraining order that prohibits Defendants from deporting Plaintiffs and the class they represent until: 1) they are afforded a full and fair opportunity to seeking reopening of their removal cases; 2) they have received adequate treatment for their injuries sustained on the December 7 flight; and 3) Defendants/Respondents have taken precautions to ensure that Plaintiffs and the class they represent will not be again abused during the

deportation process, including but not limited to assurances that none of the same ICE or contract agents that were on the December 7 flight will be on the next flight.

WHEREFORE, for the reasons set forth herein and in the accompanying memorandum of law, Plaintiffs/Petitioners respectfully request this Court to grant the Temporary Restraining Order/Stay of Removal, and set the case for further briefing.

Respectfully submitted,

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*Motion to Appear Pro Hac Vice
Forthcoming

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Law students Mary Georgevich, Alexis Dutt, and Timothy Sanders from the University of Minnesota Law School contributed to this pleading.

