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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

Ayman Latif, et al.,

Plaintiffs,

v.

Eric H. Holder, Jr., et al.,

Defendants.

No. 3:10-cv-750-BR

**PLAINTIFFS' SECOND NOTICE OF SUPPLEMENTAL AUTHORITY**

As further supplemental authority in support of their Cross-Motion for Partial Summary Judgment, Plaintiffs respectfully submit the attached Memorandum Opinion issued on January 22, 2014, in *Gulet Mohamed v. Eric Holder, Jr., et al.*, No. 1:11-cv-50 (AJT/TRJ) (E.D. Va.) (“Opinion”). In that case, a U.S. citizen plaintiff allegedly placed on the No Fly List filed suit against the U.S. Attorney General, the Director of the Federal Bureau of Investigation, and the Director of the Terrorist Screening Center (“TSC”), challenging a violation of his right to re-enter the United States and a violation of his procedural due process rights as a result of placement on the List. Op. at 2, 6–7.

In its Opinion, the district court denied the defendants’ motion to dismiss the plaintiff’s procedural and substantive due process claims. *Id.* at 28–31. According to the court, “[t]he impact on a citizen who cannot use a commercial aircraft is profound,” and “placement on the No Fly List is life defining and life restricting across a range of constitutionally protected activities and aspirations; and a No Fly List designation transforms a person into a second class

citizen, or worse.” *Id.* at 12, 14 (citing this Court’s August 28, 2013 opinion in this matter). The court rejected the defendants’ argument that the plaintiff must first exhaust administrative remedies through DHS TRIP, noting that DHS TRIP “would not provide Mohamed with any opportunity to present and have considered his constitutional claims,” nor would it “significantly assist the Court” or “create a record more helpful than the one that already exists.” *Id.* at 22–23. Finally, the court noted the availability of judicial review under 49 U.S.C. § 46110, but explained that “it is not at all clear that such review will effectively address the constitutional issues presented by a citizen’s inclusion on the No Fly List.” *Id.* at 30.

Dated: January 23, 2014

Respectfully submitted,

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