

JOYCE R. BRANDA  
 Acting Assistant Attorney General  
 Civil Division

DIANE KELLEHER  
 Assistant Branch Director  
 Federal Programs Branch

AMY POWELL  
 BRIGHAM BOWEN  
 amy.powell@usdoj.gov  
 brigham.bowen@usdoj.gov  
 U.S. Department of Justice  
 Civil Division, Federal Programs Branch  
 20 Massachusetts Avenue, N.W  
 Washington, D.C. 20001  
 Phone: (202) 514-9836  
 (202) 514-6289  
 Fax: (202) 616-8470

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF OREGON**

AYMAN LATIF, et al.,  <p style="text-align: center;"><i>Plaintiffs,</i></p>	Case 3:10-cv-00750-BR
v.  ERIC H. HOLDER, JR., et al.,  <p style="text-align: center;"><i>Defendants.</i></p>	DEFENDANTS' STATUS REPORT

**DEFENDANTS' STATUS REPORT**

In accordance with the Court's October 6, 2014 Case Management Order, ECF No. 152, Defendants hereby submit this status report to inform the Court that: (1) interim substantive reviews of ongoing No Fly status of those Plaintiffs remaining on the No Fly List have been completed, *see id.* ¶ 3; (2) DHS TRIP has sent those Plaintiffs who remain on the No Fly List

notice letters during the week of November 24, 2014 (in which responses were requested from Plaintiffs during the week of December 15, 2014), *see id.* ¶ 4; and (3) Plaintiffs are in the process of providing these responses. Defendants expect that, barring further delays in receiving still-outstanding submissions from Plaintiffs, the final substantive reconsideration of Plaintiffs' reopened DHS TRIP redress inquiries will be completed on or before January 16, 2015, as contemplated by the Court's Order. *Id.* ¶ 6. To the extent additional time is required, Defendants will so inform the Court at the earliest opportunity.

In addition to the above information, Ms. Shamsi and Mr. Handeyside, counsel for Plaintiffs from the ACLU, have requested that Defendants include the statement below in this report. Defendants disagree with Plaintiffs' arguments that the revised procedures are insufficient. In any event, (1) Plaintiffs' arguments were submitted to DHS TRIP and are being considered administratively; and (2) Defendants also agree with Plaintiffs that whatever disagreements remain outstanding at the conclusion of the DHS TRIP reconsideration process will be appropriate for the Court's consideration at that time.

Plaintiffs' Statement: After reviewing the DHS TRIP letters sent to the Plaintiffs in this case who remain on the No Fly List, Plaintiffs concluded that the revised No Fly List redress system remains inadequate and requested that Defendants (1) provide necessary procedural protections as part of the administrative process, (2) disclose additional information related to the bases for Plaintiffs' inclusion on the No Fly List, and (3) apply a constitutionally-compliant standard for inclusion on the List. Plaintiffs are mindful of the Court's instructions that the parties complete the administrative review of Plaintiffs' No Fly List status, and are continuing to participate in that review with the expectation that any remaining disputes about the adequacy of

the revised redress system will be adjudicated by the court at the conclusion of the administrative phase.

Dated: December 19, 2014

Respectfully Submitted,

JOYCE R. BRANDA  
Acting Assistant Attorney General

DIANE KELLEHER  
Assistant Branch Director  
Federal Programs Branch

*s/ Brigham J. Bowen*

---

AMY POWELL  
BRIGHAM J. BOWEN  
amy.powell@usdoj.gov  
brigham.bowen@usdoj.gov  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20001  
Tel: (202) 514-9836  
(202) 514-6289  
Fax: (202) 616-8470

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion was delivered to all counsel of record via the Court's ECF notification system.

*s/ Brigham J. Bowen*  
BRIGHAM J. BOWEN