

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE,

Petitioner,

v.

GEN. JAMES N. MATTIS,
in his official capacity as SECRETARY OF
DEFENSE,

Respondent.

No. 17-cv-2069 (TSC)

ECF 81

REDACTED VERSION FOR PUBLIC FILING

UNDER SEAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN DOE,

Petitioner,

v.

GEN. JAMES N. MATTIS,
in his official capacity as SECRETARY OF
DEFENSE,

Respondent.

No. 17-cv-2069 (TSC)

**APPLICATION FOR A TEMPORARY RESTRAINING ORDER
AND MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, Petitioner John Doe hereby applies for the issuance of a temporary restraining order and moves for a preliminary injunction prohibiting Respondent (along with his respective successors in office, officers, agents, servants, employees, and anyone acting in concert with him) from, *inter alia*, transferring Petitioner from U.S. custody to the custody of [REDACTED] until such time that the government has demonstrated to the Court positive legal authority for the transfer.

This motion is based on the memorandum of points and authorities submitted herewith, as well as all declarations, pleadings, and other filings submitted in this action. The grounds for this application are that a forcible transfer to [REDACTED] custody would violate Petitioner's constitutional and statutory rights. Respondent should not be allowed to pretermitt Petitioner's habeas action seeking his release from unlawful detention by forcibly transferring him to [REDACTED] [REDACTED] without positive legal authority for the transfer. Additionally, Petitioner will suffer irreparable injury if Respondent is not enjoined, and the harms Petitioner will suffer absent an

UNDER SEAL

injunction far outweigh the harms to Respondent if a temporary restraining order or preliminary injunction issues. Finally, the public interest favors the issuance of a temporary restraining order or preliminary injunction.

Dated: April 18, 2018

Respectfully submitted,

Arthur B. Spitzer (D.C. Bar No. 235960)
American Civil Liberties Union
of the District of Columbia
915 15th Street, NW, 2nd Floor
Washington, DC 20005
Tel: 202-457-0800
Fax: 202-457-0805
aspitzer@acludc.org

/s/ Jonathan Hafetz

Jonathan Hafetz (D.C. Bar No. NY0251)
Brett Max Kaufman (D.C. Bar No. NY0224)
Hina Shamsi (D.C. Bar No. MI0071)
Dror Ladin (*pro hac vice*)
Anna Diakun
American Civil Liberties Union Foundation
125 Broad Street—18th Floor
New York, New York 10004
Tel: 212-549-2500
Fax: 212-549-2654
jhafetz@aclu.org
bkaufman@aclu.org
hshamsi@aclu.org
dladin@aclu.org
adiakun@aclu.org

Counsel for Petitioner