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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
MAHA ABDULHAMEED
MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM
MOHAMMED;
MAGED WALEED MUSAED
QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI
ALEAZZALI;
KHALED ANWAR NAGI
ALEAZZALI;
ASHAWQ MOHAMMED AYEDH
AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED
SAAD;
NAWAR AHMED MOHAMED
SAAD;
IBRAHIM AHMED MOHAMED
SAAD;
MOHAMED AHMED MOHAMED
SAAD;
ABDULATEF ABDO MUTHANNA
HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

1 OMAR ALI MOHSEN MURSHED;
2 BASSAM ALI MOHSEN MURSHED;
3 NADHRA SALEH ALZEER;
4 MUHRAH MOHSEN SALEH
5 MOQBEL SALEH;
6 QASEM ABDULRAHMAN SALEM
7 AL-HASANI;
8 MUNA O AL SAKKAF,

9 Plaintiffs,

10 v.

11 UNITED STATES OF AMERICA;
12 UNITED STATES DEPARTMENT
13 OF HOMELAND SECURITY;
14 UNITED STATES CITIZENSHIP
15 AND IMMIGRATION SERVICES;
16 UNITED STATES DEPARTMENT
17 OF STATE;
18 UNITED STATES CUSTOMS AND
19 BORDER PATROL;
20 DONALD J. TRUMP, in his official
21 capacity as President of the United
22 States of America;
23 DANA J. BOENTE, in his official
24 capacity as the Acting Attorney
25 General of the United States;
26 JOHN KELLY, Secretary of the
27 Department of Homeland Security;
28 LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

Before the Court is Plaintiffs' Motion for Temporary Restraining Order And/Or Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt. No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

1
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under
12 one test, the party must establish that he is (1) likely to succeed on the merits of his
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
16 2009).

17 Under the alternative test, a party must show “serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

4
5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

Dated: January 31, 2017



HONORABLE ANDRÉ BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE