

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA

**AHMED ALI MUTHANA, individually, and
as next friend of Hoda Muthana and Minor
John Doe** [initials A.M.]

Plaintiff/Petitioner,

vs.

**Michael Pompeo, in his official capacity as
Secretary of the Department of State,
Donald J. Trump, in his official capacity as
President of the United States; and
William Pelham Barr in his official capacity
as Attorney General.**

Defendants/Respondents.

Cause No. 19-445

CIVIL ACTION

PLAINTIFF'S MOTION FOR EXPEDITED HEARING

Plaintiff Ahmed Ali Muthana, individually and as Next Friend of Hoda Muthana and Minor John Doe, by and through undersigned counsel, files this Motion for Expedited Hearing against Michael Pompeo, in his official capacity as Secretary of the Department of State, Donald J. Trump, in his official capacity as President of the United States, and William Pelham Barr, in his official capacity as Attorney General. This Motion is supported by good cause, as shown by the following factual background:

I. SUPPORTING FACTS

1. Plaintiff Ahmed Ali Muthana is a naturalized United States citizen, the father of Hoda Muthana, and the grandfather of Minor John Doe Muthana. Plaintiff initiated suit on his own behalf for declaratory judgment, and as proper Next Friend of Hoda Muthana and Minor John Doe for injunctive and mandamus relief. (*See* Doc. 1). Hoda Muthana is a United States citizen by birthright, and is currently detained in Syria by Kurdish forces at Camp al-Hawl, with her son, minor John Doe, who is a United States citizen by acquisition as the natural child of his mother (Ms. Muthana had resided in the United States for more than five years prior to his birth).

2. Ms. Muthana and Minor John Doe escaped ISIS territory with the intent of turning themselves in to United States forces. Ultimately, they surrendered to Kurdish forces in their immediate area, and are now interred in a Kurdish camp in Syria. These Kurdish forces are directly aligned with the United States, and presumably would relinquish custody of Ms. Muthana and her young son to U.S. forces should the United States so request.

3. The President of the United States and the Secretary of the Department of State, however, have publicly indicated that they object to her return, and are actively blocking any request to relinquish custody to the United States. Further, the President the President of the United States announced his intent to withdraw U.S. forces from the Syrian conflict; upon information and belief this withdrawal has commenced.¹ Upon withdrawal, the ability of the United States to obtain military cooperation from the Kurdish forces, with which they have been previously aligned, will be greatly diminished, if even possible at all. Accordingly, the failure of the United States to

¹ “The Planned U.S. Troop Withdrawal from Syria: Here’s the Latest,” The New York Times, January 16, 2019 (<https://www.nytimes.com/2019/01/16/world/middleeast/syria-us-troops-timeline.html>) (last accessed January 20, 2019).

urgently facilitate the return of Ms. Muthana and her son will cause immediate and irreparable harm by jeopardizing their ability in the future to return to the United States.

4. An expedited hearing is appropriate in this matter pursuant to Federal Rule of Civil Procedure 57, as without the expeditious ruling of this Court on Plaintiff's Expedited Complaint and the claims for relief sought, extreme damage will result to the interests of Plaintiff Ahmed Ali Muthana, and the interests of Hoda Muthana and Minor John Doe.

II. CONCLUSION

For the reasons set forth above, Plaintiff Ahmed Ali Muthana hereby requests an expedited hearing on his Complaint seeking a declaratory judgment that he will not be in violation of 2339B if he provides his daughter and grandson with financial support to aid their survival and return to the United States. Plaintiff Ahmed Ali Muthana, as Next Friend of his daughter Hoda Muthana and grandson Minor John Doe, further seeks an expedited hearing on his claims for injunctive relief preventing the United States government from unconstitutionally revoking their rights as United States citizens, as well as on his claim for a writ of mandamus instructing the United States government to use good faith efforts to facilitate their return. Plaintiff further respectfully requests an expedited hearing on his claim seeking declaratory judgment that U.S. government has an obligation to assist in the return of its citizens from areas of armed conflict, based on U.S. law regarding the rights of citizenship, applicable international law, and the United States' own publically stated policies regarding the repatriation of American citizens.

Respectfully submitted,

/s/ Charles D. Swift

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CERTIFICATE OF SERVICE

The undersigned counsel hereby affirms that the foregoing will be served on all counsel of record via ECF filing, and served with the Complaint in this matter, on all listed Defendants.

/s/ Charles D. Swift

Charles D. Swift