

1 JULIE A. GOLDBERG, ESQ., SBN 235565  
2 DANIEL COVARRUBIAS-KLEIN, ESQ., SBN 307645  
3 Goldberg & Associates  
4 5586 Broadway  
5 Third Floor  
6 Bronx, NY 10463  
7 Tel: (718)432-1022  
8 Fax: (718)432-1044  
9 Email: USCIS@goldbergimmigration.com

10 Attorneys for Plaintiffs, BADR DHAIFALLAH AHMED MOHAMMED et al.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE UNITED STATES DISTRICT COURT FOR THE  
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; OMAR ALI MOHSEN )  
MURSHED; BASSAM ALI MOHSEN )  
MURSHED; NADHRA SALEH ALZEER; )  
MUHRAH MOHSEN SALEH MOQBEL )  
SALEH; QASEM ABDULRAHMAN SALEM )  
AL-HASANI; MUNA O AL SAKKAF )

Case No.: 2:17-cv-00786-AB-PLA

**COMPLAINT FOR INJUNCTIVE RELIEF  
AND PETITION FOR WRIT OF  
MANDAMUS**

Plaintiffs,

vs.

UNITED STATES OF AMERICA; UNITED  
STATES DEPARTMENT OF HOMELAND

1 SECURITY; UNITED STATES CITIZENSHIP )  
AND IMMIGRATION SERVICES; UNITED )  
2 STATES DEPARTMENT OF STATE; U.S. )  
CUSTOMS AND BORDER PATROL; )  
3 DONALD J. TRUMP, in his official capacity as )  
President of the United States of America; )  
4 DANA J. BOENTE, in her official capacity as )  
Acting Attorney General of the United States; )  
5 JOHN KELLY, Secretary of the Department of )  
Homeland Security; LORI SCIALABBA, Acting )  
6 Director U.S. Citizenship and Immigration )  
Services, KEVIN K. McALEENAN, in his )  
7 official capacity as Acting Commissioner of U.S. )  
Customs and Border Patrol, )  
8 )  
Defendants. )  
9 )  
10 )  
11 )

12 COMES NOW all named and heretofore unnamed Plaintiffs in the above-styled and numbered cause,  
13 and for which causes of action would show unto the Court the following:

14 **INTRODUCTION**

15 All Plaintiff Petitioners (hereinafter “Plaintiff 1s”) are a United States Citizens and resident of the  
16 United States. All Plaintiff Beneficiaries (hereinafter “Plaintiff 2s”) are citizens of Yemen and hold a  
17 valid Yemeni passport. All Plaintiff 1s filed an I-130 Petition for alien relative with United States  
18 Citizenship and Immigration Services (“USCIS”). Plaintiffs were motivated to secure visas for Plaintiff  
19 2s due to the unlivable conditions and carnage that exist in Yemen as a result of the current Yemeni civil  
20 war.  
21

22 After navigating and fully complying with all procedural requirements and security background  
23 checks that comprise USCIS’s petitioning process and the STATE DEPARTMENTS visa issuance  
24 process, Defendant UNITED STATES OF AMERICA—by and through the collective actions of all  
25 other named Defendant entities and individuals acting in their official capacities, as well as their agents,  
26 servants, officers, employees and legal counselors, and all persons acting in participation or concert with  
27  
28

1 them or under their direction and/or command—determined that All the Plaintiffs in this class do not  
2 pose a security threat to the United States. Accordingly, THE STATE DEPARTMENT issued Plaintiff  
3 2s in the numerated class a valid immigrant visa to enter the United States on January 27, 2017 in  
4 Djibouti.

5           On Friday, January 27, 2017, newly elected Defendant President DONALD J. TRUMP  
6 (hereinafter referred to interchangeably as “President” and “TRUMP”) signed an Executive Order  
7 entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Executive  
8 Order”). However, before TRUMP signed the Executive Order, Plaintiffs 2s left their war torn country  
9 with great risk, traveled to a foreign country at great expense to Plaintiff 1s, were fingerprinted,  
10 interviewed and vetted and eventually issued a visa. In the wake of the execution of the Executive Order,  
11 Defendants have announced or have been directed to unlawfully implement a moratorium on refugees  
12 and valid visa holders deriving from seven countries from entering the United States, to wit: Iran, Iraq,  
13 Libya, Somalia, Sudan, Syria and Yemen (the “seven countries”). The Executive Order is unlawful as  
14 applied to Plaintiffs, as it violates their (1) rights under the Equal Protection Clause of the Fourteenth  
15 Amendment (which applies to the federal government through the Due Process Clause of the Fifth  
16 Amendment, see *Bolling v. Sharpe*, 347 U.S. 497 (1954)); (2) rights under the Establishment Clause of  
17 the First Amendment; (3) procedural and substantive due process rights under the Due Process Clause of  
18 the Fifth Amendment; and (4) rights as citizens being adversely impacted by Defendant TRUMP’s  
19 violation of the Emoluments Clause.

20           Accordingly, Plaintiffs—on their own behalf and on behalf of all others similarly situated—  
21 respectfully request that this Honorable Court grant the relief being sought herein to redress the extreme  
22 hardship and irreparable injury in fact that Plaintiffs have suffered and will continue to suffer because of  
23 Defendants’ unlawful actions and/or failures.

24 //

25 //

**JURISDICTION AND VENUE**

- 1  
2 1. This Court has subject matter jurisdiction pursuant to the following provisions: 28 U.S.C. § 1331  
3 (because questions of federal law are present); 5 U.S.C. § 701 et seq. (Administrative Procedure  
4 Act), and 28 U.S.C. § 2201 (Declaratory Judgment Act).
- 5 2. This Court also has jurisdiction to issue a writ of mandamus to compel agency action under 28  
6 U.S.C. § 1361 as Plaintiffs' claims are against officers and employees of the United States and  
7 agencies thereof.
- 8 3. There are no administrative remedies available to Plaintiffs to redress their grievances described  
9 in this Complaint. This action challenges (1) Defendants' procedural policies, practices,  
10 interpretations of law and their actions or failures to act; and (2) Defendants' substantive policies  
11 and practices insofar as those policies and practices violate Plaintiffs' rights under the Equal  
12 Protection Clause of the Fourteenth Amendment (which applies to the federal government  
13 through the Due Process Clause of the Fifth Amendment, see Bolling v. Sharpe, 347 U.S. 497  
14 (1954)), Fifth Amendment Due Process Clause, and Emoluments Clause of the United States  
15 Constitution, as well as other relevant provisions of law. This action does not challenge the mere  
16 discretionary granting or denial of individual petitions or applications. Therefore, the  
17 jurisdictional limitations under 5 U.S.C. § 701(a)(2) and 8 U.S.C. § 1252 do not apply.
- 18 4. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1391 on the  
19 following grounds: (1) Plaintiffs 1s resides in this judicial District and/or Plaintiff 2s have flights  
20 to LAX airport as their first place of entry into the United States, the defendants are officers or  
21 employees of the United States or agencies in the United States who are sued in their official  
22 capacity for their acts under the color of legal authority, and no real property is involved in this  
23 action, 28 U.S.C. § 1391(e)(1)(C); and (2) a substantial part of the events or omissions giving rise  
24 to Plaintiffs' claims occurred in this judicial district, § 1391 (b)(2).

1                   **Plaintiffs**

2                   5. Plaintiff 1s are United States Citizens and the Petitioner for the immigrant visas that the United  
3                   States Government properly bestowed upon Plaintiff 2s. In anticipation of procuring a visa for  
4                   his/her alien relatives, Plaintiff 1s have been providing extensive financial support to Plaintiff 2s  
5                   in Djibouti, escaped the civil war currently raging in Yemen, and as late as two days ago the U.S.  
6                   armed forces accidentally killed 10 women and children in Yemen. Plaintiff 1s have invested an  
7                   exorbitant amount of money and an incalculably large amount of time and effort in planning and  
8                   preparing to transport and receive Plaintiff 2s into his/her home in the United States. The average  
9                   cost per family living in Djibouti is \$5000 to \$8,000 USD per month. Accordingly, Plaintiff 1s  
10                  has suffered and continue to endure extraordinary hardship due to Defendants’ enactment,  
11                  execution and/or enforcement of the unlawful Executive Order and no longer have any money left  
12                  to support Plaintiff 2s.  
13

14                  6. Plaintiff 2s are a citizens of Yemen and are the children and spouses and of Plaintiff 1s. Plaintiff  
15                  2s are currently stranded in Djibouti on the verge of making their way to the U.S. Plaintiff 2s are  
16                  the principal beneficiary in this action, have timely and fully undergone all of Defendants’  
17                  procedures and security backgrounds checks, and have been issued immigrants visa to enter the  
18                  United States (and obtain permanent legal resident status, if visa is an immigrant visa). Plaintiffs  
19                  have has endured time, physical injury and emotion distress and has expended all of Plaintiff 2s  
20                  funds (a) to escape the civil war in Yemen; (b) in anticipation of receiving their visas; and (c) in  
21                  anticipation of their voyage to the United States on said visas. Accordingly, Plaintiff 2s have  
22                  endured and continue to endure extraordinary hardship due to Defendants’ enactment, execution  
23                  and/or enforcement of the unlawful Executive Order.  
24  
25

26                   **Allegations Regarding Proposed Representative / Class Plaintiffs**

27  
28                  7. In addition to Plaintiff 1s and 2s named in the caption of this Complaint, there are numerous other

1 Plaintiff 1s nationwide, and Plaintiff 2 visa holders from Iraq, Syria, Iran, Sudan Libya, Somalia  
2 and, in particular, Yemen, who are currently stuck in in Djibouti and/or other countries, all of  
3 whom have had their rights adversely affected—in the various ways alleged below—as a result of  
4 the Executive Order. Each of these similarly situated individuals has had their rights violated as  
5 herein described by and through Defendants’ enforcement of the Executive Order. Each of these  
6 individuals is entitled to seek the relief being sought by Plaintiff 1s and Plaintiff 2s by and  
7 through the instant Complaint and Writ Petition to prohibit the pattern, practice and policy of  
8 Defendants in violating their rights in the various ways herein described. Plaintiffs are still  
9 investigating the identities of all such persons and intend to file an amended Complaint if and  
10 when any such additional Plaintiffs are discovered. As will be set out in a Motion for Class  
11 Certification, these similarly situated individuals satisfy the requirements of numerosity,  
12 typicality, commonality, and adequate representation under Federal Rule of Civil Procedure 23.  
13  
14

15 **Defendants**

- 16
- 17 8. Defendant UNITED STATES OF AMERICA is the sovereign entity with the power and  
18 constitutional mandate to adhere to and enforce the provisions of the United States Constitution  
19 and all federal laws and regulations of the United States of America, including those provisions  
20 of the Constitution and laws and regulations of the United States herein enumerated.
- 21 9. Defendant DEPARTMENT OF HOMELAND SECURITY (“DHS”) is the overarching Federal  
22 Agency of the Executive Branch of the United States Government that has been delegated the  
23 authority over, *inter alia*, (1) visa applications and applications to adjust status, including  
24 coordinating the timely completion of background checks with the Federal Bureau of  
25 Investigations; (2) immigration generally; (3) customs; and (4) border security.
- 26
- 27 10. Defendant UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (“USCIS”) is  
28 a bureau within DHS, and is the agency charged with direct and immediate responsibility of the

proper and time adjudication of visa applications and applications to adjust status.

11. Defendant U.S. DEPARTMENT OF STATE is the Agency responsible for the international relations of the United States and consular visa processing.
12. Defendant U.S. CUSTOMS AND BORDER PATROL (“CBP”) is the Agency responsible for enforcing United States regulations, including customs and immigration.
13. Defendant President DONALD J. TRUMP is a self-styled real estate tycoon with business interests throughout the United States and the world at large, as well as the President of the United States of America. Defendant President TRUMP is the official of Executive Branch of Defendant UNITED STATES OF AMERICA who possesses the authority to execute lawful executive orders, and who did in fact sign and execute the above-described Executive Order on January 27, 2017. This action is brought against Defendant TRUMP in his official capacity.
14. Defendant DANA J. BOENTE is the Acting Attorney General, and this action is brought against him in his official capacity. The Attorney General is the head of the United States Department of Justice, which is concerned with legal affairs of the United States of America.
15. Defendant JOHN KELLY is the Secretary of the Department of Homeland Security (“DHS”), and this action is brought against him in his official capacity. DHS is the agency responsible for implementing the Immigration and Nationality Act (“INA”). Defendant JOHN KELLY is generally charged with the enforcement of the INA and is responsible for implementing the provisions of the INA. Defendant JOHN KELLY is further authorized to delegate such powers and authority to subordinate DHS employees. See 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1.
16. Defendant LORI SCIALABBA is the Acting Director of USCIS, an agency within and under the purview of DHS to, which the Secretary’s authority has, in part, been delegated, and Border Patrol and this action is being brought against her in his official capacity. Defendant LORI SCIALABBA, as Acting Director of USCIS, is subject to the Secretary’s supervision. Defendant Acting Director LORI SCIALABBA is generally charged with the overall administration of

1 immigration benefits and immigration services. See 8 C.F.R. §100.2(a).

2 17. Defendant KEVIN K. McALEENAN is the Acting Commissioner of United States Customs and  
3 Border Patrol and this action is being brought against him in his official capacity.

4  
5 **STATEMENT OF FACTS**  
6

7 18. On January 27, 2017, Defendant TRUMP signed the above-described Executive Order. The  
8 Executive Order purports to “protect the American people from terrorist attacks by foreign  
9 nationals admitted to the United States.”

10 19. The Executive Order is based on a purported threat of terrorism at the hands of foreign nationals,  
11 and, pursuant to the purported threat, imposes substantial modifications to the policies and  
12 procedures governing the admission of non-citizens to the United States, to wit and of relevance  
13 to the instant Action:

- 14
- 15 a. A 120-day moratorium on the United States Refugee Resettlement Program  
16 (“USRAP”);
  - 17 b. An indefinite suspension of Syrian national refugees from entering the United  
18 States, and the substantial reduction of all refugee entrants to the United States  
19 from over 100,000 to no more than 50,000 for fiscal year 2017;
  - 20 c. The 90-day suspension of “immigrant and nonimmigrant entry into the United  
21 States of aliens from countries referred to in section 217(a)(12) of the INA, 8  
22 U.S.C. 1187(a)(12)” (because such entry would purportedly “be detrimental to the  
23 interests of the United States”). See Executive Order § 3(c).

24  
25 20. Nations meeting the criteria listed at INA Section 217(a)(12), 8 U.S.C. Section 1187(a)(12),  
26 include the following seven nations: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen (the  
27 “seven countries”). Executive Order Section 3(c) suspends entry into the United States by non-  
28

1 United States Citizen “immigrant[s] and nonimmigrant[s]” for 90 days.

2 21. The moratorium on and curtailment of refugees, as well as the freeze imposed on immigrants and  
3 nonimmigrants, deriving from the seven countries, and from Yemen in particular, from entering  
4 the United States was made by proclamation alone, and is not based on any quantitative or  
5 qualitative analysis.

6 22. The “new” so-called “vetting”/“extreme vetting” procedures described in the Executive Order  
7 already exist, or are substantially similar to those already in existence, and the Order is a  
8 mendacious attempt to (1) preclude otherwise admissible Muslims from entering the United  
9 States; and (2) protect the financial interests of the President to the detriment of Plaintiffs and  
10 those like Plaintiffs, all under the pretense of national security. Plaintiff 2s were at all times  
11 relevant the family-member of Plaintiffs 1s and were their children and spouses of Plaintiff 1s—  
12 the principal beneficiary on an I-130 Petition for Alien Relative. Thereafter, the I-130 Petition  
13 was approved.

14 23. Plaintiffs then underwent, adhered to and fully complied with Defendants’ policies, procedures  
15 and security background checks, including but not limited to: payment of all relevant fees to  
16 USCIS, National Visa center and the State Department; providing all the requisite documentation  
17 required by Defendants; an interview of Plaintiff 1s by USCIS, and an interview of Plaintiff 2s at  
18 the United States Embassy in Djibouti by Defendant U.S. DEPARTMENT OF STATE.

19 24. Issuance by Defendant U.S. DEPARTMENT OF STATE of an immigrant visa to an applicant for  
20 such a visa authorizes the visa’s holder to enter the United States as a lawful permanent resident,  
21 also known as a green card holder.

22 25. Lawful Permanent Residents have the same rights, responsibilities and protections as United  
23 States Citizens, save some exceptions, such as the right to vote in state and federal elections.

24 26. On January 27, 2017 Defendant U.S. DEPARTMENT OF STATE issued all of Plaintiff 2s visas  
25 to lawfully enter the United States as a lawful permanent resident. The visa was properly placed  
26  
27  
28

1 and is currently situated in Plaintiff 2s Yemen passports.

2 27. As a result of the Executive Order and restriction on entry into the United States by Plaintiff 2s or  
3 any other Yemeni citizen similarly situated, Defendants are refusing to return their passports and  
4 are canceling all visas and refusing to allow Plaintiff 2s to board a plane to the United States.

5 28. Many of the Plaintiff 2s are traveling with small US citizen children who are also stuck behind in  
6 a foreign country because they are traveling with the non-citizen parent who has been ban from  
7 entering with their immigrant visa.

8 29. Defendant President DONALD J. TRUMP, both in the past and very recently, promised that as  
9 President of the United States he would ban all Muslims from entering this country. The  
10 Executive Order and concomitant proclamatory seven-country freeze has a disparate effect on  
11 Muslims. The Executive Order is based on discrimination and animus against Muslims.

12 30. On or about December 7, 2015, Defendant, and then-presidential candidate TRUMP, referring to  
13 himself in the third person, publicly stated: “Donald J. Trump is calling for a total and complete  
14 shutdown of Muslims entering the United States . . . .”

15 31. On or about December 10, 2015, Defendant TRUMP disseminated a “tweet” using the social  
16 media platform “Twitter,” wherein he wrote: “The United Kingdom is trying hard to disguise  
17 their massive **Muslim** problem. Everybody is wise to what is happening, very sad! Be honest.”  
18 (emphasis in original).

19 32. The statements of Defendant TRUMP recounted in Paragraphs 29 through 31 are merely  
20 examples of the multitude of instances in which he has communicated prejudice, discriminatory  
21 attitudes and animus towards and against Muslims.

22 33. The Executive Order further prioritizes admittance into the United States of religious minorities  
23 deriving from and suffering religious persecution in the seven enumerated countries. See  
24 Executive Order §§ 5(b), (e).

25 34. No similar prioritization was included in the Executive Order or otherwise announced for Muslim  
26  
27  
28

1 minorities in countries with a non-Muslim religious majority (e.g. Myanmar, Israel, China, etc.).

2 35. The Executive Order affords preferential treatment to Christians, while denying entry into the  
3 United States by valid visa holders or visa applicants in seven Muslim-majority countries, further  
4 demonstrating that the Order is based on religious discrimination and/or animus toward and  
5 against (a) United States Citizens pursuing family reunification with family alien relatives who  
6 are Muslim; and (b) valid United States-visa holding Muslim citizens of the seven countries.

7 36. Defendant TRUMP has explicitly stated that this prioritization provision of his Executive Order is  
8 for the benefit of Christian minorities in Muslim-majority countries. On or about January 29,  
9 2017, an interview between Defendant TRUMP and David Brody of the *Christian Broadcasting*  
10 Network aired. During the interview, Mr. Brody asked Defendant TRUMP whether he viewed  
11 persecuted Christians overseas as a “priority” for refugee status, to which Defendant TRUMP  
12 unequivocally replied: “Yes.”

13 37. On information and belief, Defendant President TRUMP does not own, possess, maintain and/or  
14 is not currently pursuing personal business interests in the above-enumerated seven countries.

15 38. On information and belief, Defendant President TRUMP does, however, own, possess, maintain  
16 and/or is currently pursuing personal business interests in other middle-eastern and/or Muslim-  
17 majority countries such as Egypt, Saudi Arabia, Indonesia, the United Arab Emirates and Turkey.

18 39. On information and believe, Defendant TRUMP recently registered or caused to be registered  
19 eight companies in Saudi Arabia in preparation for one or more potential hotel projects in that  
20 country. As a presidential candidate in August 2015, Defendant TRUMP publicly stated that  
21 Saudi Arabians buy apartments from him for tens of millions of dollars, suggesting and/or  
22 implying that said buyers are members of the Saudi Royal Family and, therefore, the Saudi  
23 Government.

24 40. On information and belief, Defendant TRUMP has prepared, planned and/or negotiated the  
25 construction of one or more resorts in one or more cities in Indonesia. On information and belief,  
26  
27  
28

1 Defendant TRUMP maintains improper and/or unethical relationships with one or more high-  
2 ranking Indonesian politicians in connection with such business dealings. These relationships, to  
3 the extent they constitute gifts to or monetary benefits conferred upon Defendant TRUMP, violate  
4 the Emoluments Clause of the United States Constitution.

5 41. On information and belief, Defendant TRUMP maintains or continues to pursue further personal  
6 financial interests abroad in Egypt, the United Arab Emirates and Turkey—which involve  
7 presents and/or emoluments being made to him from said foreign governments and/or their  
8 agents, servants, officers, employees or other persons acting in participation or concert with them,  
9 or under their direction and/or command.  
10

11 42. Potential terrorist threats emanating from the latter list of middle eastern/Muslim-majority  
12 countries—where the President has financial interests—are factually and quantitatively greater  
13 than those threats emanating from the seven countries on which the freeze has been implemented.  
14

15 43. Defendant TRUMP’s signing of the Executive Order to the detriment of Plaintiffs and those  
16 similarly situated, but also to protect his own personal financial interests abroad—which include  
17 presents and/or emoluments being made to him from foreign governments and/or their agents,  
18 servants, officers, employees or other persons acting in participation or concert with them, or  
19 under their direction and/or command—constitutes a violation of the Emoluments Clause.  
20

21 44. The Executive Order and proclamatory freeze on Yemeni citizens entering the United States has  
22 left Plaintiffs without any administrative options for relief. As a result, Plaintiffs have been  
23 forced to commence suit against Defendants to seek an Injunction halting Defendants’  
24 enforcement of the Executive Order and/or a Writ of Mandamus compelling Defendants to allow  
25 Plaintiff 2s to enter the United States on her/his valid visa.

26 //

27 //

28 //

**INJURY TO PLAINTIFFS**

1  
2 45. Plaintiffs have been damaged and continue to be damaged by Defendants’ unlawful refusal to  
3 allow Plaintiff 2s to enter the United States on his/her valid immigrant visa (which results in the  
4 issuance of a Law Permanent Resident card.) This refusal is unlawfully based on Plaintiff 2s’  
5 Yemen country of origin and status as Muslims, and constitutes a failure to perform Defendants’  
6 non-discretionary legal duty to admit individuals who have undergone and fully complied with  
7 the visa application process, and thereafter been conferred immigrant visas and unlawful religious  
8 discrimination.  
9

10 46. Plaintiffs have been damaged and continue to be damaged by Defendants’ actions and/or failures  
11 to act in that Plaintiffs have expended substantial funds in the form of fees paid to the United  
12 States Government. Plaintiffs have also expended substantial time and effort to comply with  
13 Defendants’ policies and procedures in pursuance and obtainment of Plaintiff 2s’ visas. Plaintiffs  
14 continue to expend time, money and effort in pursuit of Plaintiff 2s’ entrance into the United  
15 States on their validly issued immigrant visa. Consequently, Plaintiffs have suffered and continue  
16 to suffer extreme hardship and irreparable injury.  
17

18 47. Plaintiff 1s have suffered and continue to suffer extraordinary hardship due to Defendants’  
19 enactment, execution and/or enforcement of the unlawful Executive Order in that he/she/they  
20 have been providing and continues to provide extensive financial support to his/her family  
21 members, Plaintiff 2s who escaped the civil war currently raging in Yemen. Plaintiff 1s have  
22 invested over \$20,000.00 USD and an incalculable amount of time and effort in planning and  
23 preparing to help transport and receive Plaintiff 2s and in most cases have taken loans to pay for  
24 this travel into his/her home in the United States. Defendants have deprived Plaintiff 1s of  
25 substantial time, effort, sound emotional and psychological health, and considerable property.  
26

27 48. Plaintiff 2s have suffered and continue to suffer extraordinary hardship due to Defendants’  
28

1 enactment, execution and/or enforcement of the unlawful Executive Order in that they have relied  
2 in good faith on the United States government to honor their validly obtained immigrant visa(s)  
3 after he/she/they (1) endured extensive bureaucratic hurdles and security background  
4 investigations; (2) complied with all prerequisites for immigrant visa applicants set forth by  
5 Defendants, including making fully and timely payment of all requisite fees; (3) suffered great  
6 financial, emotional, physical and psychological strain; and purchased airfare to the United States,  
7 only to be halted in transit by authorities and prevented from entering the United States on  
8 his/her/their valid visa(s).

9  
10 49. Plaintiffs have waited as long as possible to complete the processing of their visas, and can no  
11 longer afford to remain as many of them have incurred large loans and there are no more funds  
12 available. Consequently, Plaintiffs will likely be forced to return to Yemen, where they will face  
13 great bodily harm or death at the hands of warring factions engaged and deadlocked in an  
14 ongoing civil war. In fact only two days ago U.S. troops accidentally killed 10 Yemeni women and  
15 children in Yemen.

16  
17 50. Almost all of Plaintiff 2s are traveling with U.S. citizen children and if Plaintiff 2s are not  
18 returned their passports with the visa intact, it will result in parent and siblings either being  
19 divided or small U.S. citizen children being forced to return to a war zone. (See exhibit A).

20 51. Defendants' affirmative refusal and/or failure to allow Plaintiff 2s to receive their passports back  
21 with their ALREADY issued visa and enter the United States on their validly obtained visa based  
22 on Defendants' enforcement of the Executive Order is not a lawful action or omission in that:

- 23
- 24 a. It constitutes illegal discrimination, and is unlawfully motivated by animus,  
25 towards and against Plaintiffs based on their Muslim religion;
  - 26 b. It constitutes illegal discrimination, and is unlawfully motivated by animus,  
27 towards and against Plaintiffs their national origin;
  - 28 c. Its scope is motivated in whole or in part by the President's financial interests

1 abroad, to the detriment of Plaintiff 1s and all United States Citizens;

2 d. It establishes a preference for United States Citizen Petitioners who are, and whose  
3 alien family member beneficiaries are, Christian.

4 52. It is a willful act of Defendants to subject Plaintiffs to their rigorous procedures and fees and then  
5 arbitrarily prevent Plaintiff 2s from utilizing their validly obtained immigrant visa, and the  
6 enforcement of the Executive Order constitutes an abrogation of Defendants' duty not to  
7 arbitrarily deny Plaintiff 2s entry, or deny entry based on Plaintiffs' religious beliefs.  
8

9 53. Defendants' actions and/or failures to act have caused Plaintiff 1s severe emotional and financial  
10 hardship.

11 54. Defendants' actions and/or failures to act have caused Plaintiff 2s to suffer severe emotional and  
12 financial hardship.

13 55. Defendants' actions unlawfully infringe upon Plaintiff 1s' liberty interests to (1) make personal  
14 choices with regard to family matters free from unjustifiable government interference; and (2) not  
15 have property (in the form of fees paid to the government) arbitrarily taken away in violation of  
16 Plaintiff 1s' right to substantive due process guaranteed by the Fifth Amendment of the United  
17 States Constitution. See generally Obergefell v. Hodges, 135 S. Ct. 2584 (2015) (reaffirming  
18 substantive due process rights that protect recognized liberty interests against deprivation by the  
19 government).  
20

21 56. Defendants' actions in preventing Plaintiff 1s' qualified, vetted, Muslim, refugee alien family  
22 members from availing themselves of the validly issued visas and entering the United States are  
23 illegal discriminatory actions motivated by religious animus towards Plaintiffs as Muslims, and  
24 unlawfully infringe upon Plaintiff 1's equal protection as a Muslim under the laws of the United  
25 States pursuant to the Equal Protection Clause of the Fourteenth Amendment (which applies to  
26 the federal government through the Due Process Clause of the Fifth Amendment, see Bolling v.  
27 Sharpe, 347 U.S. 497 (1954)). See generally Bd. of Educ. Of Kiryas Joel Village Sch. Dist. v.  
28

1            Grumet, 512 U.S. 687 (1994).

2            57. Defendants' actions in drafting, executing and/or enforcing the Executive Order adversely impact  
3            United States Citizen Plaintiff 1s' rights in a way that prioritizes the President's personal financial  
4            interests in countries abroad—including presents and/or emoluments being made to him from  
5            foreign governments and/or their agents, servants, officers, employees or other persons acting in  
6            participation or concert with them, or under their direction and/or command—above those of  
7            Plaintiff 1s, which in turn runs afoul of the Emoluments Clause and all of its affirmative and  
8            negative implications.

9  
10           58. Defendants' actions and arbitrary and unlawful refusal to allow Plaintiff 2s' admission into the  
11           United States on their valid visa infringes upon Plaintiff 2s' interest to not be deprived of property  
12           or liberty without notice or an opportunity to be heard in a manner consistent with his/her  
13           constitutionally protected procedural due process interests.

14           59. Defendants' actions and arbitrary and unlawful refusal to allow Plaintiff 2s' admission into the  
15           United States on his/her valid visa infringes upon their own liberty interests to travel to the United  
16           States on the visa for which he/she expended considerable time, effort, and or monies to obtain,  
17           but of which he/she has now been divested of without notice, an opportunity to be heard, and/or  
18           any other bona fide legal or factual justification, in a manner consistent with his/her  
19           constitutionally protected procedural due process interests.

20  
21           60. So long as Defendants continue to adhere to and enforce the Executive Order through actions  
22           and/or failures to act, Plaintiffs: (1) will not be permitted to pursue their family matters free from  
23           unjustifiable government interference; (2) will be discriminated against based on their religion  
24           and/or national origin; (3) will continue to be arbitrarily deprived of property in the form of fees  
25           paid to the government in pursuance of the visa; and (4) will be subject to the whims of the  
26           President as he pursues policies that augment personal financial opportunities afforded to him by  
27           foreign governments and/or the agents thereof in violation of the Emoluments Clause.  
28

1 61. The injuries Plaintiffs have and continue to suffer will be redressed if they prevail in their pursuit  
2 of injunctive and/or mandamus relief.

3 62. Plaintiffs have no administrative remedies available to seek redress for their injuries.  
4

5 **CAUSES OF ACTION**

6 **COUNT ONE**

7 **(Fifth Amendment Procedural Due Process)**

8 **Arbitrary Taking of Plaintiffs' Property**

9 63. The allegations set forth in Paragraphs 1 through 62 are repeated and incorporated as if fully set  
10 forth herein.

11 64. Procedural Due Process requires that procedural application of the law be fair and just, such that  
12 individuals are not subjected to the arbitrary exercise of governmental authority.  
13

14 65. Accordingly, Procedural Due Process requires that an individual be entitled to notice and an  
15 opportunity to be heard before the government can lawfully deprive him or her of an interest that is  
16 protected under the Due Process Clause.

17 66. On information and belief, not even one solitary citizen of the United States was killed on United  
18 States soil by a citizen from one of the seven countries subject to the Executive Order between  
19 1975 and 2015, and the Executive Order therefore lacks any justification in either law or fact,  
20 rendering it completely unfounded.  
21

22 67. Defendants, through their execution, enactment and/or enforcement of the Executive Order, have  
23 arbitrarily divested Plaintiffs of property—in the form of fees paid to the government in pursuit of  
24 the visa—without any valid justification, notice to Plaintiffs or providing Plaintiffs with an  
25 opportunity to be heard regarding such taking.  
26

27 68. Defendants' actions in taking Plaintiffs' property, subjecting Plaintiffs to their policies and  
28 procedures, and then forbidding Plaintiff 2s from entering the United States on his/her validly

1 obtained visa violate Plaintiffs' Procedural Due Process rights under the Fifth Amendment.

2  
3 **COUNT TWO**

4 **(Fifth Amendment Procedural Due Process)**

5 **Arbitrary Deprivation of Liberty Interest**

6 69. The allegations set forth in Paragraphs 1 through 68 are repeated and incorporated as if fully set  
7 forth herein.

8 70. Defendants, through their execution, enactment and/or enforcement of the Executive Order, have  
9 deprived Plaintiffs of their liberty interest in making personal choices regarding family matters in  
10 a manner that is free from unjustifiable government interference in said choices, and have done so  
11 without any notice whatsoever, or affording Plaintiffs an opportunity to be heard with respect to  
12 such deprivation.

13 71. Defendants' actions in depriving Plaintiffs' of the liberty interest described in Paragraph 70  
14 violate Plaintiffs' Procedural Due Process rights under the Fifth Amendment.  
15

16  
17 **COUNT THREE**

18 **(Fifth Amendment Substantive Due Process)**

19 **Denial of Plaintiffs' Property Interests**

20 72. The allegations set forth in Paragraphs 1 through 71 are repeated and incorporated as if fully set  
21 forth herein.

22 73. Substantive Due Process under the Fifth Amendment requires that government intrusion into  
23 fundamental rights and liberties be equitable, reasonable and in furtherance of some valid  
24 governmental interest.

25 74. The "new" so-called "vetting" procedures described in the Executive Order and which are to be  
26 applied to prospective alien entrants into the United States already exist, or are substantially  
27 similar to those already in existence.  
28

1 75. On information and belief, the risk posed to the United States by potential entrants deriving of  
2 Iran, Iraq, Libya Somalia, Sudan, Syria and Yemen is quantifiably and substantially lower than  
3 that posed by potential entrants from other countries in the middle east and elsewhere.

4 76. On information and belief, no United States Citizens were killed on United States soil by any  
5 national of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen between the years 1975 and 2015.

6 77. Accordingly, the Executive Order and concomitant freeze on Iranian, Iraqi, Libyan, Somalian,  
7 Sudanese, Syrian and Yemeni nationals from entering the United States has no basis in any  
8 legitimate governmental interest.  
9

10 78. The Executive Order is not in fact designed to or capable of “protect[ing] the American people  
11 from terrorist attacks by foreign nationals admitted to the United States” insofar as the Order has  
12 only been arbitrarily applied to seven countries.

13 79. Defendants, through their execution, enactment and/or enforcement of the Executive Order, have  
14 arbitrarily divested Plaintiffs of property—in the form of fees paid to the government in pursuit of  
15 the visa—without any valid justification.  
16

17 80. Defendants’ actions in taking Plaintiffs’ property, subjecting Plaintiffs to their policies and  
18 procedures, and then arbitrarily deciding to prevent Plaintiff 2s from entering the United States on  
19 his/her validly obtained visa without citing or providing any legitimate government interest violate  
20 Plaintiffs’ Substantive Due Process rights under the Fifth Amendment.  
21

## 22 **COUNT FOUR**

### 23 **(Fifth Amendment Substantive Due Process)**

#### 24 **Denial of Plaintiffs’ Constitutionally Established Liberty Interests**

25 81. The allegations set forth in Paragraphs 1 through 80 are repeated and incorporated as if fully set  
26 forth herein.

27 82. Defendants, through their execution, enactment and/or enforcement of the Executive Order, have  
28 deprived Plaintiffs of their liberty interest in making personal choices regarding family matters in

1 a manner that is free from unjustifiable government interference in said choices. Defendants have  
2 deprived Plaintiffs of this fundamental right without first supplying, as a reason for taking such  
3 measures, a single legitimate governmental interest.

4 83. Defendants' actions in arbitrarily depriving Plaintiffs of the liberty interest described herein  
5 violate Plaintiffs' Substantive Due Process rights under the Fifth Amendment.  
6

7 **COUNT FIVE**

8 **(Equal Protection Clause and Establishment Clause)**

9 84. The allegations set forth in Paragraphs 1 through 83 are repeated and incorporated as if fully set  
10 forth herein.  
11

12 85. Defendants, through their execution, enactment and/or enforcement of the Executive Order, have  
13 unlawfully discriminated against Plaintiffs on the basis of their Muslim religion and national  
14 origin.

15 86. The Executive Order draws unconstitutional distinctions between individuals on the basis of  
16 religious affiliation and national origin without citing any bona fide governmental interest or  
17 need for doing so.  
18

19 87. Religious affiliation and national origin are suspect classifications subject to strict constitutional  
20 scrutiny.  
21

22 88. The Executive Order's failure to iterate a legitimate governmental interest in drawing  
23 distinctions between individuals on the basis of religious affiliation and national origin  
24 ultimately means that it cannot withstand strict constitutional scrutiny, and is therefore  
25 unconstitutional.  
26

27 89. INA § 212(f) does not permit the President to make determinations and issue executive orders  
28 ways that violate the Equal Protection Clause.

//

1 90. The Act’s congressional grant of executive authority, as well as the scope of such authority and  
2 whether § 212(f) empowers the President to act in a manner violative of the Equal Protection  
3 Clause, is justiciable and subject to review by courts of competent jurisdiction. See, e.g., Fiallo  
4 v. Bell, 430 U.S. 787, 793 n.5 (1977).

5 91. The Executive Order violates Plaintiff 1’s equal protection under the law—as well as that of  
6 individuals similarly situated to Plaintiff—in that it prevents them from petitioning for and/or  
7 obtaining visas for family member alien relatives of the Muslim faith or of national origin of the  
8 seven countries, but does not place the same limitations on other United States Citizens  
9 petitioning for visas for their family member alien relatives who practice faiths other than Islam,  
10 or who derive from countries not subject to the Executive Order.

11 92. The Executive Order violates Plaintiff 2’s equal protection under the law in that they were  
12 granted a valid visa and will denied entry into the United States based solely on his/her religion  
13 and/or national origin, and without any legitimate governmental justification.

14 93. The Equal Protection Clause of the Fourteenth Amendment applies to the federal government  
15 through the Due Process Clause of the Fifth Amendment. See Bolling v. Sharpe, 347 U.S. 497  
16 (1954).

17 94. The disparate treatment of Plaintiffs based on their Muslim religion also constitutes a violation  
18 of the First Amendment’s Establishment Clause.

19  
20  
21  
22  
23 **COUNT SIX**

24 **(Violation of the Emoluments Clause)**

25 **Selective Enforcement of the Executive Order in Favor of the President’s Personal**  
26 **Financial Interests Involving Foreign Governments**

27 95. The allegations set forth in Paragraphs 1 through 94 are repeated and incorporated as if fully set  
28 forth herein.

96. On information and belief, Defendant President TRUMP owns, possesses, maintains and/or is

1 currently pursuing personal business interests in middle-eastern countries not subject to the  
2 Executive Order, such as Saudi Arabia, Egypt, Indonesia, the United Arab Emirates and Turkey.

3 97. On information and belief, Defendant TRUMP's personal business interests in Saudi Arabia,  
4 Egypt, the United Arab Emirates, Indonesia and Turkey—as well as other Muslim-majority  
5 countries—include and involve presents and/or emoluments being made to him from foreign  
6 governments and/or their agents, servants, officers, employees or other persons acting in  
7 participation or concert with them, or under their direction and/or command.  
8

9 98. On information and belief, Defendant TRUMP does not own, possess, maintain and/or in current  
10 pursuit of personal business interests in Iran, Iraq, Libya, Somalia, Sudan, Syria or Yemen.

11 99. The Executive Order and its enforcement are pretenses for Defendant TRUMP to shield and/or  
12 protect his business interests in Muslim-majority countries, which include and involve presents  
13 and/or emoluments being made to him from foreign governments and/or their agents, servants,  
14 officers, employees or other persons acting in participation or concert with them, or under their  
15 direction and/or command, all to the detriment of Plaintiffs and in violation of the Emoluments  
16 Clause.  
17

18  
19 **COUNT SEVEN**

20 **(Petition for Writ of Mandamus)**

21 **(28 .S.C. § 1361; 28 U.S.C. § 1651)**

22 100. The allegations set forth in Paragraphs 1 through 99 are repeated and incorporated as if  
23 fully set forth herein.

24 101. Defendants are severally and jointly charged with the mandatory responsibility to  
25 administer and implement the INA.  
26

27 102. Defendants each severally and jointly bear responsibility for processing and adjudicating  
28 visa applications, and then honoring validly acquired visas for entry to the United States pursuant

1 to orderly attendant procedures.

2 103. Defendants have willfully, unreasonably and in bad faith required that Plaintiffs endure  
3 the rigorous processing and adjudication procedures relating to Plaintiff 2's visa application,  
4 which included the payment of fees by Plaintiffs, and then arbitrarily refused to honor the visa  
5 they validly and properly issued to Plaintiff 2's.

6 104. In the alternative, Plaintiffs refused to honor the visa they validly and properly issued to  
7 Plaintiff 2s based on their discriminatory animus towards and against Plaintiffs as Muslims and  
8 people originating from the country of Yemen.

9 105. Plaintiffs have a vested interest in Defendants honoring the visa it issued to Plaintiff 2s  
10 The interest is based in property rights in the form of payment to the United States Government,  
11 as well as individual liberties in making familial choices free from government intrusion.

12 106. The Defendants owe a duty to allow Plaintiff 2's entry into the United States on the valid  
13 visa, which Defendants are refusing to do. By accepting payment and determining through a  
14 "vetting" process that is identical or substantially similar to that provided for in the Executive  
15 Order that Plaintiff 2s, the minor children and spouses of US CITZENS do not pose a security  
16 risk to the United States, Defendants created an obligation to allow honor Plaintiff 2s visa in the  
17 absence of some legitimate government interest that is to be served by denying his/her entry.

18 107. Plaintiffs are without administrative remedies and there exists no other adequate remedy.

19 108. Plaintiff 2s has satisfied all requirements under 8 U.S.C. § 1181(a), Admission of  
20 immigrants into the United States.

21 109. The injury of the Plaintiffs will be redressed by compelling the Defendants to honor the  
22 visa they issued to Plaintiff 2s and for which Defendants accepted payment.

23 110. The district courts shall have original jurisdiction of any action in the nature of mandamus  
24 to compel an officer or employee of the United States or any agency thereof to perform a duty  
25 owed to Plaintiffs. See 28 U.S.C. § 1361.  
26  
27  
28

1  
2 **COUNT EIGHT**

3 **(Violation of Administrative Procedures Act)**

4 **(5 U.S.C. § 555, 5 U.S.C. § 701 et seq.)**

5 111. The allegations set forth in Paragraphs 1 through 110 are repeated and incorporated as if  
6 fully set forth herein.

7  
8 112. Defendants' practices, interpretations of law, conduct and failures to act violate the  
9 Administrative Procedures Act ("APA"), as the alleged agency action is:

10 a. "unlawfully withheld or unreasonably delayed," under 5 U.S.C. § 706(1);

11 b. not concluded "[w]ith due regard for the convenience and necessity of the  
12 parties . . . and within a reasonable time," under 5 U.S.C. § 555(b);

13  
14 c. "arbitrary, capricious and an abuse of discretion or otherwise not in accordance with  
15 law," under 5 U.S.C. § 702(2)(A); and

16  
17 d. "without observance of procedures required by law," under 5 U.S.C.  
18 §706(2)(D).

19  
20 113. By failing and/or refusing to honor Plaintiff 2's visa, which he/she obtained after  
21 undergoing Defendant's robust procedures and secure background check measures, Defendants  
22 have severally and jointly violated the APA and this constitutes agency action that is arbitrary and  
23 capricious, and not in accordance with law.

24 114. This Court has power under 5 U.S.C. § 706(1) to compel agency to perform "action  
25 unlawfully withheld or unreasonably delayed."

26  
27 115. Defendants actions have contributed the deprivation of Plaintiffs' procedural and  
28 substantive Due Process rights.

1 116. Defendants have no valid justification at this juncture for denying Plaintiff 2's entry into  
2 the United States.

3 117. Plaintiffs have suffered and continue to suffer irreparable harm and damages entitling  
4 them to declaratory, injunctive and other relief as a result of Defendants' execution and/or  
5 enforcement of the Executive Order.  
6

7  
8 **COUNT NINE**

9 **(Declaratory Judgment Act)**

10 **(28 U.S.C. § 2201)**

11 118. The allegations set forth in Paragraphs 1 through 113 are repeated and incorporated as if  
12 fully set forth herein.

13  
14 119. Plaintiffs contend that Defendants' execution and enforcement of the Executive Order  
15 violate Plaintiffs' rights as described and enumerated in Counts one through eight herein.

16 120. Plaintiffs seek a declaration to that effect under 28 U.S.C. § 2201 as the Defendants have  
17 severally and jointly violated Plaintiffs' constitutional rights.

18 121. As a result, Plaintiffs have suffered and continue to suffer irreparable harm and damage  
19 entitling them to declaratory, injunctive and other relief.  
20

21  
22 **COUNT TEN**

23 **(Violation of Immigration and Nationality Act)**

24 **(INA § 202(a)(1)(A); 8 U.S.C. § 1152(a)(1)(A))**

25 122. The allegations set forth in Paragraphs 1 through 122 are repeated and incorporated as if  
26 fully set forth herein.

27  
28 123. Section 202(a)(1)(A) of the INA provides that subject to certain exceptions not relevant

1 here, “no person shall receive any preference or priority or be discriminated against in the  
2 issuance of an immigrant visa because of the person’s race, sex, nationality, place of birth, or  
3 place of residence.” INA § 202(a)(1)(A).

4 124. Defendants’ symbolic issuance of a visa to Plaintiff 2s and subsequent arbitrary and/or  
5 discriminatory refusal to honor the visa by returning their passport with the visa intact and  
6 permitting Plaintiff 2s to enter the United States is, in practical effect and for the purposes of  
7 INA § 202(a)(1)(A), the same as if Defendants never issued the visa to Plaintiff 2s at all.

8 125. Defendants’ actions and/or failures to act in their enforcement of the Executive Order  
9 violate INA Section 202(a)(1)(A) in that the provisions of the Executive Order have the effect of  
10 discriminating against Plaintiff 2s in the “issuance of an immigrant visa” based on Plaintiff 2s  
11 (1) being born in Yemen; (2) residing in Yemen; and/or (3) Yemeni national origin.  
12

13  
14 **COUNT ELEVEN**

15 **(Equal Access to Justice Act)**

16 **(5 U.S.C. § 504; 28 U.S.C. §2412)**

17  
18 126. The allegations set forth in Paragraphs 1 through 125 are repeated and incorporated as if  
19 fully set forth herein.

20 127. If Plaintiffs prevail, they will seek costs under the Equal Access to Justice Act (“EAJA”),  
21 as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412.  
22

23 //

24 //

25 //

26 //

27 //

28 //

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs request the Court to grant the following relief:

- A. Declare, pursuant to 28 U.S.C. § 2201, that the Executive Order violates Plaintiffs’ constitutional rights as described and enumerated herein;
- B. Enjoin the further enforcement of the Executive Order henceforth;
- C. Mandate that the Defendants take absolutely no action to void, cancel or invalidate Plaintiff 2s’ validly issued visa;
- D. Mandate that Defendants immediately return Plaintiff 2s’ passports;
- E. Mandate that Defendants allow Plaintiff 2s entry into the United States on his/her validly obtained visa; and in doing so Mandate that Defendant’s instruct Plaintiff 2s’ airline of choice to allow them to board the plane in Djibouti and at any scheduled layovers.
- F. Award reasonable costs and attorneys’ fees; and
- G. Grant other such relief as the Court may deem just and proper.

Dated: January 30, 2017

By: s/Julie A. Goldberg, Esq.  
JULIE A. GOLDBERG, ESQ.  
DANIEL COVARRUBIAS-KLEIN, ESQ.  
Goldberg & Associates  
5586 Broadway,  
Third Floor  
Bronx, NY 10463  
(718)432-1022  
(718)432-1044(facsimile)  
*Attorneys for Plaintiffs*