

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

THE NATIONAL ASSOCIATION FOR
THE ADVANCEMENT OF COLORED
PEOPLE (NAACP),
National Headquarters
4805 Mt. Hope Drive,
Baltimore, MD 21215

Plaintiff,

vs.

DONALD J. TRUMP, in his official
capacity as President of the United States,
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20006;
JEFFERSON BEAUREGARD SESSIONS
III, in his official capacity as the Attorney
General of the United States; ELAINE C.
DUKE, in her official capacity as acting
Secretary of Homeland Security, U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
DEPARTMENT OF HOMELAND
SECURITY; AND THE UNITED STATES
OF AMERICA,

Defendants.

Case No _____

COMPLAINT

I. INTRODUCTION

1. The National Association for the Advancement of Colored People (“NAACP”) brings this action in its organizational capacity against the President of the United States and the federal government for unlawfully renegeing on their promise to protect young, undocumented immigrants of color living in the United States. This action alleges violations of the Due Process

Clause of the Fifth Amendment, the Administrative Procedure Act, and the Regulatory Flexibility Act. This action also seeks declaratory relief pursuant to 28 U.S.C. §2201.

2. The Deferred Action for Childhood Arrivals (“DACA”) refers to the United States’ immigration policy concerning undocumented immigrants who arrived in America as children. Under this policy, people who immigrated to the United States when they were younger than 16 and have lived in the United States continuously since 2007 were eligible to defer deportation indefinitely, attend school, and receive two-year work permits, among other benefits.

3. The vast majority of DACA registrants—approximately 95%—are people of color. The top 24 countries with the highest acceptance rates for DACA applicants include predominately Black countries in Africa and the Caribbean, predominately Latino countries in South and Central America, and countries in East and Southeast Asia.¹

4. In exchange for providing the federal government with extensive biographic and biometric information, DACA registrants² received the United States’ promise that they could build lives for themselves in the United States without fear of prosecution or deportation.

5. However, a little less than two weeks ago, the President of the United States and the United States Attorney General announced their intention to renege on those promises.

6. On September 5, 2017, Attorney General Jeff Sessions, on behalf of President Donald Trump, announced that the Trump Administration was rescinding the DACA program.

¹ Eugene Scott, *‘Dreamers’ aren’t just coming from Latin America*, WASH. POST (Sept. 7, 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/09/07/dreamers-arent-just-coming-from-latin-america/?utm_term=.223e28c69e55.

² The children of undocumented parents who were brought to this country and grew up here became known as DREAMers, after the DREAM Act, a piece of legislation meant to give them a path to citizenship that was first introduced in 2001. Approximately 1.3 million Dreamers were eligible to enroll in DACA, and to date approximately 800,000 have done so.

The same day, the Department of Homeland Security (“DHS”) issued a memorandum memorializing the rescission. The Attorney General announced that, effective immediately, DHS would stop processing or accepting new DACA applications, cease allowing DACA registrants to visit their families abroad and return to the United States, and issue renewals only for registrants whose terms expired before March 5, 2018 as long as they applied for renewal by October 5, 2018.

7. The Trump Administration announced this rescission without regard to the Due Process rights of the DACA registrants, and without engaging in the analysis or rulemaking procedures required by the Regulatory Flexibility Act and the Administrative Procedure Act, both of which were enacted to safeguard against government action taken without a legitimate and reasoned basis.

8. As a result, the NAACP, whose membership includes DACA registrants across the United States, respectfully requests that this Court declare the termination of the DACA program unlawful, and enjoin the Trump Administration from effectuating its rescission.

II. JURISDICTION AND VENUE

9. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2201(a).

10. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(e)(1). Defendants are United States agencies or officers sued in their official capacities. Several Defendant agencies are residents of this judicial district, and a substantial part of the events or omissions giving rise to this Complaint occurred within the District of Columbia.

III. PARTIES

11. The National Association for the Advancement of Colored People (NAACP) is the nation’s largest and oldest civil rights grassroots organization. Since its founding in 1909, the mission of the NAACP has been to ensure the political, educational, social, and economic

equality of all persons and to eliminate race-based discrimination. The NAACP has fought in the courts for decades to protect the guarantee of equal protection under law. To advance its mission, the NAACP has represented parties in landmark civil rights cases, perhaps most famously in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), which outlawed segregation in public schools. The NAACP also has filed numerous *amicus* briefs over its decades of existence in cases that significantly impact people of color.

12. NAACP has members throughout the country who are enrolled in the DACA Program. Accordingly, the NAACP brings this action on behalf of those members who are currently enrolled in, and who applied to enroll in, the DACA Program. NAACP members who are DACA registrants reside throughout the United States, including in California, Florida, New York, and Rhode Island, as well as other States.

13. Defendant Donald J. Trump is the President of the United States. He authorized the issuance of the Department of Homeland Security (“DHS”) Memorandum that purports to rescind DACA. He is being sued in his official capacity.

14. Defendant Jefferson Beauregard Sessions III is the Attorney General of the United States, and announced the rescission of the DACA Program on September 5, 2017. He has ultimate authority over prosecutions by the Department of Justice for violation of the immigration laws. He is being sued in his official capacity.

15. Defendant Elaine C. Duke is the Acting Secretary of the Department of Homeland Security (“DHS”). She is responsible for implementing and enforcing the Immigration and Nationality Act, and oversees the United States Citizenship and Immigration Service (“USCIS”) and the Immigration and Customs Enforcement (“ICE”). She is being sued in her official capacity.

16. Defendant DHS is a federal cabinet agency responsible for implementing the DACA program. DHS is a Department of the Executive Branch of the U.S. Government, and is an agency within the meaning of 5 U.S.C. § 552(f).

17. Defendant USCIS is an Operational and Support Component agency within DHS. USCIS is the sub-agency responsible for administering the DACA program.

18. Defendant ICE is an Operational and Support Component agency within DHS. ICE is responsible for enforcing federal immigration law, including identifying, apprehending, detaining, and removing non-citizens.

19. Defendant the United States of America includes all government agencies and departments responsible for the implementation and rescission of the DACA program.

IV. FACTUAL ALLEGATIONS

A. The DACA Program Promised Young Immigrants Opportunities and Indefinite Deferral of Deportation in Exchange for Registration in the DACA Program and Disclosure of Their Immigration Status

20. On June 15, 2012, former Secretary of Homeland Security, Janet Napolitano, issued a memorandum establishing a deferred deportation program. She inveighed against “blindly enforc[ing]” immigration laws to deport those who came to the United States as children, and who have been productive Americans. As part of exercising prosecutorial discretion, the government developed a program that must be meet by Dreamers:

- a. That they were under the age of 31 as of June 15, 2012;
- b. That they entered the United States prior to their 16th birthday;
- c. That they had resided in the United States since June 15, 2007 and were currently present in the U.S.;
- d. That they were in the United States on June 15, 2012 and physically in the U.S. at the time they requested deferred action;

e. That they entered the United States without border inspection before June 15, 2012, or their immigration status expired prior to June 15, 2012;

f. That they were currently in school, have graduated, or obtained an equivalent certificate of completion from high school, successfully obtained a general education development (GED) certificate, or must have been honorably discharged from the Armed Services of the United States; and

g. That they must not have been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and must not pose a threat to national security or public safety.³

21. In addition to meeting these requirements, DACA recipients must provide the following as part of the application process: financial records, medical records, school records (diploma, report card, GED certificate, high-school transcript), employment records, or military records (personnel records, health record).

22. Applicants are also required to provide biographical information, including the date of their arrival in the country, previous departures and previous addresses for both themselves and those with whom they traveled.

23. Applicants are required to send all the forms (including the I-821D form, the I-765 form, the I-765 worksheet and the G-1145 notification) to the USCIS for processing. The Application Package Fee cost \$170; processing the USCIS Application Fee cost \$495. There is

³ *Prepare Your Deferred Action for Childhood Arrivals (DACA) Application Online!*, AM. IMMIGRATION CTR., <https://www.us-immigration.com/deferred-action-application-I-821D.jsp> (last visited Sept. 18, 2017).

also a Biometrics Fee of \$85.⁴ With over 800,000 DACA registrants, those fees exceeded \$604,000,000 in revenue paid to the United States.

24. After submitting all documentation to USCIS, applicants are then scheduled for a “Biometric Services Appointment.” At this appointment, USCIS agents recorded applicants’ signatures, photographs, and fingerprints.⁵

25. USCIS Agents sometimes request samples of DNA for applicants from developing countries who did not have birth certificates, or “when there are suspicious discrepancies within the case.”⁶

26. The successful DACA registrant receives a “DACA Approval Notice” that lists only “fraud or misrepresentation” as a basis for revoking their “lawful presence” in the country.

27. Once accepted into the DACA Program, a registrant can only be removed from the program after being provided notice and only on grounds prescribed in the Program rules. The 2013 standard operating procedure (SOP) for the USCIS for the DACA Program states that removal was to be based upon criminal, national security, or public safety risks, or fraud. Furthermore, and consistent with due process, the DACA registrant had to receive a “Notice of Intent to Terminate” that would thoroughly explain why USCIS was intending to terminate the registrant from the program. The Notice would need to include a “fully documented SOF and any other relevant documents/information.” The DACA registrant then had 33 days to submit evidence to “overcome the grounds for termination.”

⁴ *Id.*

⁵ *Preparing for Your Biometric Services Appointment*, USCIS, <https://www.uscis.gov/forms/forms-information/preparing-your-biometric-services-appointment#What%20to%20Expect> (last accessed Sept. 18, 2017).

⁶ *What Happens at a USCIS Biometrics Appointment*, CITIZEN PATH, <https://citizenpath.com/uscis-biometrics-appointment> (last accessed Sept. 18, 2017).

28. The U.S. also promised DACA applicants that the information they provided would not be used against them in deportation proceedings, or against their family members whose undocumented status could also be revealed by applying to the program.⁷

29. The commitment not to use biographical information against applicants was reiterated by then DHS Secretary Jeh Johnson in 2016: “Since DACA was announced in 2012, DHS has consistently made clear that information provided by applicants will be collected and considered for the primary purpose of adjudicating their DACA requests and would be safeguarded from other immigration-related purposes. **More specifically, the U.S. government represented to applicants that personal information they provided will not later be used for immigration enforcement purposes except where it independently determines that a case involves a national security threat, criminal activity, fraud, or limited other circumstances where issuance of a notice to appear is required by law.**”⁸

30. Secretary Johnson explained that this policy, articulated in connection with the DACA Program, was a “long-standing and consistent practice” followed by the predecessor INS to not use information submitted by people seeking deferred action in enforcement actions.

31. Relying on these promises, DACA Program applicants and registrants provided the federal government with extensive personal identifying information with the understanding it would not be used to deport them.

⁷ *Frequently Asked Questions*, USCIS, <https://www.uscis.gov/archive/frequently-asked-questions>, (last accessed Sept. 18, 2017).

⁸ Letter from Jeh Johnson, Sec’y, SEC, to Hon. Judy Chu (Dec. 30, 2016), <https://chu.house.gov/sites/chu.house.gov/files/documents/DHS.Signed%20Response%20to%20Chu%2012.30.16.pdf>.

B. DACA Program Registrants Relied on the Government's Promises When They Invested in Their Futures in the United States

32. Assured of indefinite deferral of any risk of deportation, immigrants who enrolled in DACA made investments in their education, property, and careers.

33. In an August 2017 survey, researcher Tom K. Wong found that:

- Annual earnings had increased 80 percent under DACA — from an average of \$20,000 to an average of \$36,000;
- 65 percent of DACA Program registrants had purchased a first car;
- 16 percent had become homeowners;
- 5 percent had started their own businesses;
- 60 percent of DACA Program registrants above the age of 25 said that, relying on deferral of deportation, they had been able to find jobs that better suited their education and training; and
- 61 percent said they had been able to find jobs that suited the careers they wanted to have.⁹

34. In addition, about 900 DACA registrants are members of the military.¹⁰ These enlistees are part of a Pentagon pilot project called Military Accessions Vital to the National Interest. The program waives certain citizenship requirements for green card holders, refugees and DACA Program registrants with skills that the military considers essential to the national interest.

35. Some of the DACA registrants who are members of the military are also members of the NAACP.

⁹ See Tom K. Wong, et al., *Results from T. Wong, et al. 2017 National DACA Study*, CTR FOR AM. PROGRESS, <https://cdn.americanprogress.org/content/uploads/2017/08/27164928/Wong-Et-Al-New-DACA-Survey-2017-Codebook.pdf> (last accessed Sept. 18, 2017).

¹⁰ Gregory Korte, Alan Gomez and Kevin Johnson, *Trump administration struggles with fate of 900 DREAMers serving in the military*, USA TODAY (Sept. 7, 2017, 3:10 p.m.), <https://www.usatoday.com/story/news/politics/2017/09/07/trump-administration-struggles-fate-900-dreamers-serving-military/640637001/>.

36. DACA registrants have thrived under the program's protections, secure in the knowledge that the disclosures they made to the government would not be used to deport them.

C. DACA Registrants and Applicants Now Face Imminent Threat of Deportation

37. Despite the United States' promises and DACA registrants' reliance on those promises, on September 5, 2017, Defendant Sessions announced that the DACA program was being terminated, and the Trump administration began the countdown to deporting DACA registrants and applicants.

1. DACA Applicants

38. As of the date of Defendant Sessions' announcement on September 5, 2017, no new DACA applications will be accepted or processed.¹¹

39. Thus, potential registrants who have submitted an application, but whose application has not yet been processed, will not enjoy *any* DACA protection.

40. Nevertheless, because USCIS has access to personal identifying information of DACA Program applicants, including their immigration status, these applicants are subject to heightened risk of deportation.

2. DACA Registrants

41. Following the September 5, 2017 announcement, DACA and work permits will only remain valid for registrants until their expiration date.¹²

42. Registrants whose permits are set to expire before March 5, 2018 must apply for a two-year renewal by October 5, 2017.¹³

¹¹ *Deferred Action for Childhood Arrivals 2017 Announcement*, USCIS, <https://www.uscis.gov/daca2017> (last accessed Sept. 18, 2017).

¹² *Id.*

¹³ *Id.*

43. Following the September 5, 2017 announcement, the Department of Homeland Security will no longer grant DACA registrants permission to travel abroad through DACA's "Advance Parole" program. Moreover, any pending applications for Advance Parole will not be processed.¹⁴

D. DACA Registrants Consist Mostly of Immigrants of Color

44. Nearly all of the DACA registrants—more than 95%—are people of color. These 95% of DACA registrants come from Africa and the Caribbean, Central and South America, East Asia and Southeast Asia, and the Middle East.

45. The termination of the DACA Program will therefore disproportionately harm immigrants of color.

V. CAUSES OF ACTION

COUNT I
DECLARATORY RELIEF PURSUANT TO 28 U.S.C. §2201

46. Plaintiff realleges and incorporates by reference all of the allegations contained in the preceding paragraphs.

47. DACA applicants and registrants provided biographical and biometric information about themselves and family members to USCIS and DHS at the time of their application.

48. DACA applicants have been told that they must submit requests to renew work authorizations by October 5, 2017.

49. Defendants have made assurances that information provided to DHS by DACA Program applicants would not be used against them or their family in any deportation proceedings.

¹⁴ *Id.*

50. As former DHS Secretary Jeh Johnson assured: “Since DACA was announced in 2012, DHS has consistently made clear that information provided by applicants will be collected and considered for the primary purpose of adjudicating their DACA requests and would be safeguarded from other immigration-related purposes. More specifically, the U.S. government represented to applicants that personal information they provided will not later be used for immigration enforcement purposes except where it independently determine that a case involves a national security threat, criminal activity, fraud, or limited other circumstances where issuance of a notice to appear is required by law.”

51. In the current version of Frequently Asked Questions published by USCIS and DHS, DACA applicants are told that “Individuals whose cases are deferred pursuant to DACA will not be referred to ICE,” and that, “information related to your family members or guardians that is contained in your request will not be referred to ICE for purposes of immigration enforcement against family members or guardians.”

52. Notwithstanding these assurances, termination of the DACA Program is accompanied by withdrawal of the guarantee that information provided by DACA applicants and registrants will not be used in deportation proceedings.

53. The NAACP, on behalf of its members who are DACA applicants and registrants, seeks a declaration that the Defendants may not use information about their immigration status and means of contacting them and their families in any deportation proceedings that may ensue after the DACA program has ended.

COUNT II
VIOLATION OF THE DUE PROCESS CLAUSES OF THE FIFTH AMENDMENT

54. Plaintiff realleges and incorporates by reference all of the allegations contained in the preceding paragraphs.

55. The Due Process Clause of the Fifth Amendment to the United States Constitution prohibits the Government from depriving any person of life, liberty, or property without due process of law.

56. All DACA registrants relied upon promises made by Federal immigration authorities and the Department of Justice. These included promises not to use information about their immigration status and other personal characteristics against them or family members in enforcement proceedings; promises not to terminate them from the DACA program without justification and notice; and a promise to provide employment authorization to those eligible.

57. As a result of the Defendants' promises regarding the DACA program, DACA applicants voluntarily provided potentially incriminating information to the Defendants that they would not have otherwise provided.

58. As a result of the Defendants' promises regarding the DACA Program, DACA registrants obtained employment authorizations, and purchased property, such as cars and homes. Some also paid college tuition with the expectation that it would eventually lead to graduation with a degree.

59. The Due Process Clause of the Fifth Amendment also requires that immigration enforcement actions taken by the federal government be fundamentally fair and neither arbitrary nor capricious.

60. Defendants will violate the Due Process Clause when they use in deportation proceedings any information provided by DACA applicants that the Defendants elicited through promises that such information would not be used for that purpose.

61. Defendants have also violated the Due Process Clause by renegeing on promises that applicants allowed to register in the DACA program could only be deprived of their status as

capricious and an abuse of discretion in violation of the Administrative Procedure Act. 5 U.S.C. § 706(2).

67. In addition, the action to rescind the DACA program constitutes a rulemaking within the meaning of the Administrative Procedure Act because it forbids DHS from continuing to defer deportation of individuals who were lawful registrants of the DACA program.

68. As rescission of the DACA program was undertaken without first submitting the action for notice and public comment, it violates Section 553 of the Administrative Procedure Act and constitutes an unlawful rulemaking.

69. Defendants' violation of the APA causes ongoing harm to the Plaintiff and DACA registrants and applicants that are members of Plaintiff's organization.

COUNT IV
VIOLATION OF THE REGULATORY FLEXIBILITY ACT, 5 U.S.C. § 601

70. Plaintiff realleges and incorporates by reference all of the allegations contained in the preceding paragraphs.

71. The Regulatory Flexibility Act, 5 U.S.C. §§ 601-612 ("RFA"), requires federal agencies to analyze the impact of rules they promulgate on small entities and publish initial and final versions of those analyses for public comment. 5 U.S.C. §§ 603-604.

72. "Small entities" for purposes of the RFA includes small businesses, small nonprofits, and small governmental jurisdictions. 5 U.S.C. § 601(6).

73. The actions that DHS has taken to implement the DHS Memorandum are "rules" under the RFA. 5 U.S.C. § 601(2).

74. The actions that DHS has taken to implement the DACA rescission are likely to have a significant economic impact on a substantial number of small entities, like the Plaintiff. 5 U.S.C. § 602(a)(1).

lawfully present if there was an issue of fraud, criminal, national security, or public safety issue. Moreover, termination required a “notice of an intent to terminate” that provided all reasons and documents supporting the determination. Further, DACA registrants were to be given an opportunity to submit evidence rebutting that determination. The DHS rescission memorandum removes the lawful presence status afforded the DACA registrant and subjects them to an imminent risk of deportation.

62. Defendants’ rescission of the DACA program and safeguards to immigrants who qualified as lawfully present residents, absent any cause or justification particular to them, renders this action arbitrary and capricious, in violation of the Due Process Clause of the Fifth Amendment.

63. Defendants’ rescission of the DACA program, and the imminent threat of deportation to its registrants and applicants, causes ongoing harm to those DACA program registrants and applicants who are members of the Plaintiff.

COUNT III
VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT
5 U.S.C. § 706(2)(A) AND (D)

64. Plaintiff realleges and incorporates by reference all of the allegations contained in the preceding paragraphs.

65. Rescission of the DACA program is governed by the Administrative Procedure Act, as it constitutes an agency action, pursuant to 5 U.S.C. § 551(13), and constitutes a rule making, pursuant to 5 U.S.C. § 551(5).

66. As the action to rescind the DACA program fails to be supported by, or even accompanied by, a rationale that justifies the withdrawal of a longstanding program lawfully instituted and which engendered serious reliance interests by its participants, it is arbitrary,

75. Defendants have not issued the required analyses of DHS's new rules.

76. Defendants' failure to issue the initial and final Regulatory Flexibility Analyses violates the RFA and is unlawful.

77. Defendants' violation causes ongoing harm to the DACA registrants and applicants employed by or members of Plaintiff's non-profit organization

PRAYER FOR RELIEF

Wherefore, the Plaintiff prays that the Court:

- a) Declare that the DHS Memorandum rescinding the DACA program is unauthorized by and contrary to the Constitution and laws of the United States;
- b) Declare that the actions that DHS has taken to implement the DHS Memorandum rescinding the DACA program are procedurally unlawful under the APA;
- c) Declare that the actions that DHS has taken to implement the DHS Memorandum rescinding the DACA program are substantively unlawful under the APA;
- d) Declare that the actions that DHS has taken to implement the DHS Memorandum rescinding the DACA program are unlawful under the RFA;
- e) Enjoin Defendants from rescinding the DACA program, pending further orders from this Court;
- f) Enjoin Defendants from using information obtained in any DACA application or renewal request to identify, apprehend, detain, or deport any DACA registrant or applicant or member of any DACA applicant's family, or take any action against a DACA applicant's current or former employer; and

g) Award such additional relief as deemed just and appropriate.

September 18, 2017

Respectfully submitted,

/s/ Joseph M. Sellers

Joseph M. Sellers (DC # 318410)
Douglas J. McNamara (DC # 494567)
Julia A. Horwitz (DC # 1018561)
Cohen Milstein Sellers & Toll PLLC
1100 New York Ave. NW • Fifth Floor
Washington, DC 20005
Tel: (202) 408-4600
Fax: (202) 408-4699
Email: jsellers@cohenmilstein.com
dmcnamara@cohenmilstein.com
jhorwitz@cohenmilstein.com

/s/ Bradford Berry

Bradford Berry
Janette Louard
NAACP National Headquarters
4805 Mount Hope Drive
Baltimore, MD 21215
Telephone: 410-580-5787
Email: bberry@naacpnet.org
jlouard@naacpnet.org

Attorneys for Plaintiff, NAACP

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

<p>I. (a) PLAINTIFFS The National Association for the Advancement of Colored People (NAACP)</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Baltimore</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Joseph M. Sellers (202) 408-4600 Cohen Milstein Sellers & Toll PLLC 1100 New York Ave., NW, Suite 500 Washington, D.C. 20005</p>	<p>DEFENDANTS Donald J. Trump, in his official capacity as President of the United States of America, et al.</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>Washington</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN)</p>																								
<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input checked="" type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input checked="" type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input checked="" type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input checked="" type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>				
<p><input type="radio"/> E. General Civil (Other)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> </td> <td style="width:50%; vertical-align: top;"> <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> </td> </tr> </table>		<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>	<p><input type="radio"/> F. 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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Seeking injunction of the rescission of DACA

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ N/A	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>Sept. 18, 2017</u>	SIGNATURE OF ATTORNEY OF RECORD:
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

_____)	
<i>Plaintiff</i>)	
)	
v.)	Civil Action No.
)	
_____)	
<i>Defendant</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk