

No. 17-1351

IN THE

**United States Court of Appeals
for the Fourth Circuit**

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, *et al.*

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, *et al.*,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Maryland

No. 8:17-cv-00361-TDC (Chuang, J.)

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE
IN SUPPORT OF APPELLEES AND AFFIRMANCE**

NEAL KUMAR KATYAL
COLLEEN ROH SINZDAK
MITCHELL P. REICH
ELIZABETH HAGERTY
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-6452

SARA SOLOW
ALEXANDER B. BOWERMAN
HOGAN LOVELLS US LLP
1835 Market Street, 29th Floor
Philadelphia, PA 19103
(267) 675-4600

THOMAS P. SCHMIDT
HOGAN LOVELLS US LLP
875 Third Avenue
New York, NY 10022
(212) 918-3000

Counsel for Amicus Curiae

Dated: April 19, 2017

Dr. Ismail Elshikh, by and through his counsel, respectfully moves this Court under Federal Rule of Appellate Procedure 29(a) for leave to file a brief as *amicus curiae* in support of affirmance of the district court's decision, and Plaintiffs-Appellees' position on the merits and in opposition to the Government's request for a stay. A proposed brief accompanies this motion.

1. Pursuant to Local Rule 27(a), *amicus* states that counsel for all parties to this appeal have been informed of the intended filing of this motion. Counsel for Plaintiffs-Appellees and counsel for Defendants-Appellants have consented to this motion.

2. Dr. Elshikh is deeply and personally affected by Executive Order 13,780 (the "Executive Order"), and his participation as *amicus curiae* in this appeal will provide substantial assistance to the Court. *Amicus* can offer a unique perspective and useful information regarding the devastating impact of the Executive Order on his family, his Mosque, and the broader Muslim community.

3. Dr. Elshikh is an American citizen and a resident of Hawai'i, where he has lived for over a decade. His five children and his wife, who is of Syrian descent, also are American citizens and residents of Hawai'i. Dr. Elshikh's mother-in-law, who is a Syrian national, had an application pending for a U.S. immigrant visa when the Executive Order issued on March 6, 2017. On April 14, 2017 the National Visa Center sent an email conveying that Dr. Elshikh's mother-

in-law would receive an interview for her visa application on May 24, 2017, in Lebanon. If Section 2(c) of the Executive Order does not remain enjoined, she will have to demonstrate at her interview that she qualifies for a “national interest” waiver in order to enter the country.

4. Dr. Elshikh also serves as Imam of the Muslim Association of Hawai‘i. He has personally experienced the offensive message sent by the Order, and has observed its detrimental effects on his community. The Executive Order sends a message that in the eyes of the federal government, Muslims are dangerous, undesirable members of the political community.

5. Dr. Elshikh’s accompanying proposed brief complies with the type-volume limitation for an *amicus curiae* brief on the merits under Local Rule 29(a)(5), because it contains less than one-half of the words allotted for the parties’ principal briefs.

6. This motion also is timely. The Court’s Order of March 23, 2017, Dkt. 25, requires that all *amicus curiae* briefs in support of Plaintiffs-Appellees be filed by April 19, 2017.

For the foregoing reasons, the motion should be granted.

Respectfully submitted,

/s/ Neal Kumar Katyal

NEAL K. KATYAL
COLLEEN ROH SINZDAK
MITCHELL P. REICH
ELIZABETH HAGERTY
SARA SOLOW
ALEXANDER B. BOWERMAN
THOMAS P. SCHMIDT
HOGAN LOVELLS US LLP

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I certify that on April 19, 2017, the foregoing Unopposed Motion for Leave to File Brief Amicus Curiae in Support of Appellees and Affirmance was electronically filed through this Court's CM/ECF system, which will send a notice of filing to all registered users.

/s/ Neal Kumar Katyal
Neal Kumar Katyal