

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MAZDAK POURABDOLLAH TOOTKABONI
and ARGHAVAN LOUHGHALAM,
Plaintiff-Petitioners,

FATEMEH YAGHOUBI MOGHADAM,
BABAK YAGHOUBI MOGHADAM,
ALI SANIE, ZAHRASADAT MIRRAZI
RENANI, LEILY AMIRSARDARY, and
OXFAM AMERICA, INC.
Plaintiffs,

and

COMMONWEALTH OF MASSACHUSETTS and
UNIVERSITY OF MASSACHUSETTS,
Plaintiff-Intervenors,

v.

DONALD TRUMP, President of the United States;
U.S. DEPARTMENT OF HOMELAND
SECURITY (“DHS”); U.S. CUSTOMS AND
BORDER PROTECTION (“CBP”); JOHN
KELLY, Secretary of DHS; KEVIN K.
McALEENAN, Acting Commissioner of CBP; and
WILLIAM MOHALLEY, Boston Field Director,
CBP,
Defendants.

No.17-cv-10154-NMG

NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE

Individual plaintiffs¹ and Oxfam-America, Inc. (collectively, “plaintiffs”) brought this case to challenge a specific Executive Order. In the wake of this litigation, President Donald Trump rescinded the challenged Executive Order. Plaintiffs therefore dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

On January 27, 2017, President Trump issued Executive Order 13769 “Protecting the Nation from Foreign Terrorist Entry into the United States” (“EO 13769”). This case was filed the next day. On January 29, 2017, the United States District Court for the District of Massachusetts issued an emergency temporary restraining order (“TRO”). The Court found that “petitioners and others similarly situated . . . are likely to suffer irreparable harm” due to EO 13769. *Louhghalam et al. v. Trump et al.*, No. 17-cv-10154 (D. Mass. Jan. 29, 2017). Plaintiffs filed an amended complaint on February 1, 2017. Defendants have not filed an answer or motion for summary judgment. On February 3, 2017, plaintiffs moved to extend the TRO, which this Court denied.

Before the time to appeal this decision expired, President Trump issued a new Executive Order to revoke and replace EO 13769. Plaintiffs do not concede that this new Executive Order is lawful. Plaintiff-Intervenors Commonwealth of Massachusetts and University of Massachusetts filed a Notice of Voluntary Dismissal Without Prejudice on March 9, 2017. Plaintiffs now do the same.

¹ Plaintiff-petitioners Mazdak Pourabdollah Tootkaboni, and Arghavan Louhghalam, and Plaintiffs Fatemeh Yaghoubi Moghadam, Babak Yaghoubi Moghadam, Ali Sanie, Zahrasadat Mirrazi Renani, and Leily Amirsardary and are collectively the “individual plaintiffs.”

Respectfully submitted,

/s/ Susan Church

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Michael S. Gardener, hereby certify that the foregoing document will be filed through the ECF system on March 20, 2017, which will cause counsel for all parties to be electronically served.

Respectfully submitted,
/s/ Michael S. Gardener
Michael S. Gardener

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