

CLOSED

**US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:17-cv-00622-DB**

Adbi v. McCabe et al
Assigned to: Judge Dee Benson
Case in other court: USCA 10th Circuit, 18-04078
Cause: 28:1331 Fed. Question

Date Filed: 06/16/2017
Date Terminated: 04/30/2018
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Yussuf Awadir Adbi

represented by **Carolyn M. Homer**
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V.

Defendant

Andrew McCabe
*Acting Director of the Federal Bureau
of Investigation, in his official capacity*

represented by **Brigham J. Bowen**
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Defendant

Christopher M. Piehota
*Director of the Terrorism Screening
Center, in his official capacity*

represented by **Brigham J. Bowen**
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Jeffrey E. Nelson

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Huban A. Gowadia

*Acting Administrator, Transportation
Security Administration (TSA), United
States Department of Homeland
Security (DHS), in his official capacity*

represented by **Brigham J. Bowen**
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Defendant

Kevin K. McAleenan

*Acting Commissioner United States
Customs and Border Protection; in his
official capacity*

represented by **Brigham J. Bowen**
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Defendant

Nicholas J. Rasmussen

*Director of the National
Counterterrorism Center, in his official
capacity*

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Jeffrey E. Nelson
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Date Filed	#	Docket Text
06/16/2017	<u>1</u>	Case has been indexed and assigned to Judge Dee Benson. Plaintiff Yussuf Awadir Adbi is directed to E-File the <u>Complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) and pay the filing fee of \$ 400.00 by the end of the business day. NOTE: The court will not have jurisdiction until the opening document is

		electronically filed and the filing fee paid in the CM/ECF system. Civil Summons may be issued electronically. Prepare the summons using the courts PDF version and email it to utdecf_clerk@utd.uscourts.gov for issuance (alt) (Entered: 06/16/2017)
06/16/2017	2 R	COMPLAINT against All Defendants (Filing fee \$ 400, receipt number 1088-2777979) filed by Yussuf Awadir Adbi. Assigned to Judge Dee Benson (McConkie, James) (Entered: 06/16/2017)
06/16/2017	3	Plaintiff's MOTION for Preliminary Injunction and Memorandum in Support , MOTION for Temporary Restraining Order and Memorandum in Support filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # 1 Text of Proposed Order)(McConkie, James) (Entered: 06/16/2017)
06/16/2017	4	Plaintiff's MOTION for Admission Pro Hac Vice of Gadeir I. Abbas , Registration fee \$ 250, receipt number 1088-2778203, filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # 1 Text of Proposed Order and Completed Application)(McConkie, James) (Entered: 06/16/2017)
06/16/2017	5	Plaintiff's MOTION for Admission Pro Hac Vice of Lena F. Masri , Registration fee \$ 250, receipt number 1088-2778207, filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # 1 Text of Proposed Order and Completed Application)(McConkie, James) (Entered: 06/16/2017)
06/23/2017	6	RESPONSE to Motion re 3 Plaintiff's MOTION for Preliminary Injunction and Memorandum in Support MOTION for Temporary Restraining Order and Memorandum in Support filed by Defendants Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. Attorney Jeffrey E. Nelson added to party Huban A. Gowadia(pty:dft), Attorney Jeffrey E. Nelson added to party Kevin K. McAleenan(pty:dft), Attorney Jeffrey E. Nelson added to party Andrew McCabe(pty:dft), Attorney Jeffrey E. Nelson added to party Christopher M. Piehota(pty:dft), Attorney Jeffrey E. Nelson added to party Nicholas J. Rasmussen(pty:dft)(Nelson, Jeffrey) (Entered: 06/23/2017)
06/27/2017	7	ORDER granting 4 Motion for Admission Pro Hac Vice of Gadeir I. Abbas for Yussuf Awadir Adbi. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov. Signed by Judge Dee Benson on 6/26/2017. (blh)</i> (Entered: 06/27/2017)
06/27/2017	8	ORDER granting 5 Motion for Admission Pro Hac Vice of Lena F. Masri for Yussuf Awadir Adbi. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov. Signed by Judge Dee Benson on 6/26/2017. (blh)</i> (Entered: 06/27/2017)
06/27/2017	9	NOTICE of Appearance by Brigham J. Bowen on behalf of Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen (Bowen, Brigham) (Entered: 06/27/2017)

08/14/2017	<u>10</u>	Consent MOTION for Extension of Time to File Answer re <u>2</u> <u>R</u> Complaint and Memorandum in Support filed by Defendants Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. (Attachments: # <u>1</u> Text of Proposed Order)(Bowen, Brigham) (Entered: 08/14/2017)
08/15/2017	<u>11</u>	<u>ORDER granting <u>10</u> Motion for Extension of Time to Answer <u>2</u></u>  Complaint. Answer deadline updated for Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. Answers due 10/16/2017. Signed by Judge Dee Benson on 8/15/2017. (blh) (Entered: 08/15/2017)
10/24/2017	<u>12</u>	NOTICE of Joint Notice of Proposed Briefing Schedule by Yussuf Awadir Adbi (McConkie, James) (Entered: 10/24/2017)
11/01/2017	<u>13</u>	Joint MOTION for Extension of Time Joint Notice of Proposed Briefing Schedule filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # <u>1</u> Text of Proposed Order)(McConkie, James) (Entered: 11/01/2017)
11/03/2017	<u>14</u>	AMENDED COMPLAINT against All Defendants. filed by Yussuf Awadir Adbi. (Attachments: # <u>1</u> Exhibit 1 - Mohamed v. Holder, et al. (United States District Court, Eastern District of Virginia, Case No. 11-cv-00050 (2011))., # <u>2</u> Exhibit 3 - Directorate of Terrorist Identities (DTI): Strategic Accomplishments 2013, # <u>3</u> Exhibit 4 - Department of Justice's March 2014 Audit of the Federal Bureau of Investigation's Management of Terrorist Watchlist, # <u>4</u> Exhibit 5 - Elhady, et al. v. Piehota, et al. (United States District Court, Eastern District of Virginia, Case No. 1:16-cv-000375 (2017)).) (McConkie, James) (Entered: 11/03/2017)
11/03/2017	<u>15</u>	EXHIBITS filed by Yussuf Awadir Adbi re <u>14</u> Amended Complaint (Attachments: # <u>1</u> Exhibit 2 - March 2013 Watchlisting Guidance) (McConkie, James) (Entered: 11/03/2017)
11/10/2017	<u>16</u>	AMENDED COMPLAINT <i>Second Amended Complaint</i> against All Defendants with Jury Demand. filed by Yussuf Awadir Adbi. (Attachments: # <u>1</u> Exhibit 1 - Mohamed v. Holder, et al. (United States District Court, Eastern District of Virginia, Case No. 11-cv-00050 (2011))., # <u>2</u> Exhibit 2 - March 2013 Watchlisting Guidance, # <u>3</u> Exhibit 3 - Directorate of Terrorist Identities (DTI): Strategic Accomplishments 2013, # <u>4</u> Exhibit 4 - Department of Justice's March 2014 Audit of the Federal Bureau of Investigation's Management of Terrorist Watchlist, # <u>5</u> Exhibit 5 - Elhady, et al. v. Piehota, et al. (United States District Court, Eastern District of Virginia, Case No. 1:16-cv-000375 (2017)).) (McConkie, James) (Entered: 11/10/2017)
11/13/2017	<u>17</u>	<u>ORDER granting <u>13</u> Motion for Extension of Time re Briefing Schedule. Signed by Judge Dee Benson on 11/13/2017. (blh)</u> (Entered: 11/13/2017)
12/01/2017	<u>18</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support , MOTION to Dismiss for Lack of Jurisdiction

		and Memorandum in Support filed by Defendants Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. (Attachments: # 1 Exhibit A - Mohamed v. Holder, No. 11-1924 (4th Cir. May 28, 2013))(Bowen, Brigham) (Entered: 12/01/2017)
12/26/2017	19	Joint MOTION for Extension of Time Plaintiffs deadline to file a response to Defendants Motion to Dismiss and Memorandum in Support filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # 1 Text of Proposed Order for Extension of Time)(McConkie, James) Modified on 12/27/2017 - modified event type to Motion for Extension of Time to File Response/Reply(jwt). (Entered: 12/26/2017)
01/02/2018	20	ORDER granting 19 Motion for Extension of Time to File Response/Reply re 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, MOTION to Dismiss for Lack of Jurisdiction. Responses due by 1/5/2018. Replies due by 1/24/2018. Signed by Judge Dee Benson on 1/2/2018. (blh) (Entered: 01/02/2018)
01/05/2018	21	Stipulated MOTION for Leave to File Excess Pages and Memorandum in Support filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # 1 Text of Proposed Order Regarding Stipulation to Extend Length of Response and Reply Memoranda)(McConkie, James) (Entered: 01/05/2018)
01/05/2018	22	ORDER granting 21 Motion for Leave to File Excess Pages. Signed by Judge Dee Benson on 1/5/2018. (blh) (Entered: 01/05/2018)
01/05/2018	23 R	Plaintiff's MEMORANDUM in Opposition re 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support filed by Plaintiff Yussuf Awadir Adbi. (McConkie, James) (Entered: 01/05/2018)
01/17/2018	24	Consent MOTION for Extension of Time to File Response/Reply as to 23 R Memorandum in Opposition to Motion, 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support and Memorandum in Support filed by Defendants Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. (Attachments: # 1 Text of Proposed Order)(Bowen, Brigham) (Entered: 01/17/2018)
01/17/2018	25	ORDER granting 24 Motion for Extension of Time to File Response/Reply re 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, MOTION to Dismiss for Lack of Jurisdiction. Replies due by 1/31/2018. Signed by Judge Dee Benson on 1/17/2018. (blh) (Entered: 01/17/2018)
01/26/2018	26	Consent MOTION for Extension of Time to File Response/Reply as to 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support MOTION to Dismiss for Lack of Jurisdiction

		and Memorandum in Support and Memorandum in Support filed by Defendants Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. (Attachments: # 1 Text of Proposed Order)(Bowen, Brigham) (Entered: 01/26/2018)
01/30/2018	27	ORDER granting 26 Motion for Extension of Time to File Response/Reply re 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, MOTION to Dismiss for Lack of Jurisdiction. Replies due by 2/7/2018. Signed by Judge Dee Benson on 1/30/2018. (blh) (Entered: 01/30/2018)
02/07/2018	28 R	REPLY to Response to Motion re 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support filed by Defendants Huban A. Gowadia, Kevin K. McAleenan, Andrew McCabe, Christopher M. Piehota, Nicholas J. Rasmussen. (Bowen, Brigham) (Entered: 02/07/2018)
02/09/2018	29	NOTICE OF HEARING ON MOTION re: 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support : (Notice generated by CHAMBERS) Motion Hearing set for 2/22/2018 at 02:30 PM in Rm 8.300 before Judge Dee Benson. (reb) (Entered: 02/09/2018)
02/21/2018	30	NOTICE VACATING Motion to Dismiss HEARING set for Thursday 2/22/2018 at 2:30 p.m. before Judge Benson (Notice generated by CHAMBERS. This hearing will be reset. (reb) (Entered: 02/21/2018)
02/21/2018	31	***AMENDED***NOTICE OF HEARING ON MOTION re: 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support MOTION to Dismiss for Lack of Jurisdiction and Memorandum in Support : (Notice generated by CHAMBERS) Motion Hearing RESET FOR THURSDAY April 5, 2018 at 02:30 PM in Rm 8.300 before Judge Dee Benson. (reb) (Entered: 02/21/2018)
02/28/2018	32 R	Plaintiff's MOTION for Admission Pro Hac Vice of Carolyn M. Homer , Registration fee \$ 250, receipt number 1088-2949271, filed by Plaintiff Yussuf Awadir Adbi. (Attachments: # 1 Exhibit Application for Admission Pro Hac Vice, # 2 Text of Proposed Order re Pro Hac Vice Admission) (McConkie, James) (Entered: 02/28/2018)
02/28/2018	33	ORDER granting 32 R Motion for Admission Pro Hac Vice of Carolyn M. Homer for Yussuf Awadir Adbi. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov.</i> Signed by Judge Dee Benson on 2/28/2018. (blh) (Entered: 02/28/2018)
04/05/2018	34	Minute Order. Proceedings held before Judge Dee Benson: Cnsl present. After arguments were heard and discussion held on 18 Motion to Dismiss for Failure to State a Claim, Court takes the matter under advisement.

		Written Order to follow oral order: Yes. Attorney for Plaintiff: Gadeir I. Abbas, Lena F. Masri, James W. McConkie and Carolyn M. Homer, Attorney for Defendant Brigham J. Bowen and Jeffrey E. Nelson. Court Reporter: Ed Young. (reb) (Entered: 04/05/2018)
04/23/2018	35 R	MEMORANDUM DECISION and ORDER granting 18 Defendants' Motion to Dismiss. Signed by Judge Dee Benson on 4/20/2018. (blh) (Entered: 04/23/2018)
04/30/2018	36	JUDGMENT - It is ORDERED AND ADJUDGED that Defendants' Motion to Dismiss is granted and the action is dismissed with prejudice. Case Closed. Signed by Judge Dee Benson on 4/30/2018. (blh) (Entered: 04/30/2018)
05/29/2018	37	NOTICE OF APPEAL as to 36 Judgment filed by Yussuf Awadir Adbi. Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number 1088-3012961. (Masri, Lena) (Entered: 05/29/2018)
05/29/2018	38	Transmission of Preliminary Record to USCA re 37 Notice of Appeal as to 10th Circuit (Attachments: # 1 Appendix) (blh) (Entered: 05/29/2018)
05/30/2018	39	USCA Case Number Case Appealed to USCA 10th Circuit. Case Number 18-4078 for 37 Notice of Appeal filed by Yussuf Awadir Adbi. (jwt) (Entered: 05/30/2018)
06/13/2018	40	Please be advised the Record is complete for purposes of appeal for USCA case number 18-4078 re 37 Notice of Appeal (blh) (Entered: 06/13/2018)
01/06/2020	41	MANDATE of USCA as to 37 Notice of Appeal filed by Yussuf Awadir Adbi According to the USCA the Judgment of the USDC for the Dist of UT is Affrmed. Judgment included with mandate: Yes. (Attachments: # 1 Opinion, # 2 Mandate Letter)(jds) (Entered: 01/06/2020)

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