

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

GULET MOHAMED,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:11-CV-0050
)	
ERIC H. HOLDER, JR., in his official capacity as)	
Attorney General of the United States, <i>et al.</i> ,)	
)	
Defendants.)	
)	

NOTICE REGARDING NEW REDRESS PROCEDURES

As reflected in prior filings in this case, the Government has been in the process of revising its redress procedures for claims involving denials of boarding on covered aircraft, see 49 C.F.R. § 1560.3, submitted through the Department of Homeland Security Traveler Redress Inquiry Program (known as DHS TRIP). This revision process has been directed at improving the redress procedures, including by increasing transparency relating to the No Fly List. In connection with this effort, while the Government’s revision process was ongoing, certain individual DHS TRIP inquiries — such as those submitted by plaintiffs in Latif v. Holder, No. 3:10-750 (D. Or.), Tarhuni v. Holder, No. 3:13-001 (D. Or.), and Fikre v. FBI, No. 3:13-899 (D. Or.) — have been reopened and reevaluated under revised procedures. In accordance with Defendants’ prior representation that they would notify the Court when these revised procedures would be made available to similarly situated U.S. persons, Defendants now provide notice that such procedures are now available.

Under the previous redress procedures, individuals who had submitted inquiries to DHS TRIP generally received a letter responding to their inquiry that neither confirmed nor denied

their No Fly status. Under the newly revised procedures, a U.S. person who purchases a ticket, is denied boarding at the airport, subsequently applies for redress through DHS TRIP about the denial of boarding, and is on the No Fly List after a redress review, will now receive a letter providing his or her status on the No Fly List and the option to receive and/or submit additional information. If such an individual opts to receive and/or submit further information after receiving this initial response, DHS TRIP will provide a second, more detailed response. This second letter will identify the specific criterion under which the individual has been placed on the No Fly List and will include an unclassified summary of information supporting the individual's No Fly List status, to the extent feasible, consistent with the national security and law enforcement interests at stake. The amount and type of information provided will vary on a case-by-case basis, depending on the facts and circumstances. In some circumstances, an unclassified summary may not be able to be provided when the national security and law enforcement interests at stake are taken into account.

This second letter will also provide requesters an opportunity to be heard further concerning their status. Written responses from such individuals may be submitted and may include exhibits or other materials the individual deems relevant. Upon DHS TRIP's receipt of an individual's submission in response to the second letter, the matter will be reviewed by the Administrator of the Transportation Security Administration (TSA) or his/her designee in coordination with other relevant agencies, who will review the submission, as well as the unclassified and classified information that is being relied upon to support the No Fly listing, and will issue a final determination. TSA will provide the individual with a final written determination, providing the basis for the decision (to the extent feasible in light of the national

security and law enforcement interests at stake) and will notify the individual of the ability to seek further judicial review under 49 U.S.C. § 46110.

The Government will be closely monitoring the initial implementation of these newly revised procedures on an interagency basis, and will, as circumstances warrant, consider whether further revisions to the process are necessary. As previously stated, the Government stands ready to apply the new redress procedures to Plaintiff should he choose to avail himself of them.

Dated: April 13, 2015

Respectfully submitted,

BENJAMIN C. MIZER
ACTING ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

DANA BOENTE
UNITED STATES ATTORNEY

ANTHONY J. COPPOLINO
DEPUTY BRANCH DIRECTOR
FEDERAL PROGRAMS BRANCH

JOSEPH C. FOLIO III
SAMUEL M. SINGER
TRIAL ATTORNEYS
U.S. DEPARTMENT OF JUSTICE
CIVIL DIVISION, FEDERAL PROGRAMS BRANCH
20 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20001
TELEPHONE: (202) 305-4968
FAX: (202) 616-8460
E-MAIL: joseph.folio@usdoj.gov

/s/
R. JOSEPH SHER
ASSISTANT UNITED STATES ATTORNEY
OFFICE OF THE UNITED STATES ATTORNEY
JUSTIN W. WILLIAMS UNITED STATES ATTORNEYS
BUILDING
2100 JAMIESON AVE.,
ALEXANDRIA, VA. 22314
TELEPHONE: (703) 299-3747

FAX: (703) 299-3983
E-MAIL JOE.SHER@USDOJ.GOV

ATTORNEYS FOR THE DEFENDANTS

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following counsel of record:

Gadeir I. Abbas
The Law Office of Gadeir Abbas
1155 F Street NW, Suite 1050
Washington, DC 20004
Phone: 720-251-0425
Fax: 720-251-0425
gadeir.abbas@gmail.com

DATED: APRIL 13, 2015

/S/
R. JOSEPH SHER
ASSISTANT UNITED STATES ATTORNEY
OFFICE OF THE UNITED STATES ATTORNEY
JUSTIN W. WILLIAMS UNITED STATES ATTORNEYS'
BUILDING
2100 JAMIESON AVE.,
ALEXANDRIA, VA. 22314
TELEPHONE: (703) 299-3747
FAX: (703) 299-3983
E-MAIL JOE.SHER@USDOJ.GOV