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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

Ayman Latif, et al.,

Plaintiffs,

v.

Eric H. Holder, Jr., et al.,

Defendants.

No. 3:10-cv-750-BR

PLAINTIFFS' FOURTH NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit the opinion in *Raymond Arjmand v. U.S. Department of Homeland Security, et al.*, No. 12-71748 (9th Cir. March 24, 2014), attached as Exhibit A, as supplemental authority in support of their Cross-Motion for Partial Summary Judgment.

This Court previously requested that Defendants confirm through a supplemental submission whether any circuit courts had ruled on challenges brought under 49 U.S.C. § 46110

by individuals who sought review of final agency decisions received through the Department of Homeland Security Traveler Redress Inquiry Program (“DHS TRIP”). Defendants cited *Arjmand* in their response to that request and noted its pendency before the Ninth Circuit Court of Appeals. *See* Dkt. No. 107. During the oral argument held in this matter on March 17, 2014, Defendants’ counsel noted that the cases remained pending.

The Ninth Circuit has now issued its decision in *Arjmand*. The petitioner in that case sought disclosure of his status on the government’s master terrorist watchlist, the Terrorist Screening Database (“TSDB”), which is maintained by the Terrorist Screening Center (“TSC”), a component of the Federal Bureau of Investigation. He also sought “either immediate removal from all watchlists or a meaningful opportunity to seek removal.” *See* Ex. A at 3. The petitioner filed a DHS TRIP complaint and sought judicial review directly in the Court of Appeals pursuant to 49 U.S.C. § 46110.

In its opinion, the Ninth Circuit cited its holding in *Latif v. Holder*, 686 F.3d 1122 (9th Cir. 2012), and concluded that it lacked original jurisdiction over the petitioner’s claims because § 46110 does not grant circuit courts jurisdiction to review the decisions of the TSC, which is the only agency that could grant meaningful relief to the petitioner. *See id.* at 6-8. The court also noted that the relief that the petitioner sought—disclosure of his watchlist status and removal from the watchlist or a meaningful opportunity to contest inclusion on it—was similar in all material respects to the relief that the Plaintiffs seek in this matter. *Id.* at 7. While the court concluded that it lacked original jurisdiction, it observed that those jurisdictional defects would not exist in a federal district court. The court therefore transferred the matter to the U.S. District Court for the Central District of California. *Id.* at 8.

Dated: March 25, 2014

Respectfully submitted,

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