

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.: 17-cv-24574-GAYLES**

Farah IBRAHIM, Ibrahim MUSA, Khalid  
Abdallah MOHMED, Ismail JIMCALE  
ABDULLAH, Abdiwali Ahmed SIYAD, Ismael  
Abdirashed MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves and all those  
similarly situated,

Plaintiffs,

v.

Juan ACOSTA, Assistant Field Officer Director,  
Miami Field Office, Immigration and Customs  
Enforcement; David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office Director,  
Miami Field Office, Immigration and Customs  
Enforcement; Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement; Kirstjen  
NIELSEN, Secretary of Homeland Security,

Defendants.

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**ORDER STAYING REMOVAL  
PENDING THE COURT'S DETERMINATION ON JURISDICTION**

THIS CAUSE is before the Court on Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Stay of Removal (the "Motion") [ECF No. 3]. In their Class Action Complaint [ECF No. 1], Plaintiffs assert that their immigration circumstances have changed based on the U.S. government's failed attempt to repatriate them to Somalia and the resulting international news attention, which now makes their return to Somalia unsafe. Based on the changed circumstances, Plaintiffs seek an opportunity to avail themselves of the administrative remedies afforded to them under U.S. immigration law. Plaintiffs also allege that they were physically abused by Immigration and Customs Enforcement ("ICE") agents during the failed

repatriation, which resulted in injuries to members of the putative class. The Court has considered the Complaint, the Motion and attached declarations, the Defendants' Response, and arguments of counsel at the Court's hearing on the Motion.

Defendants argue that this Court lacks subject matter jurisdiction. Given the complex jurisdictional questions and based on the special circumstances discussed by the parties in their pleadings and at the hearing on the Motion, including the imminent removal<sup>1</sup> of all Plaintiffs to Somalia, the Court finds that a short stay of removal is warranted pending the Court's jurisdictional determination.<sup>2</sup>

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' Motion [ECF No. 3] is **GRANTED IN PART** only as to the 92 individuals with removal orders who were present on the December 7, 2017, attempted flight to Somalia.

2. Defendants and all of their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them are immediately **ENJOINED** from deporting Plaintiffs until the Court determines if it has jurisdiction over this matter.

It is further **ORDERED AND ADJUDGED** that:

1. Defendants shall provide Plaintiffs with adequate medical treatment for any injuries they have sustained.

2. Defendants shall keep the Plaintiffs within the Southern District of Florida until further order of the Court and shall provide Plaintiffs with reasonable access to their attorneys.

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1 The Court held a telephonic hearing on December 19, 2017, where the government confirmed that Plaintiffs are scheduled to be removed from the United States on December 20, 2017.

2 See *Hamama v. Adducci*, Case No. 17-cv-11910, 2017 WL 2684477 (E.D. Mich. June 22, 2017).


3. Plaintiffs shall not be required to post a bond.

4. This Order is effective immediately and shall remain in effect through 11:59 p.m. on January 2, 2018.

5. The parties shall submit jurisdictional briefs on or before December 22, 2017. The parties shall submit responses on or before December 29, 2017.

6. The parties shall appear before this Court on the 2nd day of January, 2018, at 10:00 a.m. (Eastern Time), in Courtroom 11-1 of the Wilkie D. Ferguson United States Courthouse in Miami, Florida, to address the jurisdictional issues raised in the briefs. The Court will consider extending this Order and rescheduling the hearing upon a showing of good cause.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 19th day of December, 2017.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE