

FILED: May 28, 2021

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 20-1119 (L)  
(1:16-cv-00375-AJT-JFA)

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ANAS ELHADY; OSAMA HUSSEIN AHMED; AHMAD IBRAHIM AL HALABI; MICHAEL EDMUND COLEMAN; MURAT FRLJUCKIE; ADNAN KHALIL SHAOUT; WAEL HAKMEH; SALEEM ALI; SAMIR ANWAR; JOHN DOE, No. 2; JOHN DOE, No. 3; SHAHIR ANWAR; BABY DOE, 2; YASEEN KADURA; HASSAN SHIBLY; AUSAMA ELHUZAYEL; DONALD THOMAS; IBRAHIM AWAD; MUHAMMAD YAHYA KHAN; HASSAN FARES; ZUHAIR EL-SHWEHDI; JOHN DOE, No. 4; MARK AMRI

Plaintiffs - Appellees

v.

CHARLES H. KABLE, Director of the Terrorist Screening Center, in his official capacity; KELLI ANN BURRIESCI, Principal Deputy Director of the Terrorist Screening Center in her official capacity; TIMOTHY P. GROH, Deputy Director for Operations at the Terrorist Screening Center in his official capacity; DEBORAH MOORE, Director of Department of Homeland Security Traveler Redress Inquiry Program in her official capacity; NICHOLAS J. RASMUSSEN, Director of the National Counterterrorism Center in his official capacity; DAVID PEKOSKE, Administrator of the Transportation Security Administration in his official capacity; CHRISTOPHER WRAY, Director of the Federal Bureau of Investigation in his official capacity; KEVIN K. MCALEENAN, Acting Commissioner of United States Customs and Border Protection in his official capacity

Defendants - Appellants

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THE RUTHERFORD INSTITUTE; CATO INSTITUTE; FRED T. KOREMATSU CENTER FOR LAW & EQUALITY; FIREARMS POLICY COALITION, INC.; FIREARMS POLICY FOUNDATION; JEFFREY KAHN; ELECTRONIC FRONTIER FOUNDATION; MUSLIM ADVOCATES; AMERICAN CIVIL

LIBERTIES UNION; AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE; ARAB AMERICAN INSTITUTE; BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW; CENTER FOR CONSTITUTIONAL RIGHTS; CREATING LAW ENFORCEMENT ACCOUNTABILITY & RESPONSIBILITY PROJECT AT CITY UNIVERSITY OF NEW YORK; SIKH COALITION

Amici Supporting Appellees

and

ALAN MICHAEL MYGATT-TAUBER

Amicus Supporting Rehearing Petition

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No. 20-1311  
(1:16-cv-00375-AJT-JFA)

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ANAS ELHADY; OSAMA HUSSEIN AHMED; AHMAD IBRAHIM AL HALABI; MICHAEL EDMUND COLEMAN; MURAT FRLJUCKIE; ADNAN KHALIL SHAOUT; WAEL HAKMEH; SALEEM ALI; SAMIR ANWAR; JOHN DOE, No. 2; JOHN DOE, No. 3; SHAHIR ANWAR; BABY DOE, 2; YASEEN KADURA; HASSAN SHIBLY; AUSAMA ELHUZAYEL; DONALD THOMAS; IBRAHIM AWAD; MUHAMMAD YAHYA KHAN; HASSAN FARES; ZUHAIR EL-SHWEHDI; JOHN DOE, No. 4; MARK AMRI

Plaintiffs - Appellees

v.

CHARLES H. KABLE, IV, Director of the Terrorist Screening Center, in his official capacity; KELLI ANN BURRIESCI, Principal Deputy Director of the Terrorist Screening Center in her official capacity; TIMOTHY P. GROH, Deputy Director for Operations at the Terrorist Screening Center in his official capacity; DEBORAH MOORE, Director of Department of Homeland Security Traveler Redress Inquiry Program in her official capacity; NICHOLAS J. RASMUSSEN, Director of the National Counterterrorism Center in his official capacity; DAVID P. PEKOSKE, Administrator of the Transportation Security Administration in his official capacity; CHRISTOPHER ASHER WRAY, Director of the Federal Bureau of Investigation in

his official capacity; KEVIN K. MCALEENAN, Acting Commissioner of United States Customs and Border Protection in his official capacity

Defendants - Appellants

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THE RUTHERFORD INSTITUTE; CATO INSTITUTE; FRED T. KOREMATSU CENTER FOR LAW & EQUALITY; FIREARMS POLICY COALITION, INC.; FIREARMS POLICY FOUNDATION; JEFFREY KAHN; ELECTRONIC FRONTIER FOUNDATION; MUSLIM ADVOCATES; AMERICAN CIVIL LIBERTIES UNION; AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE; ARAB AMERICAN INSTITUTE; BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW; CENTER FOR CONSTITUTIONAL RIGHTS; CREATING LAW ENFORCEMENT ACCOUNTABILITY & RESPONSIBILITY PROJECT AT CITY UNIVERSITY OF NEW YORK; SIKH COALITION

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O R D E R

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The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk