As A DC Insider, Josh Riley Sued In The U.S. Supreme Court To Reverse Donald Trump's Immigration And Border Policies

<u>As An Attorney For Boies, Schiller & Flexner, Riley Has Filed Numerous Legal Filings Opposing Efforts To Secure The Border And/Or Efforts To Enforce Immigration Laws</u>

In 2015, Riley Argued in Support of Delaying Enforcement of Federal Immigration Law Citing Prosecutorial Discretion. "For more than half of a century, the Executive Branch has implemented policies designed to delay -- in many cases indefinitely -- the enforcement of deportation and other requirements created by federal immigration legislation. ... Although the lawsuit that led to the decision below challenged the Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA") program, that program is the same in its basic attributes as numerous deferred action programs that preceded it. As with DAPA, nearly all prior deferred action policies relied on prosecutorial discretion to focus enforcement on the highest priority cases consistent with federal immigration policy, and most applied to entire categories of persons, not simply individual cases. Also like DAPA, many of these previous programs included some form of eligibility for work authorization. Executive discretion to establish enforcement policies is vitally important in the immigration context, where scarce resources are available to implement myriad federal immigration policies and where the selection of enforcement [*7] priorities has potentially severe consequences for national security, the employment market, and the preservation of family unity. That discretion is just as important, and just as lawful, when it is used to establish priorities that may affect large numbers of persons as it is when it affects only individual cases. Expeditious review of the decision below is vital to ensure that immigration enforcement priorities are determined by the Executive Branch officials to whom discretion has been committed by Congress, rather than by judicial fiat." ("BRIEF OF FORMER FEDERAL IMMIGRATION AND HOMELAND SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF THE UNITED STATES," United States v. Texas, Supreme Court of the United States, No. 15-674, Filed 12/4/15)

In 2016, Riley Argued That Illegal Immigrants Receiving Deferred Action from the Obama Administration Under DAPA Should Be Allowed to Work in the United States. "DAPA's aim of preserving family unity in cases that do not threaten public safety is consistent with the policy objectives that have guided federal immigration enforcement efforts for decades. E.g., DAPA Memo at 3 (explaining that aliens who "commit serious crimes or otherwise become enforcement priorities" are ineligible). Amici's experience demonstrates that the best approach to achieving rational and effective enforcement of our immigration laws is to prioritize threats to public safety and national security, while simultaneously demonstrating compassion for families whose members pose no substantial risks and who have developed ties to the communities in which they live. ... The longstanding regulations governing work authorization reflect sensible policy concerns, which became even more acute in 1986 when Congress prohibited employers from hiring aliens without work authorization. Absent work authorization, aliens, particularly those of modest means, would likely have no lawful way to support themselves or their families, and might therefore become a burden on those closest to them. Permitting aliens without means to remain in this country while denying them permission to work would also cause economic distortions. Aliens in this position might turn to illegal work for lower wages in exploitative conditions, causing downstream effects on the labor market, including adverse effects on American workers. See Executive Office of the President, Council of Economic Advisers, The Economic Effects of Administrative Action on Immigration at 10 (2014). Aliens with deferred action may obtain work authorization only if they can show "economic necessity" as defined by federal poverty guidelines. See 8 C.F.R. §§ 274a.12(c)(14) [*55] , (e). This condition ensures that those aliens who remain in the country but who lack the means necessary to support themselves are able to earn a living through legitimate, above-board employment. The rule is consistent with the policy objective of ensuring that aliens who are not subject to deportation will live in the "sunlight" instead of "the shadows." See Reagan, IRCA Signing Statement; see also DAPA Memo at 3. ... Allowing aliens whose removal has been deferred to work upon a showing of economic [*57] necessity is a sensible tool employed for decades by both Republican and Democratic administrations to advance the humanitarian and economic objectives underlying the federal

immigration laws. These policies were adopted carefully and thoughtfully over the course of decades, and they have been identified, studied, and ratified by Congress, including after the 1986 enactment of IRCA. At a minimum, the regulations reflect the Executive Branch's longstanding interpretation of the legal authorities granted to INS and DHS by federal immigration laws. As such, they are worthy of this Court's deference." ("BRIEF OF FORMER FEDERAL IMMIGRATION AND HOMELAND SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF THE UNITED STATES," United States v. Texas, Supreme Court of the United States, No. 15-674, 3/8/16)

In 2017, Riley Argued That President Obama Had Legal Authority to Create DACA and That President Trump's Recission of DACA Should Be Reversed. "Proposed amici's brief will show that DACA is well within the legal authority of the Executive Branch, and that its rescission was a highly significant policy change for which the government has failed to assert a valid justification. The Executive Branch in both Republican and Democratic Administrations repeatedly has implemented deferred action policies, like DACA, based on the common-sense proposition that federal authorities should focus their limited resources on apprehending and deporting those who are a threat to national security, public safety, or the employment markets—not those who pose no such threats and, indeed, are making meaningful contributions to American society. Proposed amici's brief places DACA within that historical context, which demonstrates that the rescission of DACA is arbitrary and capricious and should be enjoined on that ground." (Consent Motion for Leave to File Amicus Brief on Behalf of Former Immigration Officials in State of New York, et al. v. Donald Trump, et al., No. 17-CV-5228 (NGG) (JO) and Batalla Vidal, et al. v. Duke, et al., No. 16-CV4756 (NGG) (JO), Case 1:16-cv-04756-NGG-JO, 12/22/17, Batalla Vidal, Et Al. V. Nielsen, US District Court for the Eastern District of New York)

In 2017, Riley Filed an Amicus Brief in New York on Behalf of Former Obama Administration Immigration Enforcement Officials in Support of Several Illegal Immigrants Who Were Seeking an Injunction Against the Trump Administration's Decision to Rescind DACA. "For more than half of a century, Administrations of both Republican and Democratic Presidents have implemented policies designed to delay—in many cases indefinitely—the enforcement of deportation and other requirements created by federal immigration legislation. The Executive Branch has relied on these "deferred action" policies to enforce federal immigration laws in a manner that is rational, humane, and in furtherance of important national interests. These deferred action policies also allow for the most efficient and effective enforcement of the immigration laws by focusing scarce resources on the highest-priority cases. The Deferred Action for Childhood Arrivals ("DACA") program is a prime example of such a policy. … The only objection that President Trump has lodged publicly against DACA is not one of policy but rather of process: he apparently believes that DACA should be codified in statute through legislation passed by Congress. … As the brief will show, however, DACA is well within the legal authority of the Executive Branch, and therefore the government has failed to assert a valid reason for this highly significant policy change. The Duke Memorandum and the Fifth Circuit decision on which it relies cannot be squared with historical precedent, in which deferred action programs are wellrooted. The Executive Branch in both Republican and Democratic Administrations repeatedly has implemented deferred action policies, like DACA, based on the common-sense proposition that federal authorities should focus their limited resources on apprehending and deporting those who are a threat to national security, public safety, or the employment markets—not those who pose no such threats and, indeed, are making meaningful contributions to American society. This brief places DACA within that historical context, which demonstrates that the rescission of DACA is arbitrary and capricious and should be enjoined on that ground. ("BRIEF OF FORMER FEDERAL IMMIGRATION AND HOMELAND SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION," MARTÍN JONATHAN BATALLA VIDAL, ANTONIO ALARCON, ELIANA FERNANDEZ, CARLOS VARGAS, MARIANO MONDRAGON, and CAROLINA FUNG FENG, on behalf of themselves and all other similarly situated individuals, and MAKE THE ROAD NEW YORK, on behalf of itself, its members, its clients, and all similarly situated individuals v. KIRSTJEN M. NIELSEN, Secretary, Department of Homeland Security, JEFFERSON BEAUREGARD SESSIONS III, Attorney General of the United States, and DONALD J. TRUMP, President of the United States, UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK, Case 1:16-cv-04756-NGG-JO, Filed 12/22/17)

In 2017, Riled Filed an Amicus Brief in Maryland on Behalf of Former Obama Administration Immigration Enforcement Officials Opposing the Trump Administration's Executive Order Banning Foreign Nationals from Six Countries Determined to be Sponsors of Terrorism Claiming the Order Would Make the Country

Less Secure. "In an unprecedented proclamation, President Donald J. Trump has declared that admitting into the United States any national of one of six Muslim-majority countries would be "detrimental to the interests of the United States." Exec. Order No. 13,780, § 2(c), 82 Fed. Reg. 13,209 (Mar. 6, 2017) (the "Order"). As justification, the Order does not identify any specific threat based on intelligence, nor does it isolate any particular weaknesses in vetting procedures that would support a blunderbuss ban against the entire populations of these six nations. Instead, the Order paints all nationals of six countries with the same broad brush, citing "conditions" in those countries "that demonstrate why their nationals continue to present heightened risks" to national security. Order § 1(e). By doing so, the Order impermissibly engages in textbook national-origin discrimination and makes our nation less secure. … Amici, drawing upon years of experience enforcing U.S. immigration laws, respectfully disagree with the notion that the Order "is expressly premised on a facially legitimate, bona fide purpose: protecting national security." Br. at 37. The Government expressly relies upon this representation as the basis for its assertion of irreparable harm. See Motion of Defendants-Appellants for a Stay Pending Expedited Appeal ("Stay Mot.") at 2–10. But the Government's emphasis on attenuated and abstract effects on executive authority, rather than concrete risks of terrorist attacks in the United States, reveals the flimsiness of the Order's purported national security objectives. … Importantly, "the greatest threat" emanating from abroad are "people coming from visa waiver countries," such as the United Kingdom, Germany, and France. Over 36,500 foreign fighters originating from over 100 countries, including at least 6,600 from Western nations, have traveled to Syria since the civil war began. Clapper, supra, at 5. For all of these reasons, the Order's crude discriminatory method will inevitably be less effective at preventing terror attacks than individualized threat assessments." ("BRIEF OF FORMER FEDERAL IMMIGRATION AND HOMELAND SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS-APPELLEES AND AFFIRMANCE, AND IN OPPOSITION TO DEFENDANTSAPPELLANTS' MOTION TO STAY," INTERNATIONAL REFUGEE ASSISTANCE PROJECT, v. Donald Trump, United States Court of Appeals for the Fourth Circuit, Case # 8:17-cv-00361-TDC, 4/19/17)

Riley Also Argued That the Country's Vetting Process for Refugees from the Middle East is 'Exhaustive' and More Than Adequate to Protect the Country from a Terrorist Attack. "The Order cannot be justified on the basis that individualized vetting is inherently inadequate to protect the nation. The vetting process for refugees from the Middle East is exhaustive." ("BRIEF OF FORMER FEDERAL IMMIGRATION AND HOMELAND SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS-APPELLEES AND AFFIRMANCE, AND IN OPPOSITION TO DEFENDANTSAPPELLANTS' MOTION TO STAY," INTERNATIONAL REFUGEE ASSISTANCE PROJECT, v. Donald Trump, United States Court of Appeals for the Fourth Circuit, Case # 8:17-cv-00361-TDC, 4/19/17)

- **But in 2019, a Syrian Refugee Was Arrested in Pittsburgh As He Was Planning a Terrorist Attack to Blow Up a Christian Church on Behalf of ISIS**. "Mustafa Mousab Alowemer, 21, a resident of Pittsburgh, Pennsylvania, was arrested today based on a federal complaint charging him with one count of attempting to provide material support and resources to the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization, and two counts of distributing information relating to an explosive, destructive device, or weapon of mass destruction in relation to his plan to attack a church in Pittsburgh. The announcement was made by Assistant Attorney General for National Security John C. Demers, U.S. Attorney Scott W. Brady for the Western District of Pennsylvania, Assistant Director Michael McGarrity of the FBI's Counterterrorism Division and Special Agent in Charge Robert Jones of the FBI's Pittsburgh Division. "Targeting places of worship is beyond the pale, no matter what the motivation," said Assistant Attorney General Demers. "The defendant is alleged to have plotted just such an attack of a church in Pittsburgh in the name of ISIS. The National Security Division and our partners will continue our efforts to identify and bring to justice individuals in our country who seek to commit violence on behalf of ISIS and other terrorist organizations. I want to thank the agents, analysts, and prosecutors who are responsible for this investigation." "Our top priority is protecting the citizens of western Pennsylvania," said U.S. Attorney Brady. "Every day investigators and prosecutors work tirelessly behind the scenes to disrupt terrorist activity and keep our community safe. While the public does not always see the results of the hard work of these dedicated men and women, this case is a visible demonstration of our commitment to rooting out terrorists and bringing them to justice." "Court documents show Mustafa Alowemer planned to attack a church

in the name of ISIS, which could have killed or injured many people. Fortunately, his plans were foiled by the full force of the FBI Pittsburgh Joint Terrorism Task Force," said Assistant Director McGarrity. "The FBI takes threats to churches and other religious institutions extremely seriously and will use all our resources to stop potential terrorist attacks against them." ("Syrian Man Arrested On Terrorism Charges After Planning Attack On Christian Church," Office Of Public Affairs, U.S. Department Of Justice, 6/19/19)

- **In 2016, Two Palestinian Refugees Were Arrested on Terrorism Charges.** "Two refugees arrested this week on federal terrorism-related charges were in communication with each other, a law enforcement official told CNN. Both men are Palestinians who were born in Iraq and came to the United States as refugees, according to the U.S. Justice Department. And both are accused of lying to immigration officials about their alleged ties to terrorist organizations. The two men were arrested Thursday. Omar Faraj Saeed Al Hardan, 24, of Houston, was charged with attempting to provide material support to ISIS. Aws Mohammed Younis Al-Jayab, 23, of Sacramento, California, was charged with making a false statement involving international terrorism. Citing social media communications, the criminal complaint against Jayab said he spoke with an unnamed Texas resident about weapons and training in Syria. That unnamed individual is Hardan, according to the law enforcement source. "I need to learn from your weapon expertise," the individual wrote to Jayab, according to the complaint. In his reply, Jayab wrote, "We will make your abilities very strong," according to authorities. "Our concern now is only to arrive there," Jayab went on. "When you arrive to al-Sham [Syria] you will be trained." It was not immediately clear whether Hardan or Jayab had retained legal representation. They are both scheduled to appear in court Friday." (Catherine E. Shoichet And Joshua Berlinger, "Feds Arrest 2 Middle East Refugees On Terror-Link Charges," CNN, 1/8/16)

- **In 2019, Two Somalian Refugees Were Arrested for Providing Material Support to ISIS.** "John Demers, Assistant Attorney General for National Security, Michael Bailey, the United States Attorney for the District of Arizona, Michael McGarrity, Assistant Director of the FBI's Counterterrorism Division, and Sean Kaul, Special Agent in Charge of the FBI Phoenix Field Office, announced that on July 26, Ahmed Mahad Mohamed and Abdi Yemani Hussein, were arrested for conspiring to provide material support and resources to ISIS, a designated foreign terrorist organization. According to the criminal complaint, the defendants had been in communication with an FBI undercover employee whom they believed was a supporter of ISIS ideology. These communications revealed the defendants' desire to travel overseas in order to fight on behalf of ISIS or to conduct an attack within the United States if they were unable to travel. Ultimately, the defendants purchased airline tickets to travel to Egypt, with the intention to travel on to Sinai and join ISIS. FBI agents arrested Mohamed and Hussein after they checked in for their flight at the Tucson International Airport in Arizona. According to court documents, both defendants came to the United States as refugees from Somalia. At the time of their arrest, Mohamed had obtained lawful permanent resident status and Hussein remained a refugee." ("Two Men Arrested For Conspiring To Provide Material Support To ISIS," Office Of Public Affairs, U.S. Department Of Justice, 7/29/19)

- **In 2018, a Member of Al Qaeda Wanted for Murder, Who Came to the United States as a Refugee from Iraq, Was Arrested in California.** "Omar Ameen, 45, an Iraqi national, wanted on a murder charge in Iraq, appeared before a federal magistrate judge in Sacramento, California today in connection with proceedings to extradite him to face trial in Iraq. Ameen settled in Sacramento as a purported refugee and attempted to gain legal status in the United States. The arrest was announced by Assistant Attorney General for National Security John C. Demers, Assistant Attorney General Brian A. Benczkowski of the Justice Department's Criminal Division, U.S. Attorney McGregor W. Scott for the Eastern District of California, Assistant Director Michael McGarrity of the FBI's Counterterrorism Division, and Special Agent in Charge Sean Ragan of the FBI's Sacramento Field Office. An arrest warrant charging Ameen with the 2014 murder of an Iraqi police officer was issued on May 16, by a judge of the Baghdad Federal Al-Karkh Inquiry Court. In accordance with its treaty obligations with Iraq, the United States filed a complaint in Sacramento seeking a warrant for Ameen's arrest based on the extradition request. U.S. Magistrate Judge Edmund F. Brennan issued the warrant on Tuesday, and Ameen was

arrested by the FBI Joint Terrorism Task Force in Sacramento today. The Iraqi arrest warrant and extradition request allege that after the town of Rawah, Iraq fell to the Islamic State of Iraq and al-Sham (ISIS) on June 21, 2014, Ameen entered the town with a caravan of ISIS vehicles and drove to the house of the victim, who had served as an officer in the Rawah Police Department. On the evening of June 22, 2014, after the caravan arrived at the victim's house, Ameen and other members of the convoy allegedly opened fire on the victim. Ameen then allegedly fired his weapon at the victim while the victim was on the ground, killing him. Ameen, originally of Rawah, in the Anbar province of Iraq, fled Iraq following the alleged murder, and later settled in Sacramento as a purported refugee. It is alleged that Ameen's family supported and assisted the installation of al-Qaeda in Iraq (AQI) in Rawah, and that Ameen was a member of AQI and ISIS. It is also alleged that he participated in various activities in support of those terrorist organizations, including helping to plant improvised explosive devices, and committing the murder that is the subject of the extradition request. Ameen concealed his membership in those terrorist groups when he applied for refugee status, and later when he applied for a green card in the United States. The details contained in the charging document are allegations and have not been proven in court. Today's arrest and efforts to initiate the extradition process are the product of a coordinated effort by the U.S. Department of Justice — in particular the Criminal Division's Office of International Affairs, which played a significant role — the U.S. Department of State, the FBI — in particular the FBI Sacramento Field Office which provided considerable resources to further this investigation and ensure the safety of the American people throughout it — and ICE-Homeland Security Investigations." (https://www.justice.gov/opa/pr/iraqi-national-wanted-murder-iraq-arrested-california)

- **In 2013, Several Dozen Known Terrorists, Including Some Who Killed American Troops, Entered the United States as Refugees.** "Several dozen suspected terrorist bombmakers, including some believed to have targeted American troops, may have mistakenly been allowed to move to the United States as war refugees, according to FBI agents investigating the remnants of roadside bombs recovered from Iraq and Afghanistan. The discovery in 2009 of two al Qaeda-Iraq terrorists living as refugees in Bowling Green, Kentucky -- who later admitted in court that they'd attacked U.S. soldiers in Iraq -- prompted the bureau to assign hundreds of specialists to an around-the-clock effort aimed at checking its archive of 100,000 improvised explosive devices collected in the war zones, known as IEDs, for other suspected terrorists' fingerprints." (Iraqi National Wanted For Murder In Iraq Arrested In California," Office Of Public Affairs, U.S. Department Of Justice, 8/15/18)

- **As a Result of the Breach, The Obama Administration Banned Refugees from Iraq for Six Months Despite Riley's Arguments Against the Trump Administration's Executive Order**. "As a result of the Kentucky case, the State Department stopped processing Iraq refugees for six months in 2011, federal officials told ABC News – even for many who had heroically helped U.S. forces as interpreters and intelligence assets. One Iraqi who had aided American troops was assassinated before his refugee application could be processed, because of the immigration delays, two U.S. officials said. In 2011, fewer than 10,000 Iraqis were resettled as refugees in the U.S., half the number from the year before, State Department statistics show." ("Exclusive: US Maye Have Let 'Dozens' Of Terrorists Into Our Country As Refugees," ABC News, 11/29/13)

In 2017, Riley Filed an Amicus Brief in the 9th Circuit Court of Appeals (California) on Behalf of Former Immigration Enforcement Officials from the Obama Administration Against President Trump's Executive Order Banning Foreign Nationals from Countries That Support Terrorism. "As former leaders of the nation's primary immigration enforcement agencies, amici are familiar with the historical underpinnings of the immigration laws' prohibition of national-origin discrimination. In amici's experience, adhering to these laws respects that history and serves our values; promotes counterterrorism goals by focusing threat evaluations on individual rather than group characteristics; and facilitates cooperation with both domestic Muslim communities and foreign government partners in majority-Muslim nations. Amici's experience demonstrates that suspending entry of all nationals from a group of such countries would undermine

these goals by contravening long-settled laws against national-origin discrimination, substituting rote stereotyping for targeted assessment, and straining the United States' relationships with key allies. Amici support the district court's preliminary-injunction order and urge this Court to deny the Government's motion to stay the order pending this appeal. Amici expect that the parties' briefs will thoroughly address the issues arising under the Establishment Clause, including whether the predominant purpose of the challenged Executive action is to disfavor Muslims. Amici therefore focus on two other issues: (i) the history, meaning, and effect of the immigration laws' prohibition on national-origin discrimination, which confirm the legal merit of plaintiffs-appellants' statutory claims, and (ii) the consequences of suspending all entry from certain majority-Muslim countries, which compel the conclusions that the challenged Executive action serves no valid policy objective and that no irreparable harm would result from denying a stay and affirming the injunction order." ("Brief of Former Federal Immigration and Homeland Security Officials as Amici Curiae in Support of Plaintiffs-Appellees and Affirmance," HAWAII & ISMAIL ELSHIKH v. TRUMP, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, Case # 17-15589, Filed 4/21/17)

In 2017, Riley Filed an Amicus Brief on Behalf of Former Obama Administration Immigration Enforcement Officials in Opposition to President Trump's Immigration Enforcement Policies and in Support of Deferred Action Policies Related to Certain Illegal Immigrants (aka DACA). "As former leaders of the nation's primary immigration enforcement agencies, amici are familiar with the historical underpinnings of deferred action policies like DACA. Amici's relevant experience includes first-hand administration of other deferred action policies and testimony before Congress explaining these policies and their benefits. Amici's experience reveals the vital role that these policies play in facilitating the rational and humane enforcement of federal immigration law, which has historically established laudable policy objectives that have been backed with inadequate resources; because the Executive Branch has lacked the resources to take action against every person residing in the United States who may be removable, it has seen fit to prioritize enforcement against those who pose threats to public safety or national security over enforcement as to others. Amici's experience thereby teaches that reasoned use of deferred action policies in the immigration context can further the national security interests, humanitarian values, and rule of law principles underlying federal immigration legislation. ... For more than half of a century, Administrations of both Republican and Democratic Presidents have implemented policies designed to delay—in many cases indefinitely—the enforcement of deportation and other requirements created by federal immigration legislation. The Executive Branch has relied on these "deferred action" policies to enforce federal immigration laws in a manner that is rational, humane, and in furtherance of important national interests. These deferred action policies also allow for the most efficient and effective enforcement of the immigration laws by focusing scarce resources on the highest-priority cases." ("BRIEF OF FORMER FEDERAL IMMIGRATION AND HOMELAND SECURITY OFFICIALS AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION," STATES OF NEW YORK, MASSACHUSETTS, WASHINGTON, COLORADO, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, HAWAII, ILLINOIS, IOWA, NEW MEXICO, NORTH CAROLINA, OREGON, PENNSYLVANIA, RHODE ISLAND, VERMONT, and VIRGINIA v. DONALD J. TRUMP, in his official capacity as President of the United States, U.S. DEPARTMENT OF HOMELAND SECURITY, KIRSTJEN M. NIELSEN, in her official capacity, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, and the UNITED STATES OF AMERICA, UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK, Case No. 1:17cv5228, Filed 12/22/17)