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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SULEMAN2003, ET AL.

Plaintiff,

v.

**UNITED STATES OF AMERICA, EX
REL. WALTERMONDALE, in his official
capacity as Advisor to the President for
National Security Affairs,**

Defendant.

Civil Action No. 4:20-2216

Hon. KakashiHatake_07

RESPONSE TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Defendant United States of America, through its undersigned attorneys, hereby responds to plaintiffs' motion for a preliminary injunction barring enforcement of their National Security Threat (hereinafter NSTs) statutes.

I. Background

On August 30th, 2020, President Lacryma released an announcement declaring members of the clan VEIN, of which plaintiffs are involved in, National Security Threats. The National Security Threat (hereinafter NST) status prevents an individual from seeking employment within the federal government so long as the individual is classified as such.

Plaintiffs filed suit in this Court, alleging that the United States violated their freedom to seek employment as stated in *Tools v. United States*, 9 U. S. 113 (2020). They filed this motion for a preliminary injunction in order to bar enforcement of their NST statuses until the conclusion of this proceeding.

Defendant United States of America now asks that the Court deny the preliminary injunction as plaintiffs have not made a significant showing on why they have met the test set down in *Winter v. National Resources Defense Council*, 555 U. S. 7 (2008), and affirmed by *United States v. Incels Union*, 10 U. S. ____ (2020).

II. Argument

A. PLAINTIFFS FAIL TO DEMONSTRATE THE FOUR ELEMENTS OF THE WINTER TEST

As the courts have recognized, a preliminary injunction is an extraordinary remedy “never awarded as of right.” *United States v. Incels Union*, 10 U. S. ____, ____ (2020) (slip op., at 7) (quoting *Winter v. National Resources Defense Council*, 555 U. S. 7, 24 (2008)). For a plaintiff’s request for a preliminary injunction to move forward, he must establish that (1) he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and that (4) an injunction is in the public interest.” *Id.* (quoting *Winter*, 555 U. S., at 20). For this case, the Court should particularly consider

the “overall public interest.” *Id.*, see also *Trump v. International Refugee Assistance Project*, 582 U. S. ___, ___ (2017) (slip op. at 9) (*per curiam*).

First, the facts are well known. Plaintiffs are in the group known as VEIN, which seeks to commit various crimes in the District of Columbia. The clan was formally declared a National Security Threat on August 30th, 2020, when a document was released by the National Security Council announcing said declaration against the group.


Members of VEIN automatically lose their NST status upon leaving the clan, according to the statement by the National Security Council. Plaintiffs therefore cannot argue that they are likely to succeed on the merits when an alternate method is already viable for them to have their NST statuses canceled.

It would clearly not be in the public interest to allow members of a well-known criminal group to seek employment in the executive branch. The implications are simple: first, criminals work for the government they work against. This presents an incredible security concern if these individuals are promoted to higher ranks – leaks may occur, and these individuals can easily go rogue at any time. The fourth prong of the *Winter* test has not been met, and as such, plaintiffs fail the *Winter* test.

III. Conclusion

For the reasons stated above, this court should deny plaintiffs’ motion for a preliminary injunction.

Date: September 2, 2020



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