

No. 19-2122

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In the **United States Court of Appeals**  
**for the First Circuit**

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AFRICAN COMMUNITIES TOGETHER; UNDOCUBLACK NETWORK;  
DAVID KROMA; MOMOLU BONGAY; OTHELLO A.S.C. DENNIS; YATTA  
KIAZOLU; CHRISTINA WILSON; JERRYDEAN SIMPSON; C. B., by and  
through their father and next friend David Kroma; AL. K., by and through their  
father and next friend David Kroma; D. D., by and through their father and next  
friend David Kroma; AI. K., by and through their father and next friend David  
Kroma; AD. K., by and through their father and next friend David Kroma; O. D.,  
by and through their father and next friend Othello A.S.C. Dennis; A. D., by and  
through their father and next friend Othello A.S.C. Dennis; O. S., by and through  
their father and next friend Jerrydean Simpson; D. K., by and through their  
father and next friend David Kroma,

*Plaintiffs – Appellants,*

v.

DONALD J. TRUMP, in his official capacity as President of the United States;  
KEVIN K. MCALEENAN; in his official capacity as Acting Secretary of the  
Department of Homeland Security,

*Defendants – Appellees.*

On Appeal from the United States District Court  
for the District of Massachusetts, No. 4:19-cv-10432  
Hon. Judge Timothy S. Hillman

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**APPELLANTS' BRIEF**

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## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1, African Communities Together (ACT) and UndocuBlack Network (UBN) state that they have no parent companies and no publicly held corporation has an ownership of ten percent or more in ACT or UBN.

s/ Dennis H. Hranitzky  
Dennis H. Hranitzky

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## **REASONS WHY ORAL ARGUMENT SHOULD BE HEARD**

This appeal involves the extent of the federal courts' power to remedy violations of fundamental constitutional rights by the Executive Branch, including the President of the United States. Oral argument will facilitate full development of the constitutional issues that will be raised in the parties' briefs.

## **JURISDICTIONAL STATEMENT**

Appellants appeal from the Opinion and Order issued by the United States District Court for the District of Massachusetts on October 25, 2019, granting Appellees' motion to dismiss for lack of jurisdiction. Appellants seek declaratory and equitable relief for violation of equal protection and due process under the Fifth Amendment of the United States Constitution. The District Court had jurisdiction under 28 U.S.C. § 1331 as Appellants asserted constitutional claims that presented a federal question.

This Court has jurisdiction under 28 U.S.C. § 1291. The District Court issued a final decision by entering an order on October 25, 2019, dismissing all of Appellants' claims. Appellants then filed a timely Notice of Appeal on November 1, 2019.

## **STATEMENT OF ISSUES**

This appeal raises three narrow issues:

1. Did the District Court err in holding that there is no remedy available to Appellants that will have the substantial probability of redressing their alleged constitutional injuries even though the District Court has the authority to grant injunctive and declaratory relief against the President, his subordinates, and government agencies?

2. Did the District Court err in holding that a declaratory judgment declaring that the President's termination of Deferred Enforced Departure (DED) for Liberian nationals violated the Constitution due to racial animus cannot redress Appellants' injury?

3. Did the District Court err in holding that enjoining the Acting Secretary of Homeland Security and the Department of Homeland Security from enforcing the termination of DED for Liberian nationals cannot redress Appellants' injury?

### **STATEMENT OF THE CASE**

Since 1991, Deferred Enforced Departure (DED), a life-saving humanitarian relief program, has protected Liberians living in the United States from deportation. Republican and Democratic presidents over four administrations found it necessary to extend this program because of the fragile economic, humanitarian, and security situation in war-torn Liberia. In 2018, however, President Trump issued a Presidential Memorandum that announced the termination of DED on March 31, 2019. Later extended to March 31, 2020, the termination of DED will strip thousands of Liberians of their ability to earn a living and immediately subject them to deportation. Despite purporting to base this decision on improved conditions in Liberia, a motivating factor in President

The balance of this brief has been omitted for this sample.  
For a complete version of this brief, please contact our office.

Thank you.