

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

RABI AWIL MOHAMED

Plaintiff,

v.

UR M. JADDOU, in her official capacity
as Director of United States Citizenship
and Immigration Services; *and*

RENA BITTER, in her official capacity
as Assistant Secretary of State for
Consular Affairs

Defendants.

COMPLAINT

Civil Action No. 23-cv-902

INTRODUCTION

1. Plaintiff Rabi Awil Mohamed (“Mr. Mohamed”), who came to the United States as a refugee after fleeing violence and persecution in Somalia, files this lawsuit seeking prompt adjudication of his petitions to enable his wife and two sons to join him in the United States after more than six years of waiting.

2. Under the Refugee Act, refugees like Mr. Mohamed can petition for their spouse and children to join them in the United States. Defendants must grant Mr. Mohamed’s family reunification petitions if they determine that he is married to his wife, that he is the father of his children, and that the beneficiaries are otherwise admissible to the United States.

3. In August 2016, Mr. Mohamed petitioned for his wife and two sons to join him. Over the last six and a half years, Mr. Mohamed has responded to multiple requests for additional documentation, obtained assistance from his congressional representative, and repeatedly requested his family’s immigration files. Still, Mr. Mohamed’s petitions remain stuck at the first stage of processing, waiting for Defendant United States Citizenship & Immigration Services (“USCIS”) to verify his relationship to his wife and sons.

4. In March 2023, Mr. Mohamed obtained his family’s immigration files and learned, for the first time, that USCIS may have temporarily closed his sons’ cases because he did not submit DNA evidence—even though DNA testing is

optional and Mr. Mohamed previously submitted the evidence that Defendants' regulations require.

5. While Mr. Mohamed waits for Defendants to decide his family reunification petitions, his wife and sons are living under difficult circumstances in a refugee camp in Ethiopia. And Mr. Mohamed has missed watching his sons grow up. He was not present when his second son was born or took his first steps—and he has never met his youngest son, who was born more than three years after Mr. Mohamed first petitioned to reunite with his family.

6. Mr. Mohamed has waited six and a half years for his family to join him in safety, so that they can build a life together in Minnesota. He and his family are harmed by each additional day that they spend apart.

THE PARTIES

7. Plaintiff Rabi Awil Mohamed is a U.S. lawful permanent resident residing in Saint Cloud, Minnesota. Mr. Mohamed filed family reunification petitions for his wife and their two oldest sons in August 2016 and is still waiting for a final decision.

8. Defendant Ur M. Jaddou is sued in her official capacity as Director of USCIS, a component agency of the Department of Homeland Security. Defendant Jaddou directly oversees USCIS's operations, including the processing and adjudication of Mr. Mohamed's family reunification petitions.

9. Defendant Rena Bitter is sued in her official capacity as Assistant Secretary of State for Consular Affairs, a component agency of the U.S. Department of State (“State Department”). Defendant Bitter directly oversees all U.S. embassies, including the U.S. Embassy in Addis Ababa, Ethiopia, which is responsible for certain stages of the processing and adjudication of Mr. Mohamed’s family reunification petitions.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1361 (Mandamus Act). This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act).

11. Venue is proper in the District of Minnesota under 28 U.S.C. § 1391(e)(1). Mr. Mohamed resides in this District. Each Defendant is an agency of the United States or an officer of the United States sued in her official capacity. No real property is involved in this action.

FACTUAL BACKGROUND

Mr. Mohamed’s Path to Safety and Separation from His Family

12. Mr. Mohamed was resettled as a refugee in Minnesota in 2015 and has lived in Minnesota for more than seven years.

13. When Mr. Mohamed was a young child, he and his family fled Somalia to escape war and persecution. Mr. Mohamed grew up in a refugee camp in Ethiopia.

14. After arriving in the camp, Mr. Mohamed's parents filed a case for the family to be resettled to the United States as refugees. The United States High Commissioner for Refugees referred their case to the U.S. Refugee Admissions Program, a process that can take many years.

15. While living in the camp, Mr. Mohamed met and began dating Sahra Abdi Abdulahi ("Ms. Abdulahi"). Like Mr. Mohamed, Ms. Abdulahi is a refugee from Somalia and grew up in the refugee camp.

16. Life in the camp was difficult and bleak: refugees had few, if any, work opportunities and there was not always enough food. Mr. Mohamed and Ms. Abdulahi entertained themselves by daydreaming together about what their lives would be like outside the camp.

17. Mr. Mohamed and Ms. Abdulahi got married in 2011.

18. In April 2012, the couple's oldest son was born.

19. While life was a struggle, Mr. Mohamed and Ms. Abdulahi were happy together. Mr. Mohamed adored his young son, whom he would often carry around on his back.

20. In 2015, Mr. Mohamed was approved to be resettled to the United States as a refugee based on the application his parents filed when he was a minor.

21. Because he understood that adding his wife and young son to his refugee case would significantly delay processing, Mr. Mohamed made the difficult decision to travel to the United States alone, hoping that his family would soon be able to join him in the United States.

22. By the time Mr. Mohamed left for the United States, Ms. Abdulahi was pregnant with their second child.

Mr. Mohamed's Right to Family Reunification

23. Congress enshrined a family's right to reunification as part of the Refugee Act of 1980. *See* Pub. L. No. 96-212, 94 Stat. 102, 103 (1980).

24. Under the Refugee Act, a refugee who has been admitted to the United States has the right to bring their spouse and unmarried children to join them here, as long as they establish the family connection and the spouse and children are not inadmissible. *See* 8 U.S.C. § 1157(c)(2)(A).

Phase I: Initial Eligibility Determination

25. To exercise the right to family reunification, a refugee who has reached the United States must file a Form I-730 petition with USCIS for each eligible family member demonstrating that: (1) the petitioner entered the United States as a refugee; (2) the proposed beneficiary is an eligible spouse or unmarried

minor child; and (3) the petition has been filed within two years of the petitioner's admission to the United States as a refugee. *See* 8 C.F.R. § 207.7(d), (e).

26. Per USCIS's regulation, "[i]f the evidence submitted with a benefit request establishes eligibility, USCIS *will* approve the benefit" if the benefit in question is non-discretionary. 8 C.F.R. § 103.2 (b)(8)(i) (emphasis added).

27. Benefits under the I-730 refugee process for eligible beneficiaries are non-discretionary. *See* 8 U.S.C. § 1157(c)(2)(A).

28. Primary evidence is evidence that, on its own, demonstrates that the beneficiary is eligible for a particular immigration benefit.

29. A civil marriage certificate, combined with proof of termination of any prior marriages, constitutes primary evidence of the existence of a spousal relationship under Defendants' regulations. 8 C.F.R. § 204.2(a)(2).

30. A birth certificate issued by civil authorities, which lists both parents' names, and a copy of the parents' civil marriage certificate constitutes primary evidence of a parent-child relationship. 8 C.F.R. § 204.2(d)(2)(i).

31. If primary evidence is unavailable, USCIS policy provides that secondary evidence may be used to establish that the beneficiary is a qualifying spouse or minor child. 8 C.F.R. §§ 103.2(b)(2), 204.2(d)(2)(v).

32. USCIS considers DNA evidence to be secondary evidence. USCIS Policy Manual, Ch. 6 n.20, <https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-6#footnotelink-20> (last visited Apr. 10, 2023).

33. USCIS policy is clear that submission of DNA evidence is voluntary and can never be required. *Id.*

34. The USCIS Policy Manual provides that “an officer should not issue an RFE [Request for Evidence] . . . if the officer determines the evidence already submitted establishes eligibility or ineligibility for the request.” USCIS Policy Manual, Ch. 6(F) - Evidence, *available at* <https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-6> (last visited Apr. 10, 2023)

35. The USCIS Policy Manual further warns that “[a]n unnecessary RFE . . . can delay case completion and result in additional unnecessary costs to both the government and the benefit requestor.” *Id.*

36. USCIS looks to the State Department’s visa reciprocity table to determine, on a country-by-country basis, which specific documents qualify as primary evidence of a spousal or parent-child relationship.

37. If USCIS determines that the I-730 petition is complete and timely and that the petitioner and beneficiary appear to be eligible for this immigration benefit, USCIS must approve the petition pending an admissibility determination of the beneficiary.

38. Once USCIS approves the petition, it sends the approved petition to the National Visa Center within the State Department.

Phase II: Overseas Processing and Admission to the United States

39. The National Visa Center forwards the approved petition to an overseas post for a determination on whether the beneficiary is admissible. The overseas post may be a USCIS International Office or a U.S. Embassy, depending on the location of the beneficiary.

40. The overseas post makes the admissibility determination by interviewing the beneficiary, collecting fingerprints if necessary, and reviewing results from a medical exam, security vetting, and background checks.

41. If the overseas post determines that the beneficiary is admissible, it must issue a “travel packet” and a boarding foil that allow the beneficiary to travel to the United States.

42. The International Organization for Migration, a State Department contractor, assists the approved beneficiary in arranging travel to the United States.

43. Before the beneficiary is admitted into the United States, the government agencies involved in processing the I-730 petition may revoke a prior approval, cancel scheduled travel to the United States, and/or return the petition to previous processing steps.

44. Medical exams, security checks, and the boarding foil all have expiration dates after which they must be repeated or reissued. If the beneficiary does not travel before the respective expiration dates, the beneficiary will have to repeat the processing steps.

The Delay in Adjudicating Mr. Mohamed's Family Reunification Petitions

45. Mr. Mohamed filed family reunification petitions for his wife and their two young sons in August 2016.

46. After Mr. Mohamed had submitted his petitions, USCIS changed its policy to require an additional form (called a Form I-590) to be completed for each beneficiary of a family reunification petition.

47. In 2018, USCIS requested that Mr. Mohamed submit a Form I-590 for each of the beneficiaries. Mr. Mohamed responded to this request in August 2018.

48. That same year, Mr. Mohamed reached out to his congressional representative to ask for help with his pending petitions. Congressman Emmer submitted an inquiry to USCIS, which highlighted Mr. Mohamed's concerns about his family's well-being.

49. In August 2021 – five years after Mr. Mohamed submitted his initial petitions and three years after he responded to the request for I-590s – USCIS issued a request asking Mr. Mohamed to submit even more evidence to prove his relationship to his wife and sons.

50. Mr. Mohamed responded to USCIS's request in December 2021. This submission included copies of his sons' birth certificates, which were issued by the Ethiopian Vital Events Statistics Registration Agency, and an updated marriage certificate issued by the Ethiopian Vital Events Statistics Registration Agency.

51. According to the State Department Visa Reciprocity Table, the U.S. government recognizes birth and marriage certificates issued by the Ethiopian Vital Events Statistics Registration Agency as official documentation. *See* Reciprocity Schedule, Ethiopia, *available at* <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Ethiopia.html> (last visited Apr. 10, 2023).

52. Pursuant to USCIS regulations, the documents Mr. Mohamed submitted constitute primary evidence of his relationship to his wife and sons.

53. In February 2022, USCIS transferred Mr. Mohamed's petitions to the Asylum Vetting Center in Atlanta, Georgia.

54. For more than a year, USCIS has not updated Mr. Mohamed on the status of his family reunification petitions.

55. Beginning in November 2022, Mr. Mohamed and his family filed several Freedom of Information Act requests for their immigration files, in an effort to understand why the petitions had been pending over six years.

56. USCIS produced some responsive records in March 2023.

57. These records contained notices stating that the petitions for Mr. Mohamed's sons were being administratively (temporarily) closed until Mr. Mohamed submitted DNA evidence.

58. By administratively closing the cases, USCIS is effectively requiring Mr. Mohamed to submit DNA evidence to prove his relationship with his sons.

59. Mr. Mohamed never received these notices.

60. Because these notices were undated, unsigned, and stamped as a "file copy," it is unclear whether they were ever finalized or sent to Mr. Mohamed.

61. When Mr. Mohamed checks on the status of his petitions using USCIS's online case tracker, the tracker indicates that his case was received in August 2016.

62. As a result of this conflicting information, Mr. Mohamed does not know whether his petitions for his sons are still being processed.

63. More than six years after Mr. Mohamed first submitted his family reunification petitions, he is still waiting for USCIS to make a threshold determination that he is married to Ms. Abdulahi and that he is the father of his two older sons.

The Harms of Prolonged Family Separation

64. The lengthy separation and continued uncertainty about when they will be able to be together is very painful for Mr. Mohamed, Ms. Abdulahi, and their children.

65. After Mr. Mohamed left Ethiopia, his oldest son, still a young child at the time, had trouble sleeping at night. Mr. Mohamed's son used to cry and ask when his father would come home.

66. When his second son was born in April 2016, Mr. Mohamed was not able to be present to hold his baby son, or to support his wife in recovering from childbirth and caring for their children.

67. Ms. Abdulahi told him that the family's food rations had been cut and that she and his sons were hungry much of the time. Mr. Mohamed felt distressed by his family's difficult living situation and wished that he could be with his wife and sons to provide for and protect them.

68. Since coming to the United States more than seven years ago, Mr. Mohamed has only been able to visit his family once.

69. During Mr. Mohamed's visit, Ms. Abdulahi became pregnant with their third and youngest son, who was born in October 2019. Mr. Mohamed has never met his youngest son in person.

70. Because so much time has elapsed with his family reunification petitions pending before USCIS, Mr. Mohamed's youngest son was born too late to be added to the original petitions. As a result, Mr. Mohamed needed to file a separate I-130 petition for his youngest son, which is currently pending.

71. Ms. Abdulahi tells Mr. Mohamed that she misses him very much, and that she also feels lonely and sad.

72. Although Mr. Mohamed talks to his wife and children by phone whenever he can, he cannot physically be there to care for his young children, ensure they are clothed and fed, and hug and comfort his family.

73. Mr. Mohamed regularly sends money to support his wife and children. However, maintaining two households is financially burdensome for Mr. Mohamed, and he worries that he will not be able to do this indefinitely.

FIRST CAUSE OF ACTION
Administrative Procedure Act

74. The foregoing allegations are repeated and incorporated as though fully set forth herein.

75. Defendants have a nondiscretionary duty to adjudicate Plaintiff's I-730 petitions. *See* 8 U.S.C. § 1157(c)(2); 8 C.F.R. § 207.7; 5 U.S.C. § 555(b).

76. Defendants have violated the Administrative Procedure Act by failing to adjudicate Plaintiff's I-730 petitions within a reasonable time. *See* 5 U.S.C. § 555(b).

77. Plaintiff is entitled to an order compelling Defendants to adjudicate his I-730 petitions. *See* 5 U.S.C. § 706(1).

SECOND CAUSE OF ACTION
Mandamus

78. The foregoing allegations are repeated and incorporated as though fully set forth herein.

79. Defendants owe Plaintiff a non-discretionary duty to adjudicate his I-730 petitions. *See* U.S.C. § 1157(c)(2); 8 C.F.R. § 207.7; 5 U.S.C. § 555(b).

80. Plaintiff has no other means to compel Defendants to perform the nondiscretionary duty that Defendants owe him.

81. Plaintiff is entitled to a writ of mandamus under 28 U.S.C. §§ 1361 and 1651 and the Court's inherent equitable authority compelling Defendants' to promptly adjudicate Plaintiff's I-730 petitions.

THIRD CAUSE OF ACTION
Fifth Amendment - Due Process

82. The foregoing allegations are repeated and incorporated as though fully set forth herein.

83. Plaintiff, who is a legal permanent resident who adjusted from refugee status, has a statutorily created entitlement to the adjudication of his I-730 petitions. Defendants' delay in adjudicating Plaintiff's petitions constitutes a deprivation of Plaintiff's protected interest without due process.

84. Defendants' delay is egregious and it is without any rational justification.

85. Defendants' conduct violates Plaintiff's substantive and procedural due process rights protected by the Fifth Amendment of the Constitution.

FOURTH CAUSE OF ACTION

Accardi

86. The foregoing allegations are repeated and incorporated as though fully set forth herein.

87. Mr. Mohamed submitted primary evidence establishing that he is the father of his two older sons.

88. USCIS has not approved Mr. Mohamed's family reunification petitions for his sons despite Mr. Mohamed's submission of primary evidence.

89. USCIS's decision not to approve Mr. Mohamed's family reunification petitions for his sons, and to instead require additional evidence constitutes final agency action that violates agency procedures, including those at 8 C.F.R. §§ 103.2, 204.2(d)(2)(i), (v) and the USCIS Policy Manual.

90. USCIS's failure to adhere to its policy of approving an I-730 petition based on primary evidence of a qualifying relationship and pending an admissibility determination for the beneficiary, has caused Mr. Mohamed substantial prejudice.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Declare pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, that Defendants' delay in the adjudication of Plaintiff's I-730 petitions is unreasonable under the APA, 5 U.S.C. § 706(1), and a violation of Plaintiff's Fifth Amendment Due Process rights;
2. Declare that Defendants shall not require Plaintiff to submit DNA evidence to prove a parent-child relationship, and that Defendants cannot require I-730 petitioners to submit DNA evidence under USCIS's current policies;
3. Issue an order requiring Defendant USCIS to vacate or set aside the administrative closure notices for Plaintiff's petitions, and further order Defendant USCIS to adjudicate the petitions based on Plaintiff's submission of primary evidence in accordance with Defendant's regulations;
4. Issue an order that requires Defendants to promptly adjudicate Plaintiff's I-730 petitions;
5. Issue a writ of mandamus, pursuant to 28 U.S.C. §§ 1361 and 1651, directing Defendants to adjudicate Plaintiff's I-730 petitions;
6. Retain jurisdiction over this action and any attendant proceedings until Defendants have finally adjudicated Plaintiff's I-730 petitions, and have communicated the results of such adjudications to Plaintiff and the Court;

7. Award Plaintiff's attorneys' fees and costs pursuant to 28 U.S.C. § 2412; and

8. Award such other and further relief that the Court may deem just and proper.

Dated: April 11, 2023

Respectfully submitted,

Alexandra Zaretsky*
INTERNATIONAL REFUGEE
ASSISTANCE PROJECT
One Battery Park Plaza, 33rd Floor
New York, NY 10004
azaretsky@refugeerights.org
Tel: (646)-522-3043
Fax: (516) 325-2267

/s/Marc Prokosch
Marc Prokosch
PROKOSCH LAW LLC
1700 West Highway 36, Suite 570
Roseville, MN 55113
marc@prokoschlaw.com
(651) 333-3039

Melissa Keaney*
INTERNATIONAL REFUGEE
ASSISTANCE PROJECT
P.O. Box 2291
Fair Oaks, CA 95628
Tel: (916) 546-6125
mkeaney@refugeerights.org

* Motion for pro hac vice forthcoming

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Rabi Awil Mohamed
(b) County of Residence of First Listed Plaintiff Stearns County
(c) Attorneys (Firm Name, Address, and Telephone Number)
Marc Prokosch
Prokosch Law, LLC
1700 West Highway 36, suite 570, Roseville MN 55113
651-333-3039

DEFENDANTS
Ur M. Jaddou and Rena Bitter
County of Residence of First Listed Defendant Washington D.C.
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
US Attorney for the District of Minnesota
300 South Fourth Street
Minneapolis, MN 55415

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
PERSONAL INJURY
REAL PROPERTY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC § 1361 and 5 USC § 701 et seq
Brief description of cause:
Complaint for Declaratory Review and Writ of Mandamus

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER

DATE 4/11/23
SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY
RECEIPT #
AMOUNT
APPLYING IFP
JUDGE
MAG. JUDGE
JS 44 Reverse (Rev. 06/17)

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use
(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the
(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.