

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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NATIONAL DAY LABORER ORGANIZING  
NETWORK; CENTER FOR CONSTITUTIONAL  
RIGHTS; and IMMIGRATION JUSTICE  
CLINIC OF THE BENJAMIN N. CARDOZO  
SCHOOL OF LAW,

**ECF CASE**

10-CV-3488 (SAS) (KNF)

[Rel. 10-CV-2705]

Plaintiffs.

v.

UNITED STATES IMMIGRATION  
AND CUSTOMS ENFORCEMENT AGENCY;  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY;  
FEDERAL BUREAU OF INVESTIGATION;  
and OFFICE OF LEGAL COUNSEL

**NOTICE OF  
MOTION FOR  
PRELIMINARY  
INJUNCTION**

Defendants.

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**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION  
COMPELLING DEFENDANTS TO PRODUCE LIMITED "OPT-OUT" RECORDS  
RESPONSIVE TO PLAINTIFFS' FOIA REQUESTS**

PLEASE TAKE NOTICE that the National Day Laborer Organizing Network, Center for Constitutional Rights, and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law (collectively "Plaintiffs"), by their undersigned attorneys will move this Court pursuant to the Memorandum of Law in Support of said motion and Declaration of Bridget Kessler and exhibits annexed thereto for an order under the Federal Rule of Civil Procedure 65(a) for a preliminary injunction requiring the Department of Homeland Security, the Immigration and Customs Enforcement, the Federal Bureau of Investigation and the Office of

Legal Counsel (“Defendants”) to promptly search for, process and produce “Opt-Out Records,” which are records that pertain to the existence or inexistence of a procedure for states or localities to decline or limit participation in Secure Communities or, regardless of the existence of such procedures, pertain to the technological capacity of Immigration and Customs Enforcement agency and the Federal Bureau of Information to honor requests to opt-out, opt-in or limit participation in Secure Communities; and providing for expedited partial summary judgment briefing on any contested claimed exemptions. Said motion will be heard by the Honorable Shira A. Sheindlin, United States Courthouse, 500 Pearl Street, New York, New York, on a date to be determined by the Court.

Dated: October 28, 2010

Respectfully submitted,

/s/

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