

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

ANGE SAMMA *et al.*, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants.

No. 20-cv-01104-PLF

**NOTICE OF FILING CORRESPONDENCE REGARDING
CONTINUED NON-COMPLIANCE**

Plaintiffs respectfully submit this Notice of Filing to notify the Court of the attached letter, dated December 1, 2021, from Plaintiffs' counsel to Defendants' counsel, describing two new cases of non-compliance.

Dated: December 1, 2021

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Respectfully submitted,

/s/ Scarlet Kim
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December 1, 2021

DELIVERED VIA EMAIL

Liam C. Holland
Trial Attorney
U.S. Department of Justice
Washington, D.C. 20530

Re: *Samma, et al. v. United States Department of Defense, et al.*, No. 20-CV-1104 (D.D.C.)



Dear Liam,

We are writing to raise two new cases of non-compliance that were recently brought to class counsel's attention.

Class counsel recently communicated with class member Emmanuel Odame, who is currently serving in the Selected Reserve of the U.S. Army Reserve with the [REDACTED] in [REDACTED]. Mr. Odame first began his service in June 2019, when he participated in his first drill with his company. In August 2021, during a drill with his company, Mr. Odame submitted his N-426 form for certification to his platoon sergeant, who informed him he would forward the form up his chain of command. In October 2021, Mr. Odame followed up with his platoon sergeant, who informed him that his chain of command had asked him to submit a memorandum stating the period of time that Mr. Odame has served. To date, Mr. Odame has still not received his N-426 certification.

Class counsel also recently communicated with class member Tchaa Wiyao Awadi, who is also currently serving in the Selected Reserve of the U.S. Army Reserve with the [REDACTED] in [REDACTED]. Mr. Awadi first began his service in January 2021, when he participated in his first drill with his company. Mr. Awadi shipped to basic combat training in February 2021 and shipped to advanced individual training ("AIT") at Fort Sam Houston, Texas in April 2021. In May 2021, while training at AIT, Mr. Awadi submitted his N-426 form for certification to his platoon sergeant. However, Mr. Awadi never received his N-426 certification while at AIT.

In June 2021, during his first drill with his company following his graduation from AIT, Mr. Awadi again submitted his N-426 form for certification to his platoon sergeant. In October 2021, Mr. Awadi followed up with his platoon sergeant, who informed him that he was still waiting for his chain of command to

return the certification. To date, Mr. Awadi has still not received his N-426 certification.

Class counsel request that Defendants assist with certification of Mr. Odame and Mr. Awadi's N-426 forms, which are attached to this letter. Mr. Odame has been waiting nearly four months for his N-426 certification; Mr. Awadi has been waiting nearly seven months for his N-426 certification.

Finally, class counsel write regarding class member Jia Ye's N-426 certification. Defendants provided Mr. Ye's N-426 certification to class counsel on October 16, 2021. Mr. Ye applied for naturalization shortly thereafter. On November 12, 2021, Mr. Ye's counsel informed class counsel that Mr. Ye's N-426 certification was rejected by U.S. Citizenship and Immigration Services ("USCIS") because the service end date in Part 3 was left blank. Mr. Ye did not fill out his service end date because he has not yet completed his service. However, USCIS has requested a new N-426 certification by December 12, 2021 to process Mr. Ye's naturalization application.

On November 22, 2021, Mr. Ye approached his chain of command for a new N-426 certification but was informed he would have to wait several weeks to obtain a new certification. To date, he has not received a new N-426 certification. Class counsel would be grateful if Defendants could help with expediting the certification of Mr. Ye's new N-426 form, given the approaching deadline by which he must submit a new certification to USCIS. Class counsel have attached a new N-426 form for Mr. Ye to this letter.

Sincerely,
Scarlet Kim

Counsel to Plaintiffs

Encl.

