

**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 September 15, 2021, from Plaintiffs' counsel to Defendants' counsel, describing two new cases of non-compliance and four continuing cases of non-compliance.

Dated: September 15, 2021

Jennifer Pasquarella
American Civil Liberties Union Foundation
of Southern California
1313 West 8th Street
Los Angeles, CA 90017
(213) 977-5236
jpasquarella@aclusocal.org

Respectfully submitted,

/s/ Scarlet Kim
Scarlet Kim (D.D.C. Bar No. NY0329)
Sana Mayat*
Brett Max Kaufman (D.D.C. Bar. No. NY0224)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
scarletk@aclu.org
smayat@aclu.org
bkaufman@aclu.org

Arthur B. Spitzer (D.D.C. Bar No. 235960)
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street, NW, 2nd Floor
Washington, DC 20005
(202) 601-4266
aspitzer@acludc.org

*Admitted *pro hac vice*

Counsel for Plaintiffs

September 15, 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 counsel to class member Banchao Shu, who shipped to Fort Leonard Wood for basic combat training ("BCT") on July 19, 2021. During his first week at BCT, Mr. Shu asked for assistance with his N-426 certification but no military officer would accept his N-426 paperwork. Mr. Shu continued to follow up with his drill sergeant about his N-426 certification and on August 26, 2021, his drill sergeant finally accepted his N-426 paperwork. Mr. Shu continues to wait for his N-426 certification. His current unit is [REDACTED] Fort Leonard Wood, Missouri.

Class counsel also recently communicated with counsel to class member Jia Ye, who shipped to Fort Sill for BCT on August 16, 2021. During his first week at BCT, Mr. Ye asked for assistance with his N-426 certification but no military officer would accept his N-426 paperwork. Mr. Ye has continued to follow up about his N-426 certification but has still not been able to find a military officer who will accept his N-426 paperwork. Mr. Ye's current unit is [REDACTED] Fort Sill, Oklahoma. Mr. Ye's counsel also provided his roster number, which is [REDACTED].

On August 12, 2021, we wrote to you regarding class member Lichao Li, who encountered non-compliance with the *Samma* Order at Fort Eustis. On August 16, 2021, you provided a certified N-426 form for Mr. Li. Mr. Li applied for naturalization shortly thereafter. On September 2, 2021, Mr. Li received a notice from United States Citizenship and Immigration Services stating that his N-426 form was incomplete. Specifically, box 4 in Part 8, which must be completed by the certifying officer, was left blank. Mr. Li cannot currently

progress his naturalization application until he receives a new, correctly certified N-426 form.

Class counsel request that Defendants assist with certification of Mr. Shu, and Mr. Ye's N-426 forms, which are attached to this letter. Class counsel also request that Defendants provide a new, correctly certified N-426 form for Mr. Li. Class counsel have also attached to this letter another N-426 form for Mr. Li.

Class counsel also request that Defendants immediately certify the N-426 forms of three class members whose N-426 certification requests we have raised in previous letters but remain outstanding: Olubunmi Aregbesola, Olusegun Enikanoselu, and Augustine Ayankoya. Please expedite N-426 certifications for these class members, who have now been waiting well beyond the 30-day time frame set forth in the *Samma* Order.

Finally, class counsel request that Defendants investigate continuing non-compliance at Fort Leonard Wood and Fort Sill to ensure that officials are aware of their duties and responsibilities under the *Samma* Order. Continued non-compliance at Fort Leonard Wood is particularly disturbing because Defendants purport to have taken numerous steps to rectify non-compliance at that military installation. Nevertheless, it appears that class members continue to encounter resistance by their chains of command in assisting them with their N-426 certifications.

Sincerely,
Scarlet Kim

Counsel to Plaintiffs

Encl.

