

Center for Constitutional Rights

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By hand delivery and fax to (718) 260-2457

June 18, 2003

The Honorable Judge John Gleeson
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Turkmen v. Ashcroft*, CV 02-2307 (E.D.N.Y.) (Gleeson, J.)

Dear Judge Gleeson:

Attached please find a Second Amended Class Action Complaint in the above-captioned action and a red-line draft that shows the changes that were made to the first amended complaint. The amended complaint adds, where appropriate, page references to the recently issued report of the Office of the Inspector General of the U.S. Department of Justice entitled "The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks" (OIG Report). The amended complaint also amends the class definition.

In addition, the amended complaint includes the following new claims for relief:

(1) a due process claim based on the failure of the INS to provide Notices to Appear (charging documents) on a timely basis, which had the effect of delaying any administrative or judicial review of their detention (Seventeenth Claim for Relief);

(2) a due process claim and an equal protection claim arising out of defendants' "no bond policy" (Eighteenth and Nineteenth Claims for Relief);

(3) a due process claim arising out of plaintiffs' placement in the maximum security Special Housing Unit of the Metropolitan Detention Center (Twentieth Claim for Relief); and

(4) a First Amendment claim and a due process claim arising out of the communications blackout and interference with counsel imposed by defendants during plaintiffs' detention (Twenty-First and Twenty-Second Claims for Relief).

The Seventh through Sixteenth Claims for Relief have been renumbered because

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Plaintiffs earlier withdrew the Seventh Claim for Relief in their first amended complaint.

The following minor corrections were made in the amended complaint:

Paragraph 19: "Hindi" was changed to "Hindu."

Paragraph 22: "the Commissioner of the INS" was changed to "the former Commissioner of the INS."

Paragraph 24: "Plaintiffs class members" was changed to "Plaintiffs and class members."

Paragraph 41: "in custody for up to five months" was changed to "in custody in some cases for more than six months."

Paragraph 128: "was within 45 days" was changed to "within four to five days."

Respectfully submitted,

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cc: By overnight mail to:

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