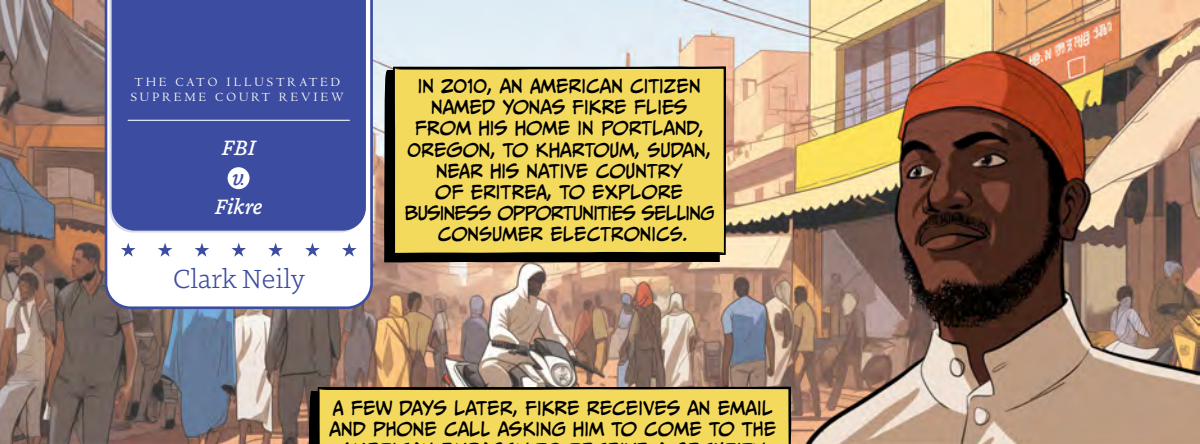


FBI  
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Fikre

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Clark Neily



IN 2010, AN AMERICAN CITIZEN NAMED YONAS FIKRE FLIES FROM HIS HOME IN PORTLAND, OREGON, TO KHARTOUM, SUDAN, NEAR HIS NATIVE COUNTRY OF ERITREA, TO EXPLORE BUSINESS OPPORTUNITIES SELLING CONSUMER ELECTRONICS.



A FEW DAYS LATER, FIKRE RECEIVES AN EMAIL AND PHONE CALL ASKING HIM TO COME TO THE AMERICAN EMBASSY TO RECEIVE A SECURITY BRIEFING FOR AMERICANS TRAVELING IN SUDAN.

BUT WHEN HE ARRIVES AT THE EMBASSY, HE'S USHERED INTO A ROOM WITH TWO FBI AGENTS.

YOU'VE BEEN PLACED ON THE NO FLY LIST, SON.

THE NO FLY LIST IS A LIST MAINTAINED BY THE TERRORIST SCREENING CENTER—

—OF PEOPLE WHO ARE PROHIBITED FROM FLYING INTO, OUT OF, WITHIN, OR OVER THE UNITED STATES.

THE AGENTS HAVE AN ASTONISHING PROPOSAL.

BECOME AN UNDERCOVER INFORMANT FOR US, AND WE'LL COMPENSATE YOU SUBSTANTIALLY.

IT'S YOUR CHANCE TO ENJOY THE GOOD LIFE!

"THE GOOD LIFE" INCLUDES BEING TAKEN OFF THE NO FLY LIST SO HE CAN RETURN HOME.

FIKRE SAYS NO AND WALKS OUT OF THE MEETING.



AFTER BEING FOLLOWED AROUND KHARTOUM BY SHADY CHARACTERS, FIKRE GOES TO ABU DHABI IN THE UNITED ARAB EMIRATES, WHERE HE RECEIVES A WORK PERMIT AND BEGINS INVESTING IN HIS CONSUMER ELECTRONICS BUSINESS.



BUT ONE NIGHT, FIKRE'S HOME IS RAIDED BY SECRET POLICE, WHO BLINDFOLD HIM AND DRIVE HIM OFF TO A SECRET LOCATION—



—WHERE HE IS BEATEN WITH NIGHTSTICKS AND QUESTIONED—



—FOR MONTHS—



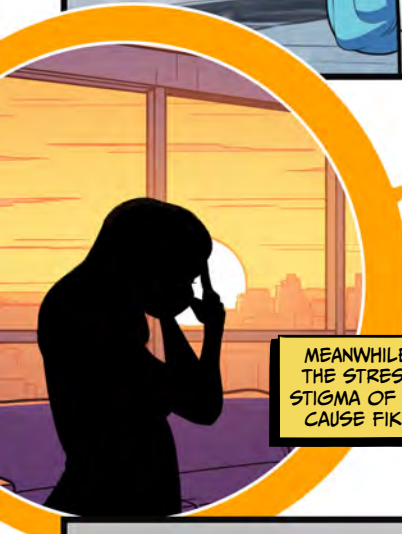
—AS HIS INTERROGATORS URGE HIM TO COOPERATE WITH THE FBI.



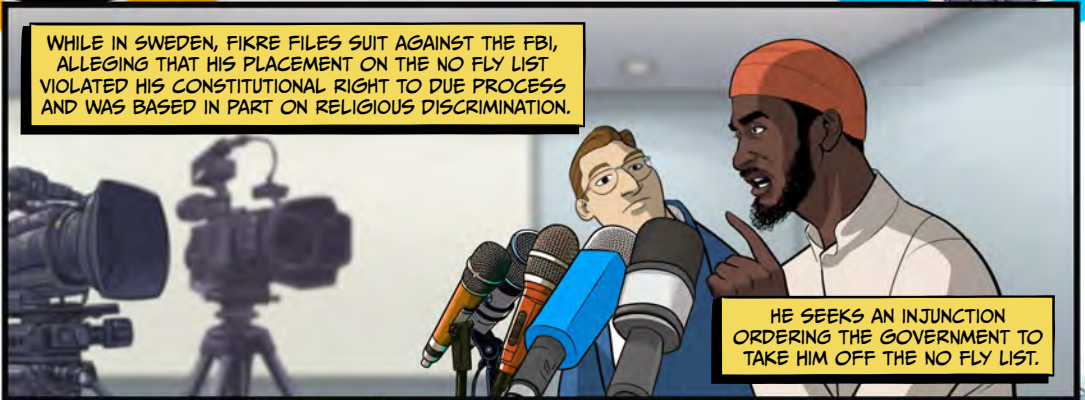


FIKRE IS EVENTUALLY TAKEN TO THE AIRPORT IN ABU DHABI AND PUT ON A PLANE TO SWEDEN, WHERE HE ARRIVES TRAUMATIZED, WITH NO WARM CLOTHES AND LITTLE MONEY.

YEARS GO BY AS FIKRE TRIES AND FAILS TO GET ASYLUM IN SWEDEN AND TRIES AND FAILS TO GET TAKEN OFF THE NO FLY LIST.



MEANWHILE, BACK HOME IN OREGON, THE STRESS OF SEPARATION AND THE STIGMA OF HER HUSBAND'S EXPERIENCE CAUSE FIKRE'S WIFE TO DIVORCE HIM.



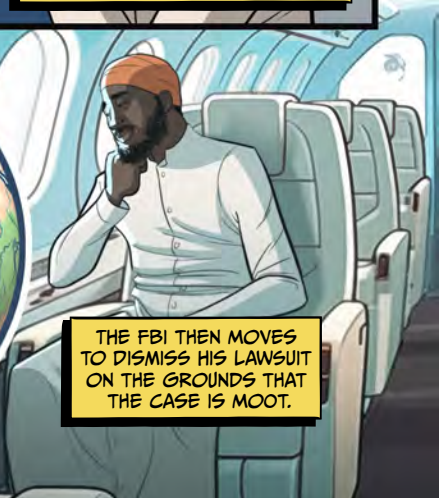
WHILE IN SWEDEN, FIKRE FILES SUIT AGAINST THE FBI, ALLEGING THAT HIS PLACEMENT ON THE NO FLY LIST VIOLATED HIS CONSTITUTIONAL RIGHT TO DUE PROCESS AND WAS BASED IN PART ON RELIGIOUS DISCRIMINATION.

HE SEEKS AN INJUNCTION ORDERING THE GOVERNMENT TO TAKE HIM OFF THE NO FLY LIST.

IN 2015, THE SWEDISH GOVERNMENT FLIES FIKRE HOME TO PORTLAND ON A PRIVATE JET.



JUST OVER A YEAR LATER, AND WITHOUT EXPLANATION, FIKRE IS REMOVED FROM THE NO FLY LIST.

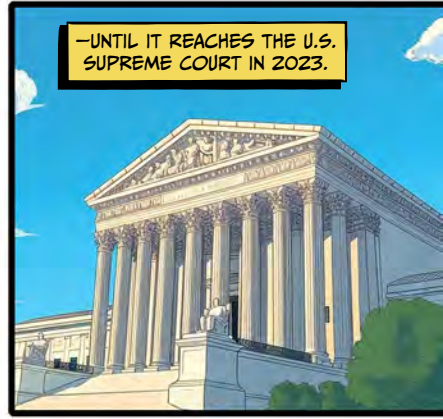


THE FBI THEN MOVES TO DISMISS HIS LAWSUIT ON THE GROUNDS THAT THE CASE IS MOOT.

THE TRIAL COURT AGREES AND DISMISSES FIKRE'S CASE.

THE COURT OF APPEALS REVERSES, AND THE CASE PING-PONGS BACK AND FORTH FOR SEVERAL YEARS—

—UNTIL IT REACHES THE U.S. SUPREME COURT IN 2023.



THE ISSUE BEFORE THE SUPREME COURT IS A NARROW ONE.

WHEN A DEFENDANT STOPS DOING WHATEVER PROMPTED THE LAWSUIT—

—IN THIS CASE, KEEPING FIKRE ON THE NO FLY LIST—



—THE DOCTRINE OF VOLUNTARY CESSATION REQUIRES THEM TO SHOW THAT—



—“SUBSEQUENT EVENTS MAKE IT ABSOLUTELY CLEAR THAT THE ALLEGEDLY WRONGFUL BEHAVIOR COULD NOT REASONABLY BE EXPECTED TO RECUR.”



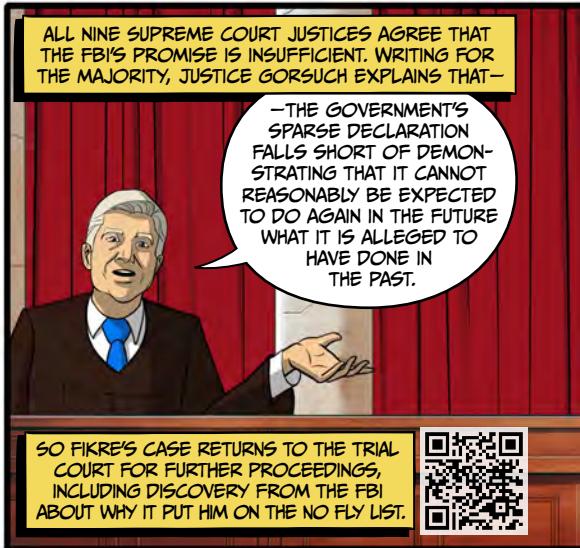
THE GOVERNMENT RESPONDS BY FILING A DOCUMENT PROMISING NOT TO PUT FIKRE BACK ON THE NO FLY LIST BASED ON “CURRENTLY AVAILABLE INFORMATION.” BUT THE FBI REFUSES TO DISAVOW ITS INITIAL DECISION TO PUT FIKRE ON THE LIST OR DISCLOSE ITS REASONS FOR DOING SO IN THE FIRST PLACE.

THIS LEAVES FIKRE WITH NO IDEA WHAT MIGHT CAUSE HIM TO BE PLACED ON THE LIST AGAIN.

ALL NINE SUPREME COURT JUSTICES AGREE THAT THE FBI'S PROMISE IS INSUFFICIENT. WRITING FOR THE MAJORITY, JUSTICE GORSUCH EXPLAINS THAT—



—THE GOVERNMENT'S SPARSE DECLARATION FALLS SHORT OF DEMONSTRATING THAT IT CANNOT REASONABLY BE EXPECTED TO DO AGAIN IN THE FUTURE WHAT IT IS ALLEGED TO HAVE DONE IN THE PAST.



SO FIKRE'S CASE RETURNS TO THE TRIAL COURT FOR FURTHER PROCEEDINGS, INCLUDING DISCOVERY FROM THE FBI ABOUT WHY IT PUT HIM ON THE NO FLY LIST.

