

13-981-L  
Turkmen v. Hasty

1 UNITED STATES COURT OF APPEALS  
2  
3 FOR THE SECOND CIRCUIT  
4

5 At a stated term of the United States Court of Appeals  
6 for the Second Circuit, held at the Thurgood Marshall United  
7 States Courthouse, 40 Foley Square, in the City of New York,  
8 on the 11<sup>th</sup> day of December, two thousand fifteen.  
9

10 PRESENT: DENNIS JACOBS,  
11 JOSÉ A. CABRANES,  
12 ROSEMARY S. POOLER,  
13 REENA RAGGI,  
14 RICHARD C. WESLEY,  
15 PETER W. HALL,  
16 DEBRA ANN LIVINGSTON,  
17 GERARD E. LYNCH,  
18 DENNY CHIN,  
19 RAYMOND J. LOHIER, JR.,  
20 SUSAN L. CARNEY,  
21 CHRISTOPHER F. DRONEY,  
22 Circuit Judges.<sup>1</sup>  
23

24 - - - - -X

25  
26 IBRAHIM TURKMEN, AKHIL SACHDEVA, AHMER  
27 IQBAL ABBASI, ANSER MEHMOOD, BENAMAR  
28 BENATTA, AHMED KHALIFA, SAEED HAMMOUDA,  
29 PURNA BAJRACHARYA, on behalf of  
30 themselves and all others similarly  
31 situated,  
32

33 Plaintiffs-Appellees-Cross- 13-981 (L)  
34 Appellants, 13-999 (Con)  
35 13-1002 (Con)  
36 - v.- 13-1003 (Con)  
37 13-1662 (XAP)

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<sup>1</sup> Robert A. Katzmann, Chief Judge, took no part in the consideration or decision of this case.

1 DENNIS HASTY, former Warden of the  
2 Metropolitan Detention Center, MICHAEL ZENK,  
3 former Warden of the Metropolitan Detention  
4 Center, JAMES SHERMAN, former Metropolitan  
5 Detention Center Associate Warden for  
6 Custody,

7  
8 Defendants-Appellants,

9  
10 JOHN ASHCROFT, former Attorney  
11 General of the United States, ROBERT  
12 MUELLER, former Director, Federal  
13 Bureau of Investigation, JAMES W.  
14 ZIGLAR, former Commissioner,  
15 Immigration and Naturalization  
16 Service,

17  
18 Defendants-Cross-Appellees,

19  
20 SALVATORE LOPRESTI, former Metropolitan  
21 Detention Center Captain, JOSEPH CUCITI,  
22 former Metropolitan Detention Center  
23 Lieutenant,

24  
25 Defendants.

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27 - - - - -X

28  
29 **ORDER**

30 Following disposition of this appeal, an active judge  
31 of the Court requested a poll on whether to rehear the case  
32 en banc. A poll having been conducted and there being no  
33 majority favoring en banc review, rehearing en banc is  
34 hereby **DENIED**.

35 Rosemary S. Pooler and Richard C. Wesley, Circuit  
36 Judges, concur by opinion in the denial of rehearing en  
37 banc.

1 Dennis Jacobs, José A. Cabranes, Reena Raggi, Peter W.  
2 Hall, Debra Ann Livingston, and Christopher F. Droney,  
3 Circuit Judges, dissent by opinion from the denial of  
4 rehearing en banc.

5 FOR THE COURT:  
6 CATHERINE O'HAGAN WOLFE, CLERK  
7  
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9

  
Catherine O'Hagan Wolfe