

**15-1359 ASHCROFT V. ABBASI**

DECISION BELOW: 789 F.3d 218

LOWER COURT CASE NUMBER: 13-981, 13-999, 13-1002, 13-1003, 13-1662

QUESTION PRESENTED:

1. Whether the judicially inferred damages remedy under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), should be extended to the novel context of this case, which seeks to hold the former Attorney General and Director of the Federal Bureau of Investigation (FBI) personally liable for policy decisions made about national-security and immigration in the aftermath of the September 11, 2001 terrorist attacks.

2. Whether the former Attorney General and FBI Director are entitled to qualified immunity for their alleged role in the treatment of respondents, because it was not clearly established that aliens legitimately arrested during the September 11 investigation could not be held in restrictive conditions until the FBI confirmed that they had no connections with terrorism.

3. Whether respondents' allegations that the Attorney General and FBI Director personally condoned the implementation of facially constitutional policies because of an invidious animus against Arabs and Muslims are plausible, as required by *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), in light of the obvious alternative explanation-identified by the Court in *Iqbal*-that their actions were motivated by a concern that, absent fuller investigation, the government would unwittingly permit a dangerous individual to leave the United States.

CONSOLIDATED WITH 15-1358 AND 15-1363 FOR ONE HOUR ORAL ARGUMENT.

JUSTICE SOTOMAYOR AND JUSTICE KAGAN TOOK NO PART.

CERT. GRANTED 10/11/2016