CASE NO. 25-3179

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

HALIL DEMIR

Plaintiff – Appellant

v.

KRISTI L. NOEM, Secretary of the Department of Homeland Security, in her official capacity; PAMELA J. BONDI, Attorney General of the United States, in her official capacity; KASHYAP PATEL, Director of the Federal Bureau of Investigation, in his official capacity; MICHAEL GLASHEEN, Director of the Threat Screening Center, in his official capacity; HA NGUYEN MCNEILL, Acting Administrator of the Transportation Security Administration, in her official capacity; UNKNOWN TSC EMPLOYEES, in their official and individual capacities

Defendants – Appellees.

Appeal from the United States District Court

For the Northern District of Illinois, Eastern Division

Case No. 22-cv-07209, Honorable John F. Kness

BRIEF OF APPELLANT

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Appellate Court No: 25-3179

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Halil Demir

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Muslim Legal Fund of America, Legal Division

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Attorney's Signature: /s/ Samira S. Elhosary Date: 12/29/2025

Attorney's Printed Name: Samira S. Elhosary

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). **Yes** ☑ **No** ☐

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REQUEST FOR ORAL ARGUMENT

Pursuant to Fed. R. App. P. 34(a)(1) and Circuit Rule 34(f), Appellant respectfully requests the opportunity for oral argument in this matter. The issues presented by this appeal are ones of first impression in this Circuit, and rely on complex policy mechanisms which may be aided by presentation of oral argument.

STATEMENT OF JURISDICTION

The district court possessed federal question jurisdiction because Appellant's claims arise, in part, under the Fifth Amendment to the U.S. Constitution. The district court also maintained jurisdiction under the Administrative Procedures Act. 5 U.S.C. § 706(1).

This Court possesses jurisdiction over this matter pursuant to 28 U.S.C. § 1291 because this appeal arises from a final decision of a U.S. district court. Appellant seeks review of the district court's Memorandum Order and Opinion entered July 17, 2024, and Judgment entered that same day. ECF Nos. 50, 51. Appellant timely filed a Motion for Reconsideration of that Order on August 14, 2024. ECF No. 52. The district court denied that Motion via Minute Entry on September 29, 2025. ECF No. 59. Appellant filed the Notice of Appeal on November 19, 2025. ECF No. 62.

STATEMENT OF ISSUES

1. Whether the district court erred in ruling that it does not possess subject matter jurisdiction over Plaintiff-Appellant Halil Demir's challenges to the Department of Homeland Security Traveler Redress Inquiry Program ("DHS TRIP").
2. Whether the district court erred in ruling that it does not possess subject matter jurisdiction over Appellant Demir's challenges to his maintenance in the Threat Screening Center's ("TSC") Terrorist Screening Dataset ("TSDS") following multiple DHS TRIP redress inquiries.
3. Whether the district court erred in ruling that Mr. Demir does not challenge his initial placement in the TSDS.

STATEMENT OF THE CASE

1. Factual Background

a. Mr. Demir's Allegations

Plaintiff-Appellant Halil Demir ("Appellant Demir" or "Mr. Demir") has dedicated his life to humanitarian work supporting those in need in the United States and worldwide. He serves as the Executive Director of the Zakat Foundation of America ("Zakat Foundation"), an organization dedicated to serving the poor and needy through direct aid, regardless of their race, ethnicity, or religion. Amended Complaint, ECF No. 19, ¶¶ 13-15. As part of his job, Mr. Demir regularly travels domestically and internationally to oversee Zakat Foundation's various charitable and humanitarian programs, and to meet with U.S. politicians, federal agency personnel, and foreign dignitaries to promote Zakat Foundation's work. *Id.* ¶¶ 17-19. Mr. Demir has never been charged with a crime, nor, to his knowledge, been investigated for a crime or terrorist activity. *Id.* ¶¶ 16, 50 n.2.

Despite these facts, Appellees' agents subject Mr. Demir to humiliating and invasive treatment each time he travels, in the form of repeated and often public, searches, missed flights, and extensive delays that hamper his ability to effectively engage in his humanitarian work. *Id.* ¶¶ 20-22. Transportation Security Administration ("TSA") agents at Mr. Demir's home airport of Chicago O'Hare International interact with Mr. Demir so frequently that they know each other by face and name. *Id.* ¶ 21 Mr. Demir is rarely, if ever, able to print his boarding pass ahead of his flight, and when he eventually receives a boarding pass from airport personnel after delays of an hour or more, it nearly always includes a "SSSS" stamp, indicating Secondary Security Screening Selection. *Id.* ¶ 22. The SSSS designation, while rarely assigned with this frequency to random

travelers, consistently appears on the boarding passes of individuals whose names appear on the Terrorist Screening Dataset ("TSDS").

Mr. Demir alleges several instances since 2016 when Appellees' agents' actions delayed his travels. These delays result in personal financial loss and hinder Mr. Demir's ability to effectively pursue his employment. *See generally id.* ¶¶ 27-46. Appellees' agents' actions cause harm to Mr. Demir's reputation as well, because they repeatedly paint him in a negative light in front of other passengers, airport personnel, and the public, often including Mr. Demir's own family or business partners. *Id.* ¶¶ 28-30, 43-45. Appellees' actions often force Mr. Demir to reschedule meetings and events when he cannot make his scheduled trips. His own family often chooses to travel without him to avoid facing the same intrusive screening. *Id.* ¶¶ 47-48.

Mr. Demir has utilized the only method of redress available to him to address these issues: the Department of Homeland Security Traveler Redress Inquiry Program ("DHS TRIP"). By himself and through counsel, Mr. Demir initiated at least five DHS TRIP redress inquiries, and has yet to receive any substantive response that allows him to meaningfully challenge any information causing the treatment he experiences. *Id.* ¶¶ 51-55. Mr. Demir has also filed Freedom of Information Act ("FOIA") requests to several government agencies, including those named in this action, but has received no substantive responses to those, and indeed had to engage in ongoing litigation to even receive initial responses. *Id.* ¶ 56.

b. The Terrorist Watchlist System

For this Court's convenience and clarity of the terms used herein, Appellant Demir provides the following summary of the Terrorist Watchlist system as he understands it, based on Appellees' Watchlisting Overview provided to the district court. ECF No. 22-2.

The Threat Screening Center ("TSC"), formerly known as the Terrorist Screening Center[1], manages the Terrorist Screening Dataset ("TSDS"), formerly known as the Terrorist Screening Database ("TSDB").[2] The TSDS is the single consolidated database of "terrorist identity information." ECF No. 22-2 at 1. The TSDS is often colloquially referred to as the "Terrorist Watchlist." *Id.* at 2. The TSDS includes at least two known subsets, the Selectee List and the No Fly List. *Id.* Individuals on the Selectee List "may be subject to additional security screening before being permitted to board an aircraft." *Id.* Individuals who appear on the No Fly List are "prohibited from boarding flights on U.S. carriers as well as flights into, out of, over or within U.S. airspace." *Id.* Various federal government agencies use the TSDS for screening and vetting purposes. *Id.* at 5. Mr. Demir alleges his name appears on the Selectee List subset of the TSDS, but does not allege his name appears on the No Fly List. Amended Complaint, ECF No. 19, ¶¶ 58-61.

DHS TRIP is the exclusive redress process for individuals who face issues traveling. ECF No. 22-2 at 7. An individual submits a redress inquiry through an online portal. *Id.* After DHS TRIP completes its internal review, it provides the requester with a Final Determination Letter, which, for individuals on the Selectee List, will neither confirm nor deny whether any information about the individual appears in the TSDS, nor whether any changes were made. *Id.* at 8-9.

2. Procedural History

Mr. Demir filed suit in the district court on December 22, 2022, seeking declaratory and injunctive relief against the official capacity Appellees, and monetary damages against the Unknown TSC Employees in their individual capacities. ECF No. 1. Mr. Demir amended his

[1] *See* FBI National Press Office, *The Terrorist Screening Center Changes Name to the Threat Screening Center*, FBI PRESS RELEASES (Mar. 19, 2025), https://www.fbi.gov/news/press-releases/the-terrorist-screening-center-changes-name-to-the-threat-screening-center.
[2] *See* Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, ECF No. 22-1, at 4 n.3.

Complaint on March 27, 2023. ECF No. 19. Mr. Demir brings causes of action under the Administrative Procedure Act and the Due Process Clause of the Fifth Amendment to the U.S. Constitution for violations of his procedural and substantive due process rights. Appellees filed a Motion to Dismiss on April 10, 2023. ECF Nos. 22, 22-1. The district court granted Appellees' Motion on July 17, 2024, finding that it did not possess subject matter jurisdiction over Mr. Demir's claims, and therefore did not address their merits. ECF No. 50.

Mr. Demir filed a Motion for Reconsideration on August 14, 2024. ECF No. 52. The district court denied the Motion by Minute Order on September 29, 2025. ECF No. 59. This Appeal now follows.

SUMMARY OF THE ARGUMENT

The district court erred in finding that it does not have jurisdiction to hear Mr. Demir's challenge to the adequacy of the DHS TRIP process. The jurisdiction-channeling provision of 49 U.S.C. § 46110 ("Section 46110") requires that challenges to final orders of the Administrator of the TSA originate in the courts of appeals. 49 U.S.C. § 46110(a). Individuals who have been delayed or prohibited from air travel can seek redress through a DHS TRIP complaint, a redress process established by Congress. Despite having no criminal record and receiving high security clearance for high-profile events with the Secret Service and Central Intelligence Agency, Mr. Demir continues to endure significant security screening and delays while traveling. Amended Complaint, ECF No. 19, ¶¶ 49-50. Since 2016, he has submitted at least five DHS TRIP complaints and eventually sought relief through this lawsuit.

The district court has jurisdiction over Mr. Demir's challenge to DHS TRIP because DHS TRIP is not a "final order" of the TSA Administrator. Therefore, Section 46110 does not preclude jurisdiction. Judges in courts such as the Ninth Circuit and the Southern District of Florida have warned against utilizing a broad definition of what constitutes an "order." Furthermore, numerous district courts have affirmed jurisdiction to review DHS TRIP claims, noting the role the TSC plays in the redress process. Mr. Demir therefore respectfully requests this Court reverse the district court's decision that DHS TRIP is an order of the TSA Administrator and that it lacks jurisdiction to hear the claim.

The district court further erred in determining that it does not have subject matter jurisdiction over Mr. Demir's challenges to his maintenance in the TSDS, and in determining that Mr. Demir does not challenge his initial placement in the TSDS. The district court held that Mr. Demir must bring his challenges to this Court in the first instance pursuant to Section 46110. R.12-

14. It came to that conclusion by finding that Mr. Demir's maintenance on the TSDS following his multiple DHS TRIP redress inquiries constituted a final order of the TSA Administrator. *Id.* This conclusion is factually incorrect; rather, Appellees' own policy summary, provided to the district court, explains that, for individuals whose names appear on the Selectee List subset of the TSDS, the final decision about whether to remove them rests with the TSC, not the TSA Administrator. *See* Overview of the U.S. Government's Watchlisting Process and Procedures, Doc. 22-2, at 5-6 ("Watchlisting Overview"). In contrast, the TSA Administrator does make the final decision about whether someone on the No Fly List will remain on that list, but Mr. Demir does not allege that he is on the No Fly List, as he is permitted to board planes after extensive delays. *Id.* This factual inaccuracy itself supports reversal.

Though this issue is one of first impression in this Circuit, other district courts and courts of appeal nationwide have reviewed this issue and concluded that challenges to initial placement on the TSDS and maintenance after redress inquiries remain in the jurisdiction of the district courts. *See, e.g., Long v. Bondi*, 151 F.4th 503, 514-15 (4th Cir. 2025); *Mokdad v. Lynch*, 804 F.3d 807, 815 (6th Cir. 2015); *Ibrahim v. Dep't of Homeland Sec.*, 583 F.3d 1250, 1255 (9th Cir. 2008); *Irshaid v. Garland*, No. 1:24-cv-01405-MSN-WPB, 2025 U.S. Dist. LEXIS 43254, at *24 (E.D. Va. Mar. 10, 2025); *Khaled El Ali v. Barr*, 473 F. Supp. 3d 479, 505 (D. Md. 2020); *Wilwal v. Nielsen*, 346 F. Supp. 3d 1290, 1303 (D. Minn. 2018). These courts recognize that the TSC remains the final decision-maker for Selectee List individuals, even after the 2015 changes to the DHS TRIP process. *See Khaled El Ali*, 473 F. Supp. 3d at 504. Therefore, Mr. Demir respectfully requests this Court reverse the district court's holding that it does not have jurisdiction over Mr. Demir's challenges to his initial and continued watchlist placement, and remand with instructions that the district court reach the merits of his claims.

ARGUMENT

I. Standard of Review

Federal courts maintain subject-matter jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States" absent some other clear limitation. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 505 (2006) (quoting 28 U.S.C. § 1331). Jurisdictional limitations restrict "the classes of cases a court may entertain." *Fort Bend Cty. v. Davis*, 587 U.S. 541, 548 (2019). A party or the court can raise a challenge to jurisdiction at any time in the life of a case. *Id.* This Court reviews a district court's dismissal for lack of jurisdiction *de novo*. *Remijas v. Neiman Marcus Grp., LLC*, 794 F.3d 688, 691 (7th Cir. 2015).

II. Section 46110 Does Not Preclude Appellant's Challenge to DHS TRIP

The district court erred in holding that it did not have jurisdiction over Mr. Demir's challenge to the adequacy of the DHS TRIP process. The district court wrongfully determined that DHS TRIP constitutes an "order" of the TSA Administrator, subject to the jurisdiction channeling provisions of Section 46110. R.7. Relying in part on a decision that itself noted a significant circuit split, the district court decided not to give weight to multiple district courts that have found jurisdiction over DHS TRIP claims. R.11. The district court mischaracterized the current process utilized to review DHS TRIP grievances as including far more review by the TSA Administrator than it actually does. Therefore, Mr. Demir respectfully requests that this Court reverse the district court's determination that it does not possess subject matter jurisdiction over Mr. Demir's challenge to DHS TRIP.

Congress directed the Department of Homeland Security to establish a redress procedure for travelers who face issues while flying; it created the DHS TRIP program. *Kovac v. Wray*, 363 F. Supp. 3d 721, 733 (N.D. Tex. 2019). Looking for a resolution to his ongoing travel difficulties,

Mr. Demir utilized the only redress procedure available and submitted at least five DHS TRIP complaints. Amended Complaint, ECF No. 19, ¶¶ 52-55. Despite having received security clearance from the Secret Service and the Central Intelligence Agency for multiple high-security events, he continues to endure unwarranted and invasive suspicion by TSA and DHS, with no more clarity than when he submitted his first DHS TRIP complaint in 2016. *Id.* ¶¶ 49, 52.

As the district court noted, the Seventh Circuit has not addressed the issue of whether the DHS TRIP procedure constitutes an order of the TSA Administrator. *See* R.7. However, other courts across the country provide instructive decisions. Numerous district courts have held that challenges to DHS TRIP need not originate in the courts of appeals. Courts recognize that the TSC remains a crucial actor in the DHS TRIP process, even "[u]nder the 2015 revisions." *Khaled El Ali v. Barr*, 473 F. Supp. 3d 479, 504 (D. Md. 2020). Therefore, challenges to the adequacy of the procedures rightfully remain in the district court's jurisdiction, especially as to Selectee List individuals, for whom the TSA Administrator plays no role. *Id.*; *see also Kovac v. Wray*, 660 F. Supp. 3d 555, 569 (N.D. Tex. 2023) (allowing challenges to DHS TRIP to survive the motion to dismiss stage and considering whether the plaintiffs showed that the DHS TRIP process does not meet the standards the government sets out for the program). Because the "redress process is controlled by TSC and not TSA, Section 46110 does not deprive this Court of jurisdiction." *Wilwal v. Nielsen*, 346 F. Supp. 3d 1290, 1303 (D. Minn. 2018); *see also Elhady v. Piehota*, 303 F. Supp. 3d 453, 461 (E.D. Va. 2017). Courts underscore that it is not TSA action alone, but also TSC involvement that animates the DHS TRIP Redress process: "TSA, in coordination with the TSC and other appropriate Federal law enforcement or intelligence agencies, will review all the documentation and information requested from the individuals, correct any erroneous information, and provide the individual with a timely written response." *Elhady*, 303 F. Supp 3d at 461-62

(quoting 49 C.F.R. § 1560.205(d)). In short, these courts' decisions support a finding that the district court erred in holding it had no jurisdiction over challenges to DHS TRIP.

Even where courts rest on the other side of the circuit split on this issue, they often question the expansive definition of "order" that prevails in their circuit. The Ninth Circuit in *Magassa v. Mayorkas* is one example. 52 F.4th 1156 (9th Cir. 2022). Judge Nelson, who wrote both the main opinion and a concurrence in that matter, noted that although Ninth Circuit precedent "compels [the] holding that the Redress Process is an 'order' under 49 U.S.C. § 46110(a) . . . [that] precedent, which follows other circuits, is wrong." *Id*. at 1169 (Nelson, J., concurring).[3] Judge Nelson reaffirmed that this interpretation of an "order" finds no support in the plain meaning of the word or the Administrative Procedure Act's definition of the word. *Id.* The Supreme Court's jurisprudence holds that "'a determination' describes a single act, rather than a group of decisions or a practice or procedure employed in making decisions." *Id*. at 1171 (quoting *McNary v. Haitian Refugee Center, Inc.*, 498 U.S. 479, 494 (1991)). Judge Nelson notes, "if Congress wanted 'order' to mean 'final agency action,' it could have said so in § 46110." *Id*. Further, Judge Nelson questions if a circuit court, versus the district court, is the appropriate venue to review the constitutionality of a process, asking, "[d]id we really have all the facts we needed []?" *Id*. at 1172.

The Southern District of Florida echoed the same concerns. *Mustapha Assi v. Dep't of Homeland Sec.*, No. 23-cv-23596-ALTMAN/Reid, 2025 U.S. Dist. LEXIS 129097, at *18 (S.D. Fla. July 8, 2025). That court felt constrained by Eleventh Circuit precedent that broadly interprets "what constitutes an 'order' under § 46110." *Id.* However, the court made a point to explain, "while we might agree with Assi (and Judge Nelson) that courts have stretched the meaning of 'order' far

[3] The Redress Process under review in *Magassa* was not DHS TRIP, but rather the procedures TSA employed to revoke Dr. Magassa's security clearance. *Magassa*, 52 F.4th at 1164.

beyond what Congress might have intended, 'we are duty-bound to apply this Court's precedent' until that precedent is overturned by the Supreme Court or the Eleventh Circuit sitting en banc." *Id*. (quoting *Gissendaner v. Comm'r Ga. Dep't of Corr.*, 779 F.3d 1275, 1284 (11th Cir. 2015)).

Mr. Demir respectfully requests this Court recognize that a set of procedures, like DHS TRIP, do not constitute a "final order" of the TSA Administrator subject to Section 46110, and reverse the district court's decision that Section 46110 divests it from exercising jurisdiction over this case.

III. Section 46110 Does Not Preclude Appellant's Challenge to his Watchlist Placement

The district court also erred in finding that it did not have subject matter jurisdiction, pursuant to Section 46110, to review Mr. Demir's challenges to both his initial placement and his maintenance on the Selectee List. *See* R.12-14. The district court's analysis incorrectly conflated No Fly List cases with Selectee List cases, like Mr. Demir's, to determine that Selectee List placement falls under the purview of the TSA. R.12. Though this Court has yet to address Section 46110's application to watchlist challenges, other courts provide instructive analysis. *See, e.g.*, *Long v. Bondi*, 151 F.4th 503, 514-15 (4th Cir. 2025), *Mokdad v. Lynch*, 804 F.3d 807, 815 (6th Cir. 2015), *Ibrahim v. Dep't of Homeland Sec.*, 583 F.3d 1250, 1255 (9th Cir. 2008). Mr. Demir respectfully requests this Court reverse the district court's determination that it lacked subject matter jurisdiction and remand with instructions for the Court to reach the merits of Mr. Demir's watchlist challenges.

Mr. Demir believes himself to be included in the TSDS, and specifically on the Selectee List, based on the secondary screening he regularly faces when he travels since as early as 2016. *See, e.g.*, Amended Complaint, ECF No. 19, ¶¶ 20-25. Though Mr. Demir has never been charged with a crime, nor, to his knowledge, ever been investigated for a crime, Mr. Demir faces invasive

screening and questioning each time he flies. *Id.* ¶¶ 16,20. This treatment is consistent with the experiences of someone whose name appears in the TSDS and on the subset Selectee List. *See* Overview of the U.S. Government's Watchlisting Process and Procedures, ECF No. 22-2, at 5-6 ("Watchlisting Overview"). However, per U.S. government policy, the government will neither confirm nor deny whether someone's name appears in the TSDS, unless that individual is a U.S. person and on the No Fly List. *Id.* at 9. For individuals in Mr. Demir's position, whose names likely appear on the Selectee List, but remain able to fly, their only method of redress is the DHS TRIP process. *Id.* at 7-10. Despite numerous DHS TRIP filings, Mr. Demir is no closer to answers about his status than he was a decade ago. Amended Complaint, ECF No. 19, ¶¶ 52-55.

Per Appellees' own policy, as presented to the district court in this matter, the TSA Administrator had no role in placing Mr. Demir's name in the TSDS to begin with, nor did the TSA Administrator have final decision-making authority over any decision to keep Mr. Demir's name in the TSDS after his numerous DHS TRIP filings. *See generally* Watchlisting Overview, ECF No. 22-2. According to Appellees' policy, U.S. agencies and foreign partners may make nominations to the TSDS that must meet certain standards. *Id*. at 3. Per Appellees' policy summary, that nomination undergoes review from the National Counterterrorism Center for international identities or the FBI for domestic identities. *Id.* After that, per Appellees' policy, the TSC reviews the nomination. *Id.* Subsequently, should an individual be nominated to the No Fly or Selectee List, "TSC is responsible for determining if associated information meets criteria for inclusion on both lists." *Id.* at 4. The TSA Administrator plays no role in adding someone to the TSDS, and Section 46110 does not apply.

When an individual submits a DHS TRIP inquiry, "the TSC Redress Office independently reviews the available information" and consults with the nominating agency. *Id.* at 8. When the

TSC Redress Office determines that it should make changes to a record in the TSDS, "TSC's Redress Office ensures such corrections are made." *Id.* at 9. The TSA Administrator plays no role in any determination to maintain someone on the Selectee List, and Section 46110 does not apply.

Courts across the country hold that an individual's challenge to their initial placement on the TSDS challenges the TSC's action, and not the TSA Administrator, and therefore, a district court maintains jurisdiction. *See Long*, 151 F.4th at 514 (holding that the challenge to place the plaintiff on the watchlist in the first place is an order of the TSC, an agency not named in Section 46110). The TSC maintains the exclusive authority to place someone on the watchlist. *Irshaid v. Garland*, No. 1:24-cv-01405-MSN-WPB, 2025 U.S. Dist. LEXIS 43254, at *24 (E.D. Va. Mar. 10, 2025) (recognizing that the TSC is an agency not covered by 46110). Therefore, challenges to a TSC "order" placing someone in the TSDS do not face the jurisdiction-channeling of Section 46110. *Mustapha Assi*, 2025 U.S. Dist. LEXIS 129097, at *14 (maintaining jurisdiction to review the challenge to the plaintiff's placement on the watchlist). Courts also hold that challenges to placement in the TSDS are not inescapably intertwined with orders of the TSA because any TSA order derives entirely from the TSC's decision to place someone in the database to begin with. *See Khaled El Ali*, 473 F. Supp. 3d at 505 (finding that Section 46110 did not divest the court of subject matter jurisdiction). Though courts in this Circuit have yet to widely address this issue, the weight of authority nationwide supports the district court's jurisdiction over Mr. Demir's challenge to his initial placement on the watchlist.

Similarly, an individual's challenge to their maintenance on the Selectee List following DHS TRIP inquiries only challenges actions by the TSC, and not the TSA Administrator. *See Wilwal*, 346 F. Supp. 3d at 1303 (agreeing that TSC controls the redress process for individuals placed on the Selectee List). In contrast to the review of a No Fly List redress request, the TSC

plays a central role in the review of a Selectee Listed individual's redress request. *See Khaled El Ali*, 473 F. Supp. 3d at 504 (explaining that the TSC "remains integral" to Selectee List redress proceedings). In fact, the TSC maintains final authority to make changes to the TSDS following a DHS TRIP redress inquiry, "and the TSA Administrator does not issue a final order affirming TSD[S] listings." *Khalid v. Garland*, No. 1:21-cv-02307 (CRC), 2023 U.S. Dist. LEXIS 44617, at *13 (D.D.C. Mar. 16, 2023). The district court, therefore, has jurisdiction to review Mr. Demir's challenges to his maintenance on the TSDS following his DHS TRIP redress inquiries.

The district court incorrectly relied almost exclusively on the Ninth Circuit's decision in *Fikre v. FBI* to determine whether it believed Mr. Demir challenged his placement in the TSDS or only his maintenance on it. R.12 (citing 35 F.4th 762 (9th Cir. 2022)).[4] This reliance is misplaced because the claim in *Fikre* involved an individual on the No Fly List, not the Selectee List, an important distinction from Mr. Demir's case, as described above. *Fikre*, 35 F.4th at 764 (setting out that the government removed Mr. Fikre from the No Fly List). The district court then incorrectly asserts that Mr. Demir challenges "the TSA Administrator's decision not to remove Plaintiff from the watchlist," before concluding that such an order is "subject to the jurisdiction-channeling requirements of Section 46110."[5] R.13-14. As explained above and set out in Appellees' Watchlisting Overview, which was available to the district court, a decision to keep Mr. Demir on the Selectee List comes from the TSC alone, not the TSA Administrator. Watchlisting Overview at 8. Mr. Demir therefore respectfully requests this Court reverse the

[4] To the extent that it remains unclear that Mr. Demir challenges both his initial placement in the TSDS and his maintenance in the TSDS after his DHS TRIP redress inquires, Mr. Demir asks that this Court remand with instructions to allow him to amend his Complaint to make his claims clear.
[5] The district court has jurisdiction to review Mr. Demir's challenge to his placement on the watchlist as well, as explained above, even though it determined that he did not make one and therefore did not make a determination on that issue.

district court's decision that it does not have subject matter jurisdiction, because it rests on clear factual error.

CONCLUSION

Despite invasive screening, consistent delays, and public humiliation from Appellees' agents, Appellant Halil Demir continues to travel and face these indignities, at personal and professional expense, because he is dedicated to his work helping those less fortunate. He has taken every legal route at his disposal to seek redress of these issues, clear his name, and be treated like every other law-abiding citizen. He has faced persistent dead ends, including at the district court below. The district court erred in determining that it does not have subject matter jurisdiction to review Mr. Demir's claims based on its misunderstanding of Appellees' relevant policy. Mr. Demir deserves review of his claims on their merits and redress for the harm he suffered and continues to suffer to this day.

For the foregoing reasons, Plaintiff-Appellant Mr. Demir respectfully requests this Court reverse the district court's holding that it did not have subject matter jurisdiction over this matter, and remand with instruction for the district court to address the merits of Mr. Demir's claims.

Respectfully submitted this 12th Day of January, 2026,

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CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for Plaintiff-Appellant hereby certifies that this brief complies with the type-volume limitations of Fed. R. App. P. 32(a)(7)(B) as modified by Circuit Rule 32(c), because, excluding the portions of the document exempted by Fed. R. App. P. 32 (f), this document contains 4,514 words. The undersigned further certifies that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and Circuit Rule 32(b) and the type-style requirements of Fed. R. App. P. 32(a)(6), because this document has been prepared using Microsoft Word 2016 in a proportionally spaced typeface using 12-point Times New Roman font.

/s/ Samira S. Elhosary
Samira S. Elhosary
Counsel for Appellant

CERTIFICATE OF SERVICE

The undersigned certifies that on January 12, 2026, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

/s/ Samira S. Elhosary
Samira S. Elhosary
Counsel for Appellant

CASE NO. 25-3179

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

HALIL DEMIR

Plaintiff – Appellant

v.

KRISTI L. NOEM, Secretary of the Department of Homeland Security, in her official capacity; PAMELA J. BONDI, Attorney General of the United States, in her official capacity; KASHYAP PATEL, Director of the Federal Bureau of Investigation, in his official capacity; MICHAEL GLASHEEN, Director of the Threat Screening Center, in his official capacity; HA NGUYEN MCNEILL, Acting Administrator of the Transportation Security Administration, in her official capacity; UNKNOWN TSC EMPLOYEES, in their official and individual capacities

Defendants – Appellees.

Appeal from the United States District Court

For the Northern District of Illinois, Eastern Division

Case No. 22-cv-07209, Honorable John F. Kness

APPELLANT'S CIR. R. 30(a) APPENDIX

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HALIL DEMIR, Plaintiff, v. ALEJANDRO MAYORKAS *et al.*, Defendants.	No. 22-cv-07209 Judge John F. Kness

MEMORANDUM OPINION AND ORDER

In this lawsuit concerning Plaintiff Halil Demir's inclusion on a terror watchlist, Plaintiff contends that he has been wrongfully retained on the watchlist and that the redress process available for such situations is legally deficient. Plaintiff alleges that, when he flies, he is often subjected to additional security screenings, significant delays, and embarrassment. Plaintiff has sued numerous heads of relevant governmental Departments in their official capacities, challenging the constitutionality of the redress mechanism—DHS TRIP—established for such conundrums.

As explained below, because Plaintiff's Complaint seeks to "amend [or] modify" orders by the TSA Administrator, a federal statute, 49 U.S.C. § 46110, requires that Plaintiff's challenge be heard, if at all, by the Court of Appeals. Defendants' motion (Dkt. 22) to dismiss for lack of subject matter jurisdiction is therefore granted, and the case is dismissed without prejudice.

I. BACKGROUND

A. Terrorist Screening Database and DHS TRIP

The Department of Homeland Security (DHS) is responsible for protecting the United States from terrorist attacks at home. *See* 6 U.S.C. § 111. The Transportation Security Administration (TSA) sits within DHS and is responsible for "security in all modes of transportation." *See* 49 U.S.C § 114(d). To that end, Congress charged the TSA Administrator with "assess[ing] threats to transportation [and] develop[ing] policies, strategies, and plans for dealing with threats to transportation security." *See id.* §§ 114(f)(2–3).

The Terrorist Screening Center (the "Screening Center"), organized under the National Security Branch of the Federal Bureau of Investigation (FBI), maintains a terrorism watchlist called the Terrorist Screening Database or Terrorist Screening Dataset (the "Database"). (*See* Dkt. 22-2). TSA uses the Database to "identify individuals on passenger lists who may be a threat to civil aviation or national security." 49 U.S.C. § 114(h)(3); (*see also* Dkt. 22-2 at 5.)

Congress directed the TSA Administrator to "establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system." 49 U.S.C. § 44903(j)(2)(C)(iii)(I). The TSA Administrator did so; that process is called the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP), codified at 49 C.F.R. §§ 1560.201–1560.207. If an individual "believes

he or she has been improperly or unfairly delayed or prohibited from boarding an aircraft," that individual may initiate an inquiry via DHS TRIP. *Id.* at 1560.205. TSA will coordinate with the Screening Center to "review all the documentation and information requested from the individual, correct any erroneous information, and provide the individual with a timely written response." *Id.*

B. Plaintiff's allegations

Plaintiff alleges that he has, on numerous occasions, experienced significant delays and additional security scrutiny when traveling by plane. (Dkt. 19 ¶¶ 27–47.) Some of these delays and additional searches and screenings occur in full public view, which, Plaintiff says, harms his reputation. (*See, e.g.*, *id.* ¶¶ 43–45.)

Plaintiff alleges that he has filed no fewer than five DHS TRIP complaints. (*Id.* ¶¶ 52–55.) TSA's response to his most recent complaint, filed in January 2022, neither confirmed nor denied Plaintiff's placement on any traveler screening list. (*Id.* ¶ 55.) After unsuccessfully seeking information through a Freedom of Information Act request, Plaintiff brought this suit. (*Id.* ¶ 16.)

Plaintiff alleges that these impediments to his travel, and the ineffective administrative redress process, amount to violations of the Administrative Procedure Act (APA) and Plaintiff's substantive and procedural due process rights. (*Id.* at 13–16.) For relief, Plaintiff seeks: (1) declarations noting those violations of his rights; (2) an order instructing Defendants to revise the DHS TRIP policies and procedures; (3) an order instructing Defendants either to remove Plaintiff from any federal watchlists or to provide a sufficient explanation of the reasons for his inclusion on

those lists; (4) an injunction preventing further similar violations; and (5) damages and costs. (*Id.* at 18.) Defendants now move to dismiss the case under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. (*See generally* Dkt. 22-1.)

II. STANDARD OF REVIEW

A motion under Rule 12(b)(1) challenges the Court's subject matter jurisdiction over a case. *See Ctr. For Dermatology & Skin Cancer Ltd. v. Burwell*, 770 F.3d 586, 588 (7th Cir. 2014). When considering a Rule 12(b)(1) motion, the Court accepts as true all well-pleaded factual allegations and draws all reasonable inferences in favor of the plaintiff. *Id.* But the plaintiff bears the burden of proving that the jurisdictional requirements have been met. *Id.*

A motion under Rule 12(b)(6) "challenges the sufficiency of the complaint to state a claim upon which relief may be granted." *Hallinan v. Fraternal Ord. of Police of Chi. Lodge No. 7*, 570 F.3d 811, 820 (7th Cir. 2009). Each complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.' " *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). These allegations "must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. at 555. Put another way, the complaint must present a "short, plain, and plausible factual narrative that conveys a story that holds together." *Kaminski v. Elite Staffing, Inc.*, 23 F.4th 774, 777 (7th Cir. 2022) (cleaned up). In evaluating a motion to dismiss, the Court must accept as true the complaint's factual allegations and draw reasonable inferences in

the plaintiff's favor. *Iqbal*, 556 U.S. at 678. But even though factual allegations are entitled to the assumption of truth, mere legal conclusions are not. *Id.* at 678–79.

III. DISCUSSION

Defendants move to dismiss on jurisdictional grounds and for failure to state a claim under either the Constitution or the APA. (*See generally* Dkt. 22-1.) Because the Court must dismiss for lack of jurisdiction, this opinion does not address the plausibility of Plaintiff's allegations.

A. 49 U.S.C. § 46110

Defendants argue that 49 U.S.C. § 46110 divests this Court of jurisdiction to hear this case. (Dkt. 22-1 at 11.) In relevant part, Section 46110 provides that an individual "may apply for review of an order issued by . . . the Administrator of the Transportation Security Agency . . . by filing a petition for review" in the Courts of Appeals, and the Courts of Appeals have "exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order." 49 U.S.C. § 46110(a), (c).[1]

[1] 49 U.S.C. § 46110(a): "a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) in whole or in part under this part, part B, or subsection (l) or (s) [1] of section 114 may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day."

49 U.S.C. § 46110(c): "When the petition is sent to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to conduct

B. The Orders Being Challenged

Whether Section 46110 applies in this case depends on whether Plaintiff challenges an order of the TSA Administrator. In his opposition to Defendants' motion, Plaintiff argues that he challenges both "the constitutionality of DHS TRIP procedures under the Fifth Amendment's Due Process Clause" and "his original placement in the [Database]." (Dkt. 25 at 5.) In reply, the government agrees that Plaintiff challenges the adequacy of DHS TRIP but contends that, in contradiction to Plaintiff's argument in his response brief, the complaint challenges his maintenance in the watchlist post-DHS TRIP grievance, not his initial placement in the Database. (Dkt. 27 at 2.) The parties agree that Plaintiff challenges the adequacy of the DHS TRIP process itself, so the Court first considers whether that challenge amounts to a challenge of a TSA order subject to Section 46110. Following that analysis, the Court determines whether Plaintiff challenges, as he asserts in his responsive brief, his initial placement on the watchlist or rather, as Defendants argue, Plaintiff challenges his maintenance on that list.

i. Adequacy of DHS TRIP Process

Plaintiff's allegations concerning the adequacy of the DHS TRIP process are subject to jurisdiction channeling under Section 46110 if: (1) the establishment of

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further proceedings. After reasonable notice to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, if supported by substantial evidence, are conclusive."

DHS TRIP was a TSA order; and (2) Plaintiff's allegations amount to a challenge of that order. *See* 49 U.S.C. § 46110(a).

a. DHS TRIP is an Order issued by the TSA Administrator

Although the Seventh Circuit has not yet spoken directly to this issue, it has held that the term "order" in 49 U.S.C. § 1486—the precursor to Section 46110[2]—should be construed broadly. As the Seventh Circuit has explained, that broad reading is required because "[t]he term 'order' is broadly defined in both the Federal Aviation Act, 49 U.S.C. § 1354(a) and the Administrative Procedure Act, 5 U.S.C. § 551(6)." *Sima Prods. Corp. v. McLucas*, 612 F.2d 309, 312–14 (7th Cir. 1980). Moreover, the purposes of so-called "special review statutes," coherence and economy, are best served if "courts of appeals exercise their exclusive jurisdiction over final agency actions." *Id.* at 313. Section 46110 is one such special review statute. *See Mokdad v. Lynch*, 804 F.3d 807, 811 (6th Cir. 2015); *Durso v. Napolitano*, 795 F. Supp. 2d 63 (D.D.C. 2011). Construing broadly the term "order" in Section 46110, and to further the twin goals of coherence and economy in the application of special review statutes, the Court holds that the establishment of DHS TRIP was an "order" under Section 46110.

The establishment of DHS TRIP was, as well, an order "issued by . . . the Administrator of the [TSA]." § 46110. Acting under a Congressional mandate, the

[2] *See Magassa v. Mayorkas*, 52 F.4th 1156, 1165 (9th Cir. 2022) (noting that 49 U.S.C. § 1486 was the precursor to Section 46110); *Gilmore v. Gonzales*, 435 F.3d 1125, 1132 (9th Cir. 2006) (same).

TSA Administrator established DHS TRIP to serve as a redress mechanism. *See* 49 U.S.C. § 44903(j)(2)(C)(iii)(I); 49 C.F.R. §§ 1560.201–1560.207.

b. Plaintiff's Challenge to DHS TRIP

Because DHS TRIP is a TSA order, the Court must next determine whether the allegations in the complaint constitute a request to affirm, amend, modify, or set aside any part to that order. Plaintiff cites numerous cases that, he says, explain that a challenge to DHS TRIP is not channeled to the Courts of Appeals by Section 46110. (*See* Dkt. 25 at 4–5.) But of those cases, only two district court decisions explicitly held that challenges to the adequacy of DHS TRIP are not subject to channeling by Section 46110. Because both of those decisions rested on an outdated version of DHS TRIP, neither is controlling.

In *Khaled El Ali v. Barr*, a district court in Maryland held that because the Screening Center "remains the driving force behind DHS TRIP, challenges to the adequacy of the procedure are not subject to Section 46110 channeling." 473 F. Supp. 3d 479, 504 (D. Md. 2020) (quotation marks omitted). This is so, the court reasoned, because such a challenge "does not solely implicate the independent action of TSA." *Id.* Similarly, in *Kovac v. Wray*, a district court in Texas held that Section 46110 did not apply, at least in part, because "any remedy would involve both TSA and the [Screening Center]." 363 F. Supp. 3d 721, 742 (N.D. Tex. 2019).

Both *El Ali* and *Kovac* cited *Ege v. United States Dep't of Homeland Sec.*, 784 F.3d 791, 795 (D.C. Cir. 2015), which in turn relies on *Latif v. Holder*, 686 F.3d 1122 (9th Cir. 2012), for the proposition that the Screening Center—not TSA—"actually

reviews the classified intelligence information about travelers and decides whether to remove them from the [watchlist]." *Ege*, 784 F.3d at 795. But the plaintiff in *Ege* "s[ought] removal from the No-Fly List or, at a minimum, a meaningful opportunity to be heard." *Id.* at 793. And the plaintiff in *Latif* brought a "substantive challenge[] to the inclusion of [his] name on the [watchlist]." *Latif*, 686 F.3d at 1127. In neither of those cases did the plaintiff directly challenge the adequacy of the DHS TRIP process itself.

More persuasive is that TSA implemented a significant revision to DHS TRIP in 2015—that is, after *Ege* and *Latif* were decided. As the Ninth Circuit explained, that revision "made the TSA Administrator alone—not the Terrorist Screening Center—responsible for issuing a final order maintaining a traveler on the No Fly List at the conclusion of the DHS TRIP process." *Fikre v. FBI*, 35 F.4th 762, 774 (9th Cir. 2022). In *Fikre*, the Ninth Circuit acknowledged that this administrative revision resulted from the *Latif* decision. *Id.* at 773

TSA's 2015 revision to DHS TRIP thus renders both *Ege* and *Latif*, and therefore *El Ali* and *Kovac*, distinguishable. *Kovac* quoted *Ege* (which, in turn, quoted *Latif*) for the now-obsolete point that the Screening Center, not TSA, determines whether to remove an individual from a watchlist. *Kovac*, 363 F. Supp. 3d at 742 (quoting *Ege*, 784 F.3d at 795 (quoting *Latif*, 686 F.3d at 1128–29)). But after the revision noted in *Fikre*, that statement is no longer accurate: the decision to remove a claimant from a watchlist now rests with the TSA Administrator alone.[3]

[3] *Kovac* explicitly declined to consider the revised DHS TRIP procedures. 363 F. Supp. 3d at 734 n.4.

In sum, based on these changed circumstances, *El Ali* and *Kovac* no longer have significant bearing on this case. More specifically, neither *Ege* nor *Latif* directly grappled with a plaintiff's specific challenge to the adequacy of the DHS TRIP process itself—likely because both decisions addressed a now-outdated version of Section 46110.

Because DHS TRIP is a TSA order, the Court formulates Section 46110's operative question this way: does Plaintiff's challenge to DHS TRIP's adequacy amount to a request for a court to "affirm, amend, modify, or set aside any part of" DHS TRIP? 49 U.S.C. § 46110(c). Plaintiff asks the Court to "[i]nstruct Defendants to revise their procedures and policies regarding DHS TRIP and other means of redress relating to watchlists" and "[e]njoin Defendants from further violations under these same policies and procedures." (Dkt. 19 at 18.) A request to "revise" is akin to a request to "amend, modify, or set aside." As a result, Section 46110 applies to Plaintiff's request for DHS TRIP revision.

This conclusion is in accordance with the reasoning of several other decisions. In *Mokdad v. Lynch*, the Sixth Circuit noted, without deciding, that "challenges [to] the adequacy of [DHS TRIP] . . . amount to a challenge to a TSA order. 804 F.3d 807, 811 (6th Cir. 2015).[4] Two district courts, applying that dicta, held that challenges to the adequacy of DHS TRIP are subject to Section 46110. *See Salloum v. Kable*, No.

[4] In *Mokdad*, the Sixth Circuit held that the plaintiff's failure to join TSA as a defendant required dismissal without prejudice, and the court thus "declined to opine at this time whether § 46110 would deprive the district court of subject-matter jurisdiction over Mokdad's claims challenging the adequacy of the redress process, including any broad constitutional claims, if he were to file a new suit naming TSA as a defendant." *Id.* at 812.

19-CV-13505, 2020 WL 7480549 at *12 (E.D. Mich. Dec. 18, 2020); *Bazzi v. Lynch*, No. 16-10123, 2016 WL 4525240 at *4 (E.D. Mich. Aug. 30, 2016), *aff'd sub nom. Beydoun v. Sessions*, 871 F.3d 459 (6th Cir. 2017).

And the Ninth Circuit has held that a different TSA redress process is a TSA order subject to jurisdiction-channeling under Section 46110. *See Magassa v. Mayorkas*, 52 F.4th 1156, 1165 (9th Cir. 2022). In that case, TSA revoked an airline agent's security badge after TSA initially determined that the agent might no longer be eligible to hold airport security credentials. *Id.* at 1160. On the agent's challenge to this initial determination, the agency restored his credentials. *Id.* But the travel-related delays and harassment by TSA did not stop, so the agent sued, seeking, among other things, a revision to the redress process by which the agent challenged TSA's initial determination. *Id.* at 1161. On appeal, the Ninth Circuit held that the challenged redress process was an "order" under Section 46110. *Id.* [5]

[5] The Ninth Circuit established a test to determine whether agency decisions are subject to channeling under § 46110: agency decisions are "agency orders under § 46110 if they impose an obligation, deny a right, or fix some legal relationship. Qualifying orders (1) are supported by a reviewable administrative record, (2) are a definitive statement of the agency's position, (3) have a direct and immediate effect on the day-to-day business of the party asserting wrongdoing, and (4) envision immediate compliance with [their] terms." *Magassa v. Mayorkas*, 52 F.4th 1156, 1165 (9th Cir. 2022) (cleaned up). Plaintiff argues that "[w]hen individuals on the Selectee list file DHS TRIP complaints, adjudication of those complaints impose[s] no 'direct and immediate effect on the day-to-day operations of the subject party.' " (Dkt. 25 at 5 (quoting *Magassa*, 52 F.4th at 1165).) Defendants counter that by "determin[ing] the procedure through which individuals may challenge their alleged TSDS status", "implementation of DHS TRIP plainly does have such direct and immediate effects." (Dkt. 27 at 4.) Defendants also note that DHS TRIP "creates administrative records that are reviewed in the courts of appeals." (*Id.* at 4–5.) Although not necessary to this decision, a cursory analysis under this *Magassa* test suggests that implementation of DHS TRIP is an agency order under § 46110 because, at the least, DHS TRIP "fix[es] some legal relationship" between an aggrieved traveler and federal authorities by enacting the first step for obtaining watchlist relief. Further, to support its conclusion in *Magassa* that the challenged redress process constituted an order under Section 46110, the Ninth Circuit cited, among others,

In short, establishment of DHS TRIP is an order of TSA. Moreover, Plaintiff seeks amendment of DHS TRIP. These circumstances mean that Section 46110 applies, and Plaintiff's challenge to the adequacy of DHS TRIP must therefore be heard, if at all, by the Courts of Appeals.

ii. Watchlist Challenges

Having determined that Plaintiff's challenge to the sufficiency of DHS TRIP must be heard by the Courts of Appeals, the Court must next consider whether the complaint challenges Plaintiff's initial placement on the watchlist or rather his maintenance on it following the submission of his grievances through DHS TRIP. An analysis of the complaint reveals that Plaintiff's challenge focuses on the latter.

In *Fikre*, the Ninth Circuit considered whether the plaintiff challenged his initial placement on the watchlist or rather his maintenance on it. *Id.* To make that determination, the court analyzed the complaint: "With respect to his procedural due process claim, Fikre alleges that the government '*placed* Plaintiff's name in the Terrorist Screening Database and on its No Fly List subcomponent' and asserts that he 'has experienced economic, reputational, physical, and liberty harms due to Defendants' *placement* of his name' on those lists." *Id.* at 775 (emphasis in original). Because the complaint "spen[t] just two paragraphs . . . challeng[ing] the TSA Administrator's decision," it did not sufficiently "challenge the TSA Administrator's decision made at the end of the DHS TRIP process or seek a court order requiring the

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Sima Prods., 612 F.2d at 312, for the proposition that the Seventh Circuit found 49 U.S.C. § 1486, "46110(a)'s predecessor statute," to be an order for Section 46110 purposes. *Id.*

TSA Administrator to remove him from the No Fly List." *Id.* Rather, the Ninth Circuit concluded that, "in sum," the plaintiff challenged his initial placement on the watchlist, taking the complaint out of Section 46110's mandate. *Id*; *see also Amerijet Int'l, Inc. v. United States Dep't of Homeland Sec.*, 43 F. Supp. 3d 4, 16 (D.D.C. 2014) (court must consider the "gravamen" of the claims).

Plaintiff argues, without citation to his complaint, that, in addition to challenging the adequacy of DHS TRIP, he "challenges his original placement in the [Database]." (Dkt. 25 at 5.) But an analysis of the complaint does not bear out that assertion, as Plaintiff's allegations center on the inadequacy of the DHS TRIP process itself. Plaintiff's complaint speaks directly to Plaintiff's initial placement on the watchlist in only one way: namely, through Plaintiff's identification of "Unknown [Screening Center] Employees" as "the person or persons who presumably reviewed and accepted Mr. Demir's nomination to the [Database], creating his extensive travel difficulties." (*Id.* ¶ 7.) But Plaintiff's request in his prayer for relief that the Court "[o]rder Defendants to remove Plaintiff from any federal watchlists"[6] suggests instead that Plaintiff is interested in challenging the decision to *keep* him on the list, not the decision to put him there in the first place. (*Id.* at 18.) Put another way, the complaint challenges two orders: the adequacy of DHS TRIP and the TSA Administrator's decision not to remove Plaintiff from the watchlist following his DHS TRIP

[6] This prayer reads in full: "Order Defendants to remove Plaintiff from any federal watchlists he may appear on or explain the reasons for his placement in a way that provides him with a meaningful opportunity to challenge these designations." (Dkt. 19 at 18.) The second clause (omitted above), " . . . or explain the reasons for his placement . . . ," essentially asks the Court to do what Plaintiff wants DHS TRIP to do. This further highlights the centrality of the challenge to the DHS TRIP process that underlies Plaintiff's Complaint.

grievances. But because both orders are "orders issued by . . . the Administrator of the [TSA]," they are subject to the jurisdiction-channeling requirements of Section 46110.

IV. CONCLUSION

For these reasons, Defendant's motion to dismiss (Dkt. 22) is granted.

SO ORDERED in No. 22-cv-07209.

Date: July 17, 2024

JOHN F. KNESS
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

HALIL DEMIR,

Plaintiff,

v.

ALEJANDRO MAYORKAS, MERRICK GARLAND, CHRISTOPHER A. WRAY, CHARLES KABLE IV, DAVID P. PEKOSKE, and UNKNOWN TSC EMPLOYEES,

Defendants.

No. 22-cv-07209

Judge John F. Kness

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff

which ☐ includes pre–judgment interest.
☐ does not include pre–judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

☐ in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

☒ other: Case dismissed without prejudice based on lack of jurisdiction.

This action was *(check one)*:

☐ tried by a jury with Judge presiding, and the jury has rendered a verdict.
☐ tried by Judge without a jury and the above decision was reached.
☒ decided by Judge John F. Kness on Defendants' motion to dismiss.

Date: July 17, 2024

JOHN F. KNESS
United States District Judge

CIRCUIT RULE 30(d) STATEMENT

The undersigned counsel of record for Plaintiff-Appellant hereby certifies that the foregoing includes all materials required by Circuit Rule 30(a). Appellant's Circuit Rule 30(b) materials are filed separately concurrent with this filing.

/s/ Samira S. Elhosary
Samira S. Elhosary
Counsel for Appellant

CERTIFICATE OF SERVICE

The undersigned certifies that on January 12, 2026, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

/s/ Samira S. Elhosary
Samira S. Elhosary
Counsel for Appellant