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September 22, 2012

BY First Class Mail

Honorable Paul A. Engelmayer (District Judge)
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *OPINION ORDER August 29, 2012 in American Freedom Defense Initiative et al., v. Metropolitan Transportation Authority et al. Case No. 11CIV. 6774(PAE)*

Subject: Request for Recusal and/or Disqualification of Judge Pursuant to U.S.C. §455

Dear Judge Engelmayer

I am Hayat Masudi an American Muslim resides in Queens County, New York, writes to this Honorable Court on behalf of himself, his wife, his mother, his sisters and his children (collectively referred to as the “Masudi Family” or “Family”). This letter is in response to your recent Opinion and Order issued and signed on August 29, 2012 (the” August 29 Order”), in which the Court grants the Motion by Plaintiff, the American Freedom Defense Initiative (“AFDI”) for a permanent injunction, enjoining defendant Metropolitan Transportation Authority (“MTA”) from enforcing its ‘non demeaning’ advertising standard and allowing the AFDI to post a vicious ad which is insulting, ignorant—and denouncing Muslims as "savage", will appear in New York City's subway system. The actual image of this ad is provided bellow which it reads:

“In any war between the civilized man and the savage, support the civilized man. It concludes with the words, “Support Israel. Defeat Jihad,” wedged between two Stars of David.”

Ad’s Potential Negative Impact on Masudi’s Family

The purpose of this ad is to deprive The Masudi Family and millions of Muslim in the U.S. of liberty and freedom of religion which are protected by the constitution. This ad will stereotype the Masudi Family and millions of Muslim negatively on the warmth dimension—that is, as threatening, violent, etc. The portrayals and stereotypes of this kind are not only demeaning to the Masudi Family: they are dangerous. The Family may experience discrimination in housing, schools and employment, or even harassment and attacks from strangers on the street.



“14th amendment of the constitution of the United States of America which states in pertinent part: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Both this disgusting ad which will be posted in New York’s City subway system, as well as this Court’s Order issued in favor of this hate group, are in direct violation of the 14th Amendment and deprives Masudi Family of liberty and freedom protected by the constitution of United States of America. This loathing ad is specifically designed, produced, and funded by uncivilized thugs whose goal is nothing but to create hostility and hate crimes between Muslim and Jewish communities in New York.

AFDI is designated as a “HATE GROUP”

- The Southern Poverty Law Center has called Geller the Founder and Executive Director of AFDI “the anti-Muslim movement's most visible and flamboyant figurehead" and has categorized American Freedom Defense Initiative as a "hate group."
- The Pro-Israel Anti-Defamation League said that Geller "fuels and fosters anti-Muslim bigotry in society."
- The Council on American-Islamic Relations in New York said “Geller is someone who's made quite a career out of stoking ignorance and fear and hatred,"

This Court Allegedly Misconstrued, and/or Given Inaccurate Definition to the Word (“JIHAD”) or in Alternative, the Court is Allegedly Biased, Impartial and or Corrupt

The August 29 Order which is allegedly biased, impartial and erroneous hasn’t not only violated legal and constitutional rights and the due process clause of Masudi Family and the rights of millions of Muslims living in the U.S., it also ignites and promotes further violence, hate crimes, and hostility between Muslims and Jews in homeland and abroad. The Court Decision delivered at a time as growing agitation and deadly protests in the Muslim world is taking place in response to an American-made video posted on YouTube, mocking the Prophet Muhammad (S.A.W)

The word (“Jihad”) which appears in this ad may have misinterpreted and/or may have been given an inaccurate definition in this Action—or the word [itself] may not have been mention, discussed and/or presented in the Court documents such as, (“Motions, Affirmations, Oppositions, etc”). An addition, the Court and both the Plaintiffs and the Defendants (the “Parties”) may not be familiar with the accurate definition of the term Jihad, or they may have not presented to the Court an accurate definition of the term Jihad from an expert witness or a Muslim scholar. Moreover, the undersigned assumes that since AFDI is designated as a hate group—and their intention always was and is to create militancy, hate crime, and violence between the Muslim and Jewish communities, chances are, the Court may have used the militaristic connotation of the [term] in these proceedings.

Usage of the Term

In Modern Standard Arabic, jihad is one of the correct terms for a struggle for any cause, violent or not. For instance, Mahatma Gandhi's Satyagraha struggle for Indian independence is called a "jihad" in Modern Standard Arabic (as well as many other dialects of Arabic); the terminology is also applied to the fight for women's liberation

According to the Wikipedia (<http://en.wikipedia.org/wiki/Jihad>), the term 'jihad' has accrued both violent and non-violent meanings. It can simply mean striving to live a moral and virtuous life, spreading and defending Islam as well as fighting injustice and oppression, among other things. The relative importance of these two forms of jihad is a matter of controversy. A poll by Gallup showed that a "significant majority" of Muslim Indonesians define the term to mean "sacrificing one's life for the sake of Islam/God/a just cause" or "fighting against the opponents of Islam". In Lebanon, Kuwait, Jordan, and Morocco, the majority used the term to mean "duty toward God", a "divine duty", or a "worship of God", with no militaristic connotations. Other responses referenced, in descending order of prevalence:

- "A commitment to hard work" and "achieving one's goals in life"
- "Struggling to achieve a noble cause"
- "Promoting peace, harmony or cooperation, and assisting others"
- "Living the principles of Islam"

Furthermore, the American Muslim Council explains, the word Jihad "is more accurately translated as exertion of effort, not 'holy war.' The Prophet Muhammad (S.A.W) said that the highest form of jihad is the personal struggle to make oneself a better Muslim."

Conclusion

Based upon on the facts and references presented above and based upon the Court proceedings the undersigned concludes the following:

1. The Court allegedly failed to proactively, technically and/or accurately define the term Jihad, or
2. The Court may have used the militaristic connotation of the term Jihad in these proceedings; and
3. The Court may have allegedly demonstrated biases and impartiality against the Masudi Family and millions of Muslim in the US, is in direct violation of their constitutional and legal rights.

Accordingly, The undersign respectfully requests by way of this letter that, the Honorable Judge by his own motion, overturn his decision and recuse and/or disqualify himself from further proceeding in this action pursuant to U.S.C. §455, and Marshall v. Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610, 64 L . Ed. 2d 182 (1980).

"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976). ..., by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him."

Respectfully Submitted

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