

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

Khalid Mourtaga, et al. v. Donald J. Trump, in his official capacity as
President of the United States, et al.

Mourtaga v. Trump · No. 24 C 13038 · Decided January 8, 2026

SUMMARY

The Northern District of Illinois granted the defendants’ motion to dismiss a complaint seeking to compel the evacuation of U.S. citizens, lawful permanent residents, and eligible family members from Gaza. The court held that the claims were nonjusticiable under the political-question doctrine because they required review of discretionary executive-branch foreign-policy and evacuation decisions without judicially manageable standards. The complaint was dismissed with prejudice, and the motion for a preliminary injunction was denied as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Virginia M. Kendall
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	January 8, 2026
DOCKET	24 C 13038
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs sought declaratory and injunctive relief compelling the President, the Secretary of State, and the Secretary of Defense to coordinate the emergency evacuation of plaintiffs and other covered persons from Gaza. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	Under Rule 12(b)(1), the court may look beyond the complaint's jurisdictional allegations and consider evidence bearing on jurisdiction; the party invoking federal jurisdiction bears the burden of establishing it. Under Rule 12(b)(6), the complaint must contain factual allegations plausibly suggesting a right to relief, with well-

	pleaded facts construed in the plaintiff's favor but legal conclusions and conclusory allegations disregarded.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion with no reported citation or stated precedential designation.
PARTIES	Khalid Mourtaga, et al. v. Donald J. Trump, in his official capacity as President of the United States, et al.

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QUESTIONS PRESENTED

1. Whether plaintiffs' claims seeking judicially compelled evacuation from Gaza were nonjusticiable political questions because adjudication would require review of discretionary executive-branch foreign-policy and military decisions without judicially manageable standards.
2. Whether the court should reach defendants' alternative arguments concerning standing and failure to state a claim.
3. Whether plaintiffs' motion for a preliminary injunction should be denied as moot after dismissal of the complaint.

HOLDINGS

1. The claims were nonjusticiable because resolving whether the government was required to evacuate plaintiffs would require the court to second-guess discretionary foreign-policy and evacuation decisions and to determine facts and standards not judicially discoverable or manageable.
2. The equal protection claim was also nonjusticiable because adjudicating it would require the court to second-guess discretionary evacuation decisions in Gaza and other foreign conflict zones without access to the individualized facts underlying those decisions.
3. Because the political-question doctrine required dismissal, the court did not reach defendants' alternative arguments concerning standing or failure to state a claim.

KEY QUOTATIONS

“A controversy is nonjusticiable” when the issue presented in a plaintiff’s case involves “a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it.” (Discussion)

“When considering the sufficiency of evacuation procedures in foreign conflict zones, the relevant political-question doctrine hurdle has less to do with the relief sought and everything to do with the second-guessing of discretionary decisions the executive branch has already made” (Discussion)

FACTUAL BACKGROUND

The plaintiffs were nine Palestinian-origin U.S. citizens and lawful permanent residents, some of whom were stranded in Gaza and others of whom sought evacuation for immediate family members there. They alleged that the United States had evacuated Americans from other conflict zones while failing to provide comparable evacuation relief to Palestinian Americans and their eligible family members. The government had established a crisis-intake process and had facilitated some evacuations, but evacuation decisions depended on changing conditions, coordination with Israel, Egypt, Jordan, and other actors, and individualized determinations about who could safely leave.

PROCEDURAL HISTORY

Plaintiffs filed a two-count complaint alleging a Fifth Amendment equal protection violation and a violation of the Administrative Procedure Act. Plaintiffs moved for a preliminary injunction, and the court heard oral argument on June 3, 2025. Defendants moved to dismiss, arguing that the claims presented nonjusticiable political questions, that plaintiffs lacked standing, and that the complaint failed to state a claim. The court granted the motion to dismiss on political-question grounds, dismissed the complaint with prejudice, and denied the preliminary-injunction motion as moot.

DISPOSITION

dismissed

CASES CITED

- Japan Whaling Ass’n v. Am. Cetacean Soc’y, 478 U.S. 221, 230 (1986)
- Judge v. Quinn, 624 F.3d 352, 357–58 (7th Cir. 2010)
- Mobarez v. Kerry, 187 F. Supp. 3d 85, 89, 91, 93, 96 (D.D.C. 2016)
- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Page v. Democratic Nat’l Comm., 2 F.4th 630, 634 (7th Cir. 2021)
- Farnik v. F.D.I.C., 707 F.3d 717, 721 (7th Cir. 2013)
- Kubiak v. City of Chicago, 810 F.3d 476, 480 (7th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 680 (2009)
- Bell v. City of Chicago, 835 F.3d 736, 738 (7th Cir. 2016)
- Diedrich v. Ocwen Loan Servicing, LLC, 839 F.3d 583, 589 (7th Cir. 2016)
- Kline v. Burke Constr. Co., 260 U.S. 226, 234 (1922)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 423 (2021)
- United States v. Munoz-Flores, 495 U.S. 385, 394 (1990)

- Zivotofsky ex rel. Zivotofsky v. Clinton, 566 U.S. 189, 194–96 (2012)
- Cohens v. Virginia, 19 U.S. 264, 404 (1821)
- Nixon v. United States, 506 U.S. 224, 228 (1993)
- Baker v. Carr, 369 U.S. 186, 211, 217 (1962)
- Flynn v. Shultz, 748 F.2d 1186, 1190, 1192–93 (7th Cir. 1984)
- Oetjen v. Central Leather Co., 246 U.S. 297, 302 (1918)
- El-Shifa Pharm. Indus. Co. v. United States, 607 F.3d 836, 856 (D.C. Cir. 2010)
- Holtzman v. Schlesinger, 484 F.2d 1307, 1312 (2d Cir. 1973)
- Sadi v. Obama, 2015 WL 3605106 (E.D. Mich. June 8, 2015)
- Noem v. Abrego Garcia, 145 S. Ct. 1017 (2025)

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