UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BADAR KHAN SURI *Petitioner*, v. DONALD TRUMP, *et al.*, *Respondents*	Case No. 1:25-cv-480

PETITIONER'S REPLY IN SUPPORT OF HIS MOTION FOR PRELIMINARY INJUNCTION

Respondents make no attempt to defend the legality of the termination of Dr. Khan Suri's SEVIS record, to explain why it was reinstated shortly after Dr. Khan Suri filed the instant Motion, or to provide any reassurance that they will not terminate his SEVIS record unlawfully in the future. Instead, they misconstrue the procedural history of this case, misstate Petitioner's arguments in support of his Motion, and rest on meritless arguments that—as Respondents themselves acknowledge—have been widely rejected by other courts in similar cases. Despite the reinstatement of his SEVIS record, not even Respondents argue that this Motion is now moot, and Dr. Khan Suri continues to face the likelihood of irreparable harm absent the relief requested. Accordingly, he respectfully requests that this Court grant such relief.

PROCEDURAL HISTORY

On March 18, 2025, Dr. Khan Suri filed a hybrid Petition for Writ of Habeas Corpus and Complaint which sought both traditional habeas relief (i.e., release from unlawful detention) and declaratory and injunctive relief based on non-habeas claims. ECF No. 1. On March 20 and 21, 2025, multiple counsel entered appearances on behalf of all Respondents named in the Petition.

and Complaint ECF Nos 8, 9, 10, 11 On March 22, 2025, counsel for Dr Khan Suri filed proposed summonses for each Respondent ECF No 12 Respondents' counsel received notice of this filing through the Court's ECF system On March 24, 2025, the Court's Case Manager informed Petitioner's counsel via email that the Court does not issue summonses in habeas cases and would not issue summonses in this case. *See* Exhibit A On March 25, 2025, this Court directed Respondents to respond to Petitioner's Motion to Compel Return on or before April 1, 2025. ECF No. 16. On April 1, 2025, Respondents filed a Motion to Dismiss and a Motion to Transfer Case and oppositions to Petitioner's pending motions, without ever contesting the Court's jurisdiction as a result of the lack of formal service of process ECF Nos 24, 25, 26, 28, 29

On April 8, 2025, Dr. Khan Suri filed his First Amended Petition and Complaint ECF No 34 On June 30, 2025, Dr. Khan Suri filed his Second Amended Petition and Complaint, which added an independent claim based on the termination of Dr Khan Suri's SEVIS record ECF No 92. Each of these filings was served on counsel for Respondents via the CM/ECF system. In each version of the Petition and Complaint, Dr Khan Suri requested both traditional habeas relief and declaratory and injunctive relief.

ARGUMENT

I. This Court has personal jurisdiction over Respondents and can issue the relief requested.

Despite vigorously litigating this case for months without ever raising or contesting personal jurisdiction as a result of ineffective service of process, Respondents now argue for the first time that this Court lacks personal jurisdiction because the First Amended Petition and Complaint was not served on them within 90 days of its filing Respondents make no mention of the fact that Petitioner's Second Amended Petition and Complaint was filed on June 30, 2025, and is now the operative pleading in this action This pleading was served on counsel for Respondents

via the Court's electronic filing system, in accordance with Rule 5(b)(1) of the Federal Rules of Civil Procedure ("If a party is represented by an attorney service under this rule must be made on the attorney unless the court orders service on the party") Further, Respondents make no mention of Petitioner's request that the Court issue summons for service of process, and the Case Manager's direction that such process is not required in habeas proceedings.[1] Respondents make no argument (nor could they) that they lack actual knowledge of these proceedings or that lack of formal service of process has prejudiced them in any way

Even if formal service of process had been required in this case, Respondents failed to object to this Court's personal jurisdiction on this basis and have waived that objection through their full participation in this litigation up to this point A defect in personal jurisdiction can be waived by appearance or failure to make a timely objection *Ins Corp v Compagnie des Bauxites de Guinee*, 456 U S. 694, 703 (1982). A defendant may also waive any objection to personal jurisdiction if a defendant's conduct in the litigation demonstrates the defendant's consent to the court's jurisdiction *Guthrie v Flanagan*, No 3 [illegible]479 2007 WL 4224722, at *3 (E.D Va. Nov 27, 2007) (citing *Cont'l Bank, N.A v Meyer*, 10 F 3d 1293, 1297 (7th Cir 1993)), *see also Singh v Haas*, No 3 09-CV-386, 2010 WL 1506973 at *4 (E D Va Mar 30, 2010) (noting that "continuing to litigate on the merits may constitute a waiver of objection to personal jurisdiction and holding that defendant waived objection to personal jurisdiction on this basis)

[1] Should the Court determine that summons should issue and Petitioner is required to formally serve Respondents with process in this case, Rule 4(m) of the Rules of Civil Procedure allows the Court to extend the time for such service for good cause or to order that service be made within a specified time with or without good cause for the failure to serve *See Gelin v Shuman*, 35 F 4th 212, 219 (4th Cir. 2022) ("[E]ven without a showing of good cause, the district court may 'order that service be made within a specified time' rather than dismissing the action and that the choice between the two is left to the district court's discretion") In addition, good cause exists here where Petitioner tried but was unable to obtain summons to serve on Respondents

recommendation adopted, No 3.09-CV-386 2010 WL 1 6972 (E D Va Apr 14, 2010), *aff d sub nom Singh v Hass*, 428 F App'x 230 (4th Cir 2011) *ity Equip Inst v Signature Lacrosse, LLC*, 438 F Supp 3d 685, 688 (E D. Va 2020) ("[D]efen Sovicio waived his objection to lack of personal jurisdiction by failing to state that objection in the first responsive filing, defendants' Motion to Dismiss or Alternatively, to Transfer Venue"), *Pinsey v Dallas Corp*, 938 F.2d 498, 501 (4th Cir 1991) (holding that defendant waived defense of untimely service by failing to raise it in a pre-answer motion or its answer to the complaint)

Counsel for Respondents appeared in this case on March 20, 2025, two days after its initiation on March 18th and two days prior to Petitioner's filing of proposed summonses Respondents have zealously litigated this case for four months, filed multiple motions and responsive pleadings, appeared before this Court for two different motions hearings, and engaged in motion practice before the U.S. Court of Appeals for the Fourth Circuit, including after Petitioner filed his first Amended Petition and Complaint without ever making the argument that lack of service of process has deprived the Court of personal jurisdiction in this matter Further Respondents declined to take a position on Petitioner motion for leave to file his Second Amended Petition and Complaint. Respondents' failure to timely object to this Court's exercise of personal jurisdiction and their conduct in this litigation demonstrate that they have consented to personal jurisdiction and have waived any objection

II. Respondents do not meaningfully dispute Petitioner's arguments that the termination of his SEVIS record is unlawful

Respondents make no attempt to defend the legality of their actions in terminating Dr Khan Suri's SEVIS record Instead, they rely on a series of collateral arguments that have no basis in the record in this case or in the law.

First, they mistakenly assert that Dr. Khan Suri's claims rest on an allegation that his visa was revoked. ECF No. 99 at 3 ("Integral to Suri's Motion is his repeated, false claim that his visa was revoked when, in fact, his visa expired of its own accord."). In fact, Dr. Khan Suri's Second Amended Complaint and preliminary injunction motion makes clear that a J-1 visa and J-1 status are separate and distinct, and that J-1 status does not require or depend on the existence of a valid J-1 visa. ECF No. 79-1 at 4; ECF No. 92 ¶ 111. Dr. Khan Suri's argument in no way rests on the premise that his visa was revoked, it rests on the premise that his status was terminated. *See* ECF No. 92 ¶ 113. While Dr. Khan Suri argued that "to the extent that the government relied on the revocation of Dr. Khan Suri's J-1 visa to terminate his status, visa revocation is not one of the permissible grounds for the government to terminate a SEVIS record," ECF 79-1 at 11, the crux of Dr. Khan Suri's claim is that the government had no lawful basis, be it visa revocation or otherwise, upon which to terminate his SEVIS record. *See* ECF No. 92 ¶¶ 144-150.

Second, Respondents make an unsupportable argument that one's SEVIS record and one's status are different, and that a SEVIS record termination has no bearing on or relation to one's status. ECF No. 99 at 8 ("Importantly, the termination of a SEVIS record does not necessarily indicate a termination of nonimmigrant status."). The website Respondents point to in support of this proposition does not indicate in any way that a termination of a J-1 exchange visitor's SEVIS record[2] would occur without a corresponding termination of their status. Instead, it indicates that when a SEVIS record is terminated, the consequences include loss of employment, inability to re-enter the United States, ICE investigation to confirm departure from the United States, and the termination of any associated dependent records—all actions that are necessarily preceded by a

[2] In fact, this website refers specifically to F and M status and does not mention J exchange visitor status.

loss of status It also lists the circumstances under which a SEVIS record should be terminated drawn from the statutes and regulations that govern when status would terminate

Consistent with the government's own statements and practice that a SEVIS record is an accurate reflection of an individual's actual immigration status, every court to consider the argument that Respondents make here has soundly rejected it *See, e g , Doe v Noem*, No 25-CV-00023, 2025 WL 1399216, at *9-10 (W.D. Va May 14, 2025), *Liu v Noem*, Case No 25-cv-133-SM-TSM, 2025 WL 1233892, at *6 (D N H Apr 29, 2025) ("Indeed, the evidence before the court at this stage demonstrates that DHS officials and agencies follow this directive and construe a student's SEVIS record as the equivalent of his actual F-1 student status"), *Parra Rodriguez v Noem*, No 25-CV-616, 2025 WL 1284722, at *9 (D Colo May 1, 2025) *Doe v Trump*, No 25-CV-03140-JSW, 2025 WL 1467543, at *6 (N D Cal May 22, 2025) ("Defendants' arguments hinges on their position that a SEVIS record is not linked to immigration status The Court joins the growing number of courts around the United States who have rejected this position") This Court should reach the same conclusion based on the sound reasoning of the courts that have already considered this issue and based on the declarations provided in support of Petitioner's Motion. ECF Nos 79-3, 79-4.

Third Respondents argue that the relief sought by Dr Khan Suri is outside the scope of relief that may be ordered in a habeas case This argument entirely ignores the fact that Dr. Khan Suri has filed a combined habeas petition and complaint bringing both habeas and non-habeas claims. *See* Fed R Civ Pro. 18 ("A party asserting a claim counterclaim, crossclaim, or third-

party claim may join, as independent or alternative claims, as many claims as it has against an opposing party").[3] Accordingly, the Court may grant preliminary relief on the non-habeas claims.

Finally, Respondents argue that the Privacy Act bars the relief Dr. Khan Suri requests because it provides an exclusive alternative remedy that triggers the exception to the Administrative Procedure Act's waiver of sovereign immunity. Paradoxically, Respondents clearly acknowledge that this remedy is not available to Dr. Khan Suri, because it is limited to United States citizens and permanent residents, and citizens of designated countries, of which India is not one. ECF No. 99 at 10, 17. The Supreme Court has held that the Privacy Act and other laws "can coexist harmoniously," and when those laws are complementary, courts should give effect to both. *Dep't of Agric. Rural Dev. Rural Hous. Serv. v. Kirtz*, 601 U.S. 42, 63 (2024). The Court also noted that a party arguing that one statute "displaces the other" bears a heavy burden. *Id.* (citing *Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 510 (2018)). As a result, every court to consider this issue in similar circumstances has held that the Privacy Act is not in fact a suitable alternative remedy because it is not available to non-citizens and does not provide a vehicle for relief such as the reinstatement of SEVIS records. *See, e.g., Doe v. Noem*, No. 25 WL 1399216, at *8 (noting that the government's argument "defies logic" because relief under the Privacy Act is "categorically unavailable," and collecting cases holding similarly); *Parra Rodriguez*, 2025 WL 1284722, at *6 ("Defendants' position that the Privacy Act precludes Parra Rodriguez from challenging their actions under the APA is unsupported by caselaw and the Privacy Act itself").

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[3] The Fourth Circuit and courts in this district have frequently considered hybrid habeas-complaint cases in the immigration context. *See e.g., Rev. Servs. of Nat'l Council of J.F.G. v. Hott*, 921 F.3d 204 (4th Cir. 2019) (considering habeas and constitutional claims challenging detention transfers based right to family unity); *Miranda v. Garland*, 34 F.4th 338, 347 (4th Cir. 2022) (considering habeas and class action claims challenging the government's implementation of bond procedures); *Guerrero-Perry*, No. 1:24-CV-1151 (MSN/IDD), 2024 WL [illegible] (E.D. Va. Apr. 26, 2024)(considering habeas and class action claims challenging [illegible] procedures).

III. 8 U.S.C. § 1252 does not bar the relief requested.

No provision of the Immigration and Nationality Act immunizes Respondents against judicial relief from the unlawful termination of Dr Khan Suri's SEVIS record As Respondents admit, Dr Suri's SEVIS termination was not "necessary for initiation of enforcement action and removal proceedings" ECF No 99 n 5. Thus there is no bar to the relief he seeks here.

First, 8 U S C § 1252(g) has no application to Dr Khan Suri's challenge to his SEVIS termination [4] As this Court and the Fourth Circuit have affirmed, this provision "applies only to three discrete actions that the Attorney General may take her 'decision or action' to 'commence proceedings, adjudicate cases, or execute removal orders'" *Reno v Am -Arab Anti-Discrimination Comm* , 525 U.S 471, 486 (1999) (quoting 8 U S C § 1252(g)), *Suri v Trump*, No 25-1560, 2025 WL 1806692, at *7 (4th Cir July 1, 2025); Tr of Bond Hearing, 25 7-13 (May 14, 2025).

In similar cases where plaintiffs challenged their SEVIS termination in connection with relief from arrest detention, and/or the commencement of removal proceedings, courts held that section 1252(g) did not deprive them of jurisdiction *See e g* , *Doe v Noem*, 2025 WL 1399210 at *14 , *Chen v Noem*, No 1 25-cv-733-TWP MG, 2025 WL 1163653, at *9-10 (S D. Ind Apr 21, 2025); *Doe v Noem*, 2025 WL 1134977, at *7 (E D Cal Apr 17, 2025), *Ozturk v. Trump*, No 2.25-cv-374, 2025 WL 1145250, at *12 (D Vt Apr 18, 2025), *Doe v Trump*, 2025 WL 1467513 at *10; *Parra Rodriguez*, 2025 WL 1284722, at *12, *Savchuk v Noem*, No 5:25-CV-05035-KES 2025 WL 1413266, at *6 (D S D May 15, 2025) Thus, here where Petitioner seeks to enjoin the unlawful termination of his SEVIS record independent of his other habeas claims, § 1252(g) has

[4] None of the INA provisions the government cites bar "the Court [from] reaching or deciding this habeas petition" Transcript of May 14, 2025 Hearing at 26 13-15

no bearing on his removal proceedings to implicate "the narrow interpretation of §1252(g) th AADC commands." *Fornalik v Perryman*, 2 F 3d 523, 531 (7th Cir 2000)

Second, the jurisdiction-channeling provisions in § 1252(a)(5) and (b)(9) have no application to a petitioner's challenge to the legality of his SEVIS termination. These provision apply only to "[j]udicial review of a final order of removal." *INS v St Cyr*, 533 U.S. 289, 311, 31 (2001)); *see also Casa De Maryland v US Dep't of Homeland Sec*, 924 F 3d 684, 697 (4th C 2019); *Patel v Barr*, No CV 20-3856, 2020 WL 4700636, at *3 (E D. Pa. Aug 13, 20 (§ 1252(a)(5) does not apply where petitioner is not challenging "order of removal"); *Sur Trump*, No 25-1560, 2025 WL 1806692, at *9 (4th Cir July 1, 2025) ("On their face, the provisions apply only to challenges to an "order of removal".") There has been no such order issue in Dr. Khan Suri's case thus, §§ 1252(a)(5) and (b)(9) are inapplicable

Even if (b)(9) did apply to pre-order cases whether it channels claims here "turns on whether the legal questions that we must decide 'aris[e] from' the actions taken to remove noncitizens, construing that phrase narrowly *Jennings v Rodriguez*, 583 U S 281, 293 (2018), *see also Nielsen v Preap*, 586 U S 392, 399-400, (2019) (finding that § § 1252(b)(9) did not preclude review of detention challenge), *Johnson v Guzman Chavez*, 594 U S 523, 533 n.4 (202 (same) The government's argument that the termination of Petitioner's SEVIS record was "removal related activity" because it occurred "concurrent with operational efforts to initia removal proceedings," ECF 99 at 15, seeks an "expansive interpretation of §1252(b)(9)" flat rejected in *Jennings* 583 U S at 293

While the government's unlawful conduct in terminating his SEVIS and J-1 status is p of its larger unlawful scheme of retaliation against Petitioner for exercising his protected F Amendment rights, it does not "arise from" Respondents' actions to remove him. Therefo

§1252(b)(9) does not channel review *See Mukuntagaray v U S Dep't of Homeland Sec*, 67 F 4th 1113, 1116 (10th Cir 2023) ("A claim only arises from a removal proceeding when the parties' fact are challenging removal proceedings") *Nasrallah v Barr*, 136 F 4th 382, 400 (2d Cir 20 ("overlap, even substantial overlap, does not make one claim arise out of the other, or necessitate that one claim controls the outcome of the other")

IV. Preliminary relief is still appropriate, notwithstanding the reinstatement of Dr Khan Suri's SEVIS record.

Despite the reinstatement of Dr Khan Suri's and his children's SEVIS records after the Motion was filed, Dr Khan Suri has already suffered irreparable harm from the unlawful termination of those records and will likely suffer irreparable harm without preliminary relief enjoining future unlawful termination. Notably, Respondents have provided no explanation for either the termination or reinstatement of Dr Khan Suri's SEVIS record and have conspicuously failed to provide any assurance that they would not seek to terminate his SEVIS record in the future.[5] As a result, Dr. Khan Suri remains likely to suffer irreparable harm, and preliminary relief is both warranted and necessary to prevent such harm.

At the outset, Respondents' voluntary cessation of its unlawful conduct does not *ipso facto* obviate the need for injunctive relief *See Porter v Clark*, 923 F 3d 348, 365 (4th Cir. 2019) *amended* (May 6 2019) (explaining that "[c]ourts require 'clear proof' that an unlawful practice has been abandoned, and must guard against attempts to avoid injunctive relief 'by protestation of repentance and reform, especially when abandonment seems timed to anticipate suit, and there is a probability of resumption' (quoting *Wilson v Med Exam'rs*, 895 F 2d 352, 367 (7th Cir 19

[5] On July 9 2025 undersigned counsel sent counsel for Respondents a proposed stipulation terms that would have resolved the instant Motion including, *inter alia*, an agreement not terminate Petitioners or his children's SEVIS records absent a new, independent legal basis the termination As of the date of filing, counsel has not received a response to that proposal

(internal quotations omitted))) This is especially true when Respondents have thus far declined to provide any assurances that the unlawful actions will not recur. *See Porter v. Clarke*, 852 F.3d 364 (4th Cir. 2017) (noting that "a defendant fails to meet its heavy burden to establish that allegedly wrongful behavior will not recur when the defendant retains the authority and capacity to repeat an alleged harm." (internal quotations and citations omitted))

On April 26, 2025, ICE issued a Broadcast Message[6] regarding termination of SEVIS records for people in F, M, and J statuses, attached as Exhibit B. The message states that "[w]hen SEVP [Student Exchange and Visitor Program] is objective evidence that a nonimmigrant visa holder is no longer complying with the terms of their nonimmigrant status for any reason, then the SEVIS record may be terminated on that basis." It also adds revocation of a visa by the U.S. Department of State as a basis for termination of a SEVIS record.

This memo represents "an expansion of authority by the government, *Doe #1 v. Noem*, No. 25-CV-317-WMC, 2025 WL 1555382, at *11 (W.D. Wis. June 2, 2025), and fails to create any certainty about how Respondents will treat exchange visitors like Dr. Khan Suri in the future. *See Du v. United States Dep't of Homeland Sec.*, No. 3:25-CV-644 (OAW), 2025 WL 1549098, *6 (D. Conn. May 31, 2025) ("The April 26 Policy does not persuade the court that the alleged violation will not recur. . . . [The Policy] leaves open the glaring possibility that, absent a preliminary injunction, ICE may invoke a new (but still improper) justification to terminate Plaintiffs' records in the future."); *Parra Recinos*, 2025 WL 1284722, at *9 ("Further, ICE

[6] This document was initially disclosed when it was filed as an exhibit in *Arizona Student DOE v. Trump*, No. 4:25-cv-00175 (D. Ariz.), and has been relied upon by the government in other cases as reflecting current government policy. NAFSA: Observations on Court Exhibit of SEVIS Policy on Termination of Records, May 2, 2025, available at https://www.nafsa.org/regulatory-information/observations-court-exhibit-sevis-policy-termination-records.

implemented a new policy that would allow Defendants to terminate her SEVIS record ag
without her formal notice and the opportunity to be heard.")

Recognizing the real danger that the government may repeat its prior unlawful condu
other courts have granted preliminary injunctive relief notwithstanding the government's volunt
reinstatement of other plaintiffs' SEVIS records. *See, e.g., Savena*, 2025 WL 1413266, at
(collecting cases), *Doe #1 v. Noem*, 2025 WL 1555382, at *11 (recognizing that the governm
had not repudiated its prior actions and in fact "ha[d] indicated that terminations could recur in th
future); *Doe v. Trump*, 2025 WL 1467543, at *8 ("[T]he Court does not find it speculative
conclude that, in the absence of an injunction, Defendants would abruptly re-terminate SEV
records without notice.")

In addition, the termination and reinstatement of Dr. Khan Suri's and his children's SEV
records are reflected in those records, which may cause further harm. Respondents indicate that
Khan Suri's SEVIS record, along with those of his children, were terminated on March 18, 20
with an effective date of termination of March 1[illegible]2025. ECF No. 99-1, ¶ 6. The reinstatement
their records, done on July 3, 2025, was *nunc pro tunc* to March 18, 2025. *Id.* at ¶ 7. This sugge
that there is still a gap of three days during which [illegible] record was not active. Further, the screensh
of Dr. Khan Suri's SEVIS record provided by respondents reflect that his and his childre
records were reinstated (leading to the inference that they had been terminated), but do not prov
any explanation for either event. *See* ECF No. 99-1, pp. 3-4.

Such anomalies in a SEVIS record can result in immigration consequences. *See* Declarat
of Dahlia M. French, ECF No. 79-4, ¶¶ 19-22. As a result, other courts have concluded that th
irregularities contribute to a finding of irreparable harm. *See, e.g., Doe #1 v. Noem*, 2025 W
1555382, at *6; *Du*, 2025 WL 1549098, at *[illegible]. Plaintiffs argue that they continue to su

irreparable injuries because their date on SEVIS is tarnished by Defendants' actions The co[urt] agrees ")

Finally, Respondents argue that Dr Khan Suri cannot assert claims on behalf of his child[ren] through this action But Respondents misunderstand Dr Khan Suri's claim The termination of his children's records was part of the retaliation against Petitioner himself, because leaving his children vulnerable to immigration consequences is in itself a harm to Dr Khan Suri Thus, relief protecting his children's SEVIS records is part of the remedy necessary to prevent irreparable harm to Dr Khan Suri.

CONCLUSION

For the foregoing reasons, Dr. Khan Suri respectfully requests that this Court issue a preliminary injunction granting the relief requested in his Motion

Dated: July 21, 2025

Respectfully submitted,

/s/ [illegible] B Heilman

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Admitted pro hac vice

Counsel for Petitioner

CERTIFICATE OF SERVICE

I, Eden Heilman, hereby certify that on this date I uploaded a copy of Petitioner's Reply in Support of Motion for Preliminary Injunction and any attachments using the CM/ECF system which will cause notice to be served electronically to all parties.

Date: July 21, 2025

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PHELICEA M. REDD
Plaintiff,
v.
U.S. POSTMASTER GENERAL,
Defendant.

1:25-cv-01098-MSN-WBP

ORDER

Plaintiff Phelicia M. Redd, proceeding *pro se*, filed a warrant in debt in Arlingont County General District Court against the U.S. Postmaster General, seeking $10,000 in damages and $60 in costs for "illegally forward[ing] [her] mail to TN without a forwarding form on file for said address." ECF 1-1. Defendant removed the action to this Court (ECF 1) and subsequently moved to dismiss Plaintiff's complaint for lack of subject matter jurisdiction (ECF 2).[2]

This Court agrees that it lacks subject matter jurisdiction over Plaintiff's claim, which this Court construes liberally as a claim for negligent mail delivery. *First*, Plaintiff names the "U.S. Postmaster General" as the Defendant in her Federal Tort Claims Act ("FTCA") suit; however, "[f]ailure to name the United States as defendant in an FTCA suit results in a fatal lack of jurisdiction." *Dunn v. United States Dep't of Veterans Affs.*, 2019 WL 6842537, at *8 (E.D. Va. Dec. 16, 2019). *Second*, even if Plaintiff named the correct defendant, her negligent mail delivery claim would fail because of the FTCA's "postal matters exception." *Dolan v. U.S. Postal Serv.*, 546 U.S. 481, 485 (2006). That exception provides that the FTCA "shall not apply to . . . [a]ny claim arising out of the loss, miscarriage or negligent transmission of letters or postal matter." 28 U.S.C. § 2680(b). Accordingly, it is hereby

ORDERED that Defendant's motion to dismiss (ECF 2) is GRANTED and it is further

ORDERED that this case is **DISMISSED** for lack of jurisdiction.

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[1] Plaintiff is currently enjoined from filing suit in the Alexandria Division of the Eastern District of Virginia based on her numerous filings. *See Redd v. U.S. District Court Eastern Dist. of Virginia, Alexandria*, 1:25-cv-00313-CMH-WBP, ECF 4. Because this matter was removed from state court, the injunction does not bar Plaintiff's complaint and the Court will proceed with its analysis.

[2] This Court advised Plaintiff of her opportunity to file an opposition brief in accordance with *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). ECF 7. Plaintiff failed to file one.

The Clerk is directed to mail a copy of this Order to Plaintiff, *pro se*, and to close this civil action.

It is **SO ORDERED.**

/s/
Michael S. Nachmanoff
United States District Judge

August 7, 2025
Alexandria, Virginia

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