UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

VRAJ DILIPBHAI PATEL — PETITIONER

v. — CIVIL ACTION NO. 3:25-cv-00373-RGJ (*e-filed*)

JAILER JEFF TINDELL
SAMUEL OLSON, ACTING DIRECTOR
KRISTI NOEM, SECRETARY
PAM BONDI, ATTORNEY GENERAL — DEFENDANTS

REPLY TO PETITIONER'S RESPONSE TO MOTION TO DISMISS (DOC. 22, 25)

Patel's response concedes that this Court's jurisdiction and judicial review are limited to three matters: (1) whether the petitioner is an alien; (2) whether the petitioner was ordered removed; and (3) whether the petitioner has already been granted entry as a lawful permanent residence, refugee, or asylee. His filings concede that he is an alien and was ordered removed, and he does not contend that he has already been granted entry as a permanent resident, refugee, or asylee. Patel's response, however, goes beyond those limited areas of jurisdiction, arguing that the Court can review the circumstances or procedure in which his removal order was issued. But the text of the relevant statute and ample cases addressing it explicitly refute that contention. Since none of the three matters for which jurisdiction exists are at issue, and there is no subject matter jurisdiction for any other claim related to Patel's order of removal and removal-related custody, there is no subject matter jurisdiction for any claim or controversy in this matter, and concordantly, Patel's petition presents no claim for which this Court can grant any relief. Patel's proper avenue to pursue the review he seeks from this Court is the appeal he has already filed with the Board of Immigration Appeals.

I. Patel concedes that this Court's jurisdiction and judicial review are limited to three matters: whether the petitioner is an alien; whether the petitioner was ordered removed; and whether the petitioner has already been granted entry as a lawful permanent resident, refugee, or asylee.

Patel asserts that

> [t]his Court's jurisdiction derives from 8 U.S.C. section 1252(a)(2)(A), which states that judicial review of an expedited removal order is limited to certain inquiries. Certainly, 8 U.S.C. section 1252(e)(2) limits habeas review to three matters: "first, 'whether the petitioner is an alien'; second, 'whether the petitioner was ordered removed'; and third, whether the petitioner has already been granted entry as a lawful permanent residence, refugee, or asylee."

(Doc. 25, PageID.195-196, quoting *Dept. of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 111 (2020); see also Doc. 25, PageID.195-196.). That assertion is in agreement with the motion to dismiss, which also explains that judicial review is limited to those same three matters. (Doc. 22, PageID.151-152, 157, 158-159.).

II. None of the three matters for which this Court has jurisdiction are contested.

Each of the three issues for which the Court has jurisdiction is settled in this case. Patel's petition admits that he is an alien. (Doc. 1, PageID.1, 4, 5, ¶¶ 2, 17, 23; Doc. 25, PageID.192.). Whether the petitioner has already been granted entry as a lawful permanent resident, refugee, or asylee is also not contested in this matter. Patel's filings make no claims or suggestion that he has been granted entry, instead asserting that he was not admitted. (Doc. 1, PageID.1, 4, 5, ¶¶ 2, 17, 24.). Patel's filings do not suggest that he is a lawful permanent resident or refugee, and his petition does not mention either of those terms. Patel's petition and response both assert that he is seeking, but has not been granted, asylum. (Doc. 1, PageID.5, ¶ 25; Doc. 25, PageID.193, 194, "Petitioner filed an appeal for his dismissed asylum claim with the Board of Immigration Appeals"; Doc. 25, PageID.200, "submitting an application for asylum and awaiting his final merits hearing"; "Now … Petitioner … must undergo a credible fear interview…).

The remaining matter for which the Court has jurisdiction is "whether the petitioner was ordered removed". (Doc. 25, PageID.195-196, quoting *Thuraissigiam*, 591 U.S. at 111. Patel's response acknowledges repeatedly that he has been ordered removed. (Doc. 25, PageID.193, 194, 196, 197, 199.). Patel has also repeatedly acknowledged in other filings that he has been ordered removed. (Doc. 1, PageID.2, ¶ 5; Doc. 19-1, PageID.118; Doc. 19-1, PageID.120, 121; Doc. 24, PageID.183, 184.).

The parties agree that this Court's jurisdiction is limited to determining whether he is an alien, whether he was ordered removed, and whether he has already been granted entry as a lawful permanent resident, refugee, or asylee. The parties also agree that Patel is an alien, has been ordered removed, and has not been granted entry as a lawful permanent resident, refugee, or asylee. There is no case or controversy for any matter for which this Court has subject matter jurisdiction.

III. District courts' review of whether a petitioner was ordered removed extends only to the fact of whether there is a removal order; there is no jurisdiction for review of the merits or procedures of such orders.

Patel argues that the Court can review whether "Respondents lacked jurisdiction to place Petitioner in expedited removal proceedings" and "whether the expedited removal order issued by Respondents is valid". (Doc. 25, PageID.197.). Patel argues that 8 U.S.C. §§ 1252(e)(2)(B) and (4) allow for judicial review. (Doc. 25, PageID.196-197.). Those provisions speak to cases in which the Court addresses "whether the petitioner was ordered removed under [8 U.S.C. § 1225(b)(1), expedited removal]" or "is an alien who was not ordered removed", the second of the three things the Court has jurisdiction to review. As noted above, Patel's factual recitations to this court are unequivocal in stating he was issued an expedited order of removal. (Doc. 25, PageID.193, 194, 196, 197, 199; Doc. 19-1, PageID.118, 120, 121; Doc. 24, PageID.183, 184;

Doc. 1, PageID.2, ¶ 5.). Consistent with 8 U.S.C. § 1252(a)(2)(A), 8 U.S.C. §§ 1252(e)(2)(B) and (4) only allow review of whether an order of removal has been issued, and nothing more, precluding any attempt to litigate the merits of that order, or any other related aspect.

In *Castro v. United States Dep't of Homeland Sec.*, 835 F.3d 422 (3d Cir. 2016), the petitioners, like Patel, "concede[d] they are aliens … and that they have not previously been lawfully admitted to the country". *Id.* at 430. "[T]hey argue[d] that their claims fall within the third category of issues that courts are authorized to entertain: 'whether [they have been] ordered removed under [§ 1225(b)(1).]'". *Id.* The Third Circuit afforded that argument – Patel's argument – a detailed exploration, *id.* at 429-435, that is worth reading in full, but in shorter form, proceeds as follows: "How could the government's alleged procedural deficiencies in ordering the Petitioners' expedited removal undermine the fact that expedited removal orders 'in fact w[ere] issued' and that these orders 'relat[e] to the petitioner[s]'?" *Id.* at 430. "Petitioners are attempting to create ambiguity where none exists". *Id.* at 431. "[P]rovisions in the statute ... clearly evince Congress' intent to narrowly circumscribe judicial review of issues relating to expedited removal orders." *Id.* "'[R]eview should only be for whether an immigration officer issued that piece of paper and whether the Petitioner is the same person referred to in that order.'" *Id.*, quoting *M.S.P.C. v. U.S. Customs & Border Prot.*, 60 F.Supp.3d 1156, 1163–64 (D.N.M. 2014). "By reading the INA to foreclose Petitioners' claims, we join the majority of courts that have addressed the scope of judicial review under § 1252 in the expedited removal context." *Id.*, citing cases from the Second, Fifth, Seventh, and Ninth circuits. "The statute must be enforced according to its plain meaning, even if doing so may lead to harsh results." *Id.* at 430.

Similarly, the Ninth Circuit gave Patel's argument a lengthy analysis in *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1148-9, 1153-1168 (9th Cir. 2022), and agreed with *Castro*: "Because it is clear that the agency entered an expedited removal order under § [1225](b)(1), the limitations in § [1252](e) bar judicial review of the merits of the determinations underlying that order. Indeed, overwhelming precedent confirms this point." *Mendoza-Linares*, 51 F.4th at 1159, citing cases "rejecting the contention that §[1252](e) should be construed to allow merits review of expedited removal orders", and agreeing with cases holding "that 'the plain language of the statute ... evidences Congress' intent' to 'strip judicial review to "police the boundaries"' of the expedited removal statute", "explicitly 'reject[ing] the argument that § 1252(e)(2) provides jurisdiction over claims of legal error' in expedited removal proceedings".

Mendoza-Linares cited numerous decisions in support of its conclusion. It cited *Smith v. U.S. Customs & Border Prot.*, 741 F.3d 1016, 1021 n. 4, 1022 (9th Cir. 2014), "holding that the 'jurisdiction-stripping' provisions of § 242(e) do not permit a court to 'evaluate the merits' of the determinations underlying an expedited removal order". It cited *United States v. Barajas-Alvarado*, 655 F.3d 1077, 1082 (9th Cir. 2011), "holding that 'a court's habeas jurisdiction' under § [1252](e)(2) 'does not extend to review of the claim that an alien was wrongfully deprived of the administrative review permitted under the statute and applicable regulations'". It cited *Garcia de Rincon v. Dep't of Homeland Sec.*, 539 F.3d 1133, 1139 (9th Cir. 2008), "holding that § [1252](e) 'expressly limit[s] the scope of [judicial] review to habeas petitions alleging that the petitioner is not an alien or was never subject to an expedited removal order'". And *Mendoza-Linares* also cited *Avendano-Ramirez v. Ashcroft*, 365 F.3d 813, 819 n.16 (9th Cir. 2004), "stating that, under § [1252](e)(5), a habeas court applying § [1252](e)(2)(B) 'may only ask whether there was a removal order and whether it relates to the petitioner'".

Mendoza-Linares also cited cases from other circuits. It cited the holding in *Castro*, 835 F.3d at 431 (3d Cir. 2016) that "judicial review of an expedited removal under § [1252](e)(2)(B), as clarified by § [1252](e)(5), is limited to determining 'whether an immigration officer issued that piece of paper and whether the Petitioner is the same person referred to in that order'". It also cited *Shunaula v. Holder*, 732 F.3d 143, 146 (2d Cir. 2013), "holding that the 'jurisdictional bar' of § [1252] precludes judicial review of a claim of 'illegality in the Attorney General's particular decision to remove' an alien under the expedited removal statute".

Other circuits agree with *Castro* and *Mendoza-Linares* in finding that district courts have no jurisdiction to review the merits or procedure of a removal order. *See Khan v. Holder*, 608 F.3d 325, 329–30 (7th Cir. 2010) ("we thus must align ourselves with the courts that have considered the issue and hold that we lack jurisdiction to inquire whether the expedited removal procedure to which the Khans were subjected was properly invoked.") (citations omitted); *Shunaula*, 732 F.3d at 147 ("He argues only that due process was violated in his particular expedited removal proceeding, a complaint that does not fall within § 1252(e)(3). … In concluding that § 1252(a)(2)(A) bars our review of Shunaula's claim, we join every other circuit to have considered this matter."), citing *Khan*, 608 F.3d at 329–30, *Garcia de Rincon*, 539 F.3d at 1138–39, and *Lorenzo v. Mukasey*, 508 F.3d 1278, 1281 (10th Cir. 2007).

Patel "contests that Respondents had jurisdiction to place him in expedited removal proceedings under section 1225(b)"; however, there is no jurisdiction for entertaining that contention, and it is also mistaken. The Sixth Circuit has confirmed that "[t]he initiation and prosecution of various stages in the deportation process are within the Attorney General's discretion and not subject to judicial review." *Ene v. Phillips*, 99 F. App'x 642, 643 (6th Cir. 2004), citing *Reno v. American–Arab Anti–Discrimination Comm.*, 525 U.S. 471, 483 (1999);

see also Graham v. Mukasey, 519 F.3d 546, 551 (6th Cir. 2008), holding that "the Attorney General has the discretion to place the alien in expedited proceedings … or in general removal proceedings" (addressing expedited removal under 8 U.S.C. § 1228(b) and general removal proceedings under 8 U.S.C. § 1229a). "8 U.S.C. § 1252(g) ... protects from judicial review 'three discrete actions that the Attorney General may take: [the] "decision or action" to "commence proceedings, adjudicate cases, or execute removal orders."'" *Morales v. Sessions*, No. CV 17-225-DLB-HAI, 2018 WL 3732670, at *5 (E.D. Ky. Aug. 6, 2018), quoting *Reno*, 525 U.S. at 482.

"A principal feature of the removal system is the broad discretion exercised by immigration officials." *Arizona v. United States*, 567 U.S. 387, 396 (2012). While Patel argues that he cannot be in section 1229a and 1225(b) proceedings at the same time (Doc. 25, PageID.197, 198, 199, 200), he offers no authority supporting that proposition. *Id.* He misleadingly quotes a selected portion of 8 U.S.C. § 1229a(a)(3), stating that it "shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States or…removed from the United States." But the text immediately preceding his quoted portion refutes his assertion, as that statute more fully quoted states "*Unless otherwise specified in this chapter*, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States…", demonstrating that other proceedings under other sections, such as expedited removal, may be used to determine whether an alien may be admitted. *Id.* (emphasis added). 8 U.S.C. § 1252(a)(2)(A)(ii) says that "no court shall have jurisdiction to review ... a decision by the Attorney General to invoke the provisions of" § 1225, so the merits or process of placing Patel into expedited removal proceedings under § 1225 is not subject to judicial review.

Patel argues that "the U.S. District Court for the Eastern District of Michigan questioned DHS's authority to use expedited removal against noncitizens who had been paroled into the United States at some earlier point" in *Am.-Arab Anti-Discrimination Comm. [AAADC] v. Ashcroft*, 272 F. Supp. 2d 650, 667-68 (E.D. Mich. 2003). Besides the fact that *AAADC* is inapplicable to Patel because Patel's petition says he was not paroled (Doc. 1, PageID.1, 4, 5, ¶¶ 2, 17, 24), it is also a 2003 case, predating the 2005 REAL ID Act which divested district courts of jurisdiction over removal orders. See *Perinpanayagam-Rasamani v. Peterson*, No. CV B: 11-38, 2011 WL 13340548, at *7 (S.D. Tex. Mar. 18, 2011), *report and recommendation adopted*, No. CV B-11-038, 2011 WL 13340549 (S.D. Tex. July 5, 2011) ("even if *AAADC* were otherwise persuasive, the enactment of the REAL ID Act – on May 11, 2005 – undercuts any claims to jurisdiction in the district courts. Section 106 of the REAL ID Act of 2005 ... further 'divested district courts of jurisdiction over removal orders ...'"). Following the enactment of the REAL ID Act, courts examining the *AAADC* decision over the past 20 years find its conclusion to be in error. *See Castro*, 835 F.3d at 432 ("We find the [*AAADC*] court's construction of the statute to be not just unsupported, but also flatly contradicted by the plain language of the statute itself"); *Wei Chen v. Napolitano*, No. 12 CIV. 4620 JMF, 2012 WL 5458064, at *3 (S.D.N.Y. Nov. 8, 2012) ("*American–Arab Anti–Discrimination Committee v. Ashcroft*, 272 F.Supp.2d 650, 663 (E.D. Mich. 2003) ... is contrary to both the plain language of the statute and the overwhelming weight of authority on the issue") (citations omitted); *Vaupel v. Ortiz*, 244 F. App'x 892, 895 (10th Cir. 2007) ("he relies on a district court case ... *Am.–Arab Anti–Discrimination Comm. v. Ashcroft* ... We respectfully disagree. The language of the statute clearly and unambiguously precludes review in a habeas proceeding of 'whether the alien is actually inadmissible or entitled to any relief from removal.'"); *Castro v. U.S. Dep't of*

Homeland Sec., 163 F. Supp. 3d 157, 167 (E.D. Pa.), *aff'd sub nom. Castro v. United States Dep't of Homeland Sec.*, 835 F.3d 422 (3d Cir. 2016) (agreeing with the Second, Fifth Seventh, Ninth and Tenth circuits and four district courts, and explicitly disagreeing with *AAADC*).

Patel's contentions and citation to *AAADC* conflict with this circuit's caselaw: "The REAL ID Act of 2005 clearly eliminated a habeas petition as a means for judicial review of a removal order". *Jaber v. Gonzales*, 486 F.3d 223, 230 (6th Cir. 2007). *See also Morales*, 2018 WL 3732670 at *5 ("In the immigration context, however, Congress has divested district courts of subject-matter jurisdiction to review orders of removal. Instead, pursuant to the REAL ID Act of 2005, 8 U.S.C. § 1252, the United States Courts of Appeals have exclusive jurisdiction to review an order of removal".). "If an alien properly exhausts his administrative remedies, he can seek review of the order of removal in the appropriate Court of Appeals ... District courts, however, do not have jurisdiction to review an order of removal". *Id.* at *6. Patel's avenue to pursue the review he seeks lies not in this Court, but in the appeal to the Board of Immigration Appeals that he is now pursuing (Doc. 25-2), and presumably if he wishes, appeal of an adverse decision there to the Sixth Circuit. 8 U.S.C. § 1252(a)(2)(D). Patel's pending BIA appeal raises the same issues he argues in his response to the motion to dismiss. (Doc. 25-2, PageID.209.). The cases rejecting *AAADC* explain why this Court lacks jurisdiction to review the matters he is now appealing to the BIA: "Congress has divested district courts of subject-matter jurisdiction to review orders of removal". *Morales*, 2018 WL 3732670 at *5.

IV. The three matters the Court can review are uncontested; there is no subject matter jurisdiction for review of anything beyond those three matters; Patel's complaint therefore fails to state a claim upon which relief can be granted.

Patel urges the Court to "consider the 12(b)(1) motion first, since the Rule 12(b)(6) challenge becomes moot if [the] court lacks subject matter jurisdiction." (Doc. 25, PageID.195.).

However, dismissal under 12(b)(6) is also justified. The absence of any case or controversy regarding the only three matters for which the Court has jurisdiction leave his complaint without any claim upon which relief can be granted. "A Rule 12(b)(6) motion should be granted when it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" *Cooper v. Rhea Cnty., Tenn.*, 302 F.R.D. 195, 198 (E.D. Tenn. 2014), quoting *Lewis v. ACB Bus. Servs., Inc.*, 135 F.3d 389, 405 (6th Cir. 1998). Since it is uncontested that Patel is an alien, was ordered removed, and has not been granted entry as a lawful permanent resident, refugee, or asylee, and anything beyond that is both beyond this Court's jurisdiction and in accord with due process (Doc. 22, PageID.155), there is no set of facts Patel can prove that would entitle him to relief, justifying dismissal under Rule 12(b)(6) in addition to 12(b)(1).

V. Patel's response mischaracterizes what his detention status would be even if he was still in a § 1229a proceeding instead of expedited removal; he would still be lawfully detained under that set of facts, and without any due process interest for this Court or any Court to consider.

Patel's response asserts that "Petitioner remains in section 1229a proceedings and his detention under section 1225 is unlawful and violates the Fifth Amendment's Due Process Clause." (Doc. 25, PageID.200.). Patel's response also insinuates that but for his expedited removal proceedings under § 1225, he would not be in detention: "Respondents have attempted to place Petitioner in both section 1229a and 1225(b) proceedings at the same time, which is not permissible by statute. Therefore, Petitioner's detention is unlawful." (Doc. 25, PageID.199.). Patel must be detained because he is in expedited removal proceedings for which detention is mandatory under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV), but even if Patel's argument could be heard and credited, he would remain in detention in his § 1229a proceedings. Patel asserts that DHS "initiated removal proceedings against Petitioner by issuing a Notice to Appear". (Doc. 1,

PageID.2, 5, ¶¶ 3, 24.). "At the time of issuance of the notice to appear, or at any time thereafter and up to the time removal proceedings are completed, an immigration official may issue a Form I-286, Notice of Custody Determination." 8 C.F.R. § 236.1(g). DHS did just that, issuing Patel an I-286, placing him in detention, on June 9, 2025, prior to dismissal of his § 1229a proceeding, and on the same day he appeared in person and was issued his expedited removal order. (Exh. 1, I-286 Notice of Custody Determination; Doc. 25, PageID.199; Doc. 22-1, PageID.166, "served ICE forms ... I286"; Doc. 1, PageID.2, 6, 8, 9, ¶¶ 6, 30, 42, 47.). Further, the judge in Patel's § 1229a proceeding held a bond hearing on Patel's motion, denied him bond, and found that he was a flight risk. (Doc. 1, PageID.2, 6, 8, ¶¶ 6, 29-31, 42.). Even if the Court had jurisdiction to entertain Patel's arguments, there would be no basis for relief from custody, because his I-286 detention under 8 C.F.R. § 236.1(g) would remain in effect even without the denial of bond in his § 1229a proceeding and mandatory detention under § 1225 expedited removal.

The fact that Patel would remain detained under § 1229a, even absent his expedited removal proceedings under § 1225, means that he would have no due process claim, even if the Court had jurisdiction to consider one. "[A]n expectation of receiving process is not, without more, a liberty interest protected by the Due Process Clause." *Olim v. Wakinekona*, 461 U.S. 238, 251, n. 12 (1983) (citations omitted). "Process is not an end in itself. Its constitutional purpose is to protect a substantive interest to which the individual has a legitimate claim of entitlement." *Id.* at 250. "To claim a violation of his right to procedural due process, Petitioner 'must have a liberty or property interest in the outcome of the proceedings.'" *Aguilar-Aguilar v. Napolitano*, 700 F.3d 1238, 1241-1245 (10th Cir. 2012), quoting *Arambula–Medina v. Holder*, 572 F.3d 824, 828 (10th Cir. 2009) (finding "no liberty or property interest in obtaining purely discretionary relief" where alien petitioner sought review of DHS's decision to move him from

one removal process (§ 1229a) to another). All that is at issue in a habeas proceeding is the lawfulness of custody; Patel's custody is lawful, even under his telling of the facts, but it is also not subject to judicial review due to the limits on jurisdiction imposed by 8 U.S.C. § 1252.

VI. There is no need for Patel's presence at any hearing on this motion, as the motion, response, and reply present only issues of law, and no factual issues.

Patel's presence is unneeded at any hearing the Court might hold. He filed his petition under 28 U.S.C. § 2241 (Doc. 1, PageID.2, ¶ 9), and such petitions "shall allege the facts concerning the applicant's commitment or detention". 28 U.S.C. § 2242. The petitioner's presence is not required if "the application for the writ and the return present only issues of law". 28 U.S.C. § 2243. Patel's response to the motion to dismiss repeatedly tells the Court that the facts are not at issue with regard to this motion: "the court must accept all well-pleaded factual allegations as true", Doc. 25, PageID.195; "Respondents' motion does not question the facts in Petitioner's pleading", *id.*; "this Court must take the facts in the complaint as true", *id.*; and "all allegations in the complaint are taken as true and the complaint is construed liberally in favor of the party opposing the motion to dismiss", Doc. 25, PageID.197. Patel argues that his "presence is required" because "the timeline of when he was issued an expedited removal order … timing of when the government issued the expedited removal order … [and] the status of his section 1229a immigration proceedings as of June 9, 2025" are relevant to "future hearings". (Doc. 25, PageID.194.). But Patel has presented the Court with factual assertions on all of those issues. (Doc. 1, PageID.1, 2, 4, 5 ¶¶ 2, 5, 17, 23-25; Doc. 19-1, PageID.118, 120, 121; Doc. 25, PageID.183, 184; Doc. 25, PageID.192, 193, 194, 195-196, 197, 199, 200.). The "timeline", "timing", and "status" of Patel's proceedings, cited as reasons for his presence, are all established by documents already tendered to the Court. (Doc. 19-2, 19-3, 19-4, 19-5, 19-6, 22-1, 22-2, 25-1, 25-2.). As Patel concedes, those issues are not contested, at least for purposes of

ruling on this motion to dismiss and any show cause proceeding for his habeas petition. (Doc. 25, PageID.195, "Respondents' motion does not question the facts in Petitioner's pleading"). Those factual matters are also immaterial to the Court's consideration of this motion, because as the motion explains, the Court only has jurisdiction to consider three things, none of those three things are in dispute, and there is no subject matter jurisdiction for this Court's consideration of any other issue.

VI. Conclusion

The parties agree that this Court's jurisdiction and judicial review are limited to three matters. None of the three matters for which jurisdiction exists are contested. There is no case or controversy within the Court's jurisdiction. Patel is currently appealing the issues in his habeas petition to the Board of Immigration Appeals (Doc. 25-2); they are not properly before this Court, which has no subject matter jurisdiction to consider anything beyond the three matters for which there is no controversy or basis for relief. Patel's petition presents no claim upon which relief can be granted. The Court should dismiss Patel's petition because there is no subject matter jurisdiction for his claims and it fails to state a claim upon which relief can be granted. All that is at issue in a habeas proceeding is the lawfulness of custody, and Patel's custody is lawful, and also not subject to judicial review due to the limits on jurisdiction imposed by 8 U.S.C. § 1252.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2025, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for the Plaintiff.

/s/ Jason Snyder
Jason Snyder
Assistant United States Attorney