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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

O.E.O., Petitioner, v. Fred Figueroa, et al., Respondents.	No. 2:25-cv-02283-PHX-DWL (MTM) **RESPONSE TO MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Respondents Fred Figueroa, Warden, Eloy Detention Center; John E. Cantu, Phoenix Field Office; Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement ("ICE"); Robin Dunn Marcos, Director of the Office of Refugee Resettlement ("ORR); Andrew Gradison, Assistant Secretary for the Administration of Children and Families; Robert F. Kennedy, Jr., Secretary of Health and Human Services ("HHS"); Lucibel Gast, Federal Field Specialist at the Office of Refugee Resettlement; and Kristi Noem, Secretary of the U.S. Department of Homeland Security ("DHS") ("Respondents"), by the through undersigned counsel, respond in opposition to Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 2) and to the Petition for Appointment of A Guardian Ad Litem for Petitioner O.E.O. (Doc. 3).[1]

[1] Respondents have not been served with the Petition. Neither the Petition nor the Motion

I. Factual Background.

Petitioner is a native and citizen of Afghanistan. Exhibit A, Form I-213 Record of Deportable/Inadmissible Alien. He entered without inspection and without a valid entry document at the Calexico West Port of Entry on November 12, 2024. He presented an Afghan passport and an Afghan national identity card that listed a date of birth that made him 21 years of age but claimed that he had given the authorities in Afghanistan a false month, day and year of birth in order to secure the passport and was only 15 years old. *Id.*; Ex. B, Passport; Ex. C, National Identity Card. Due to the conflicting accounts of Petitioner's age, he was issued a notice to appear in general removal proceedings under 8 U.S.C. § 1229(a) and was referred to ORR. *Id.*

ORR submitted the Petitioner's passport and national identity card to the State Department on November 18, 2025, and the response from the cultural advisers at the Afghanistan Affairs Unit ("AAU") confirmed that the documents appeared to be genuine and valid. *See* Ex. D, ORR Memo of Age Re-Determination dated May 21, 2025. However, Petitioner continued to insist that his date of birth was different than the date that appears on his passport and national identity card. ORR contacted Petitioner's mother, who confirmed the date of birth claimed by Petitioner. Ex. D. She also provided ORR with additional documents, including a Tazkira (another form of identification used in Afghanistan), and later, with medical records and school records. Ex. D. All of the documents were then submitted to the State Department. Ex. D. The AAU again concluded that the passport and national identity card appeared to be genuine, but that the date of birth

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for Temporary Restraining Order attached to the Court's order directing Respondents to respond to the Motion for Temporary Restraining Order (Doc. 19) includes the exhibits referenced in the filings. Respondents also have not received an unredacted copy of the Petition or Motion. The courtesy copies emailed by Petitioner's counsel are the redacted versions and do not include the exhibits. Thus, Respondents' ability to respond is hampered as they have no access to the exhibits or declarations upon which the Petition and Motion are based and given the expedited basis on which Respondents were ordered to respond, coupled with the holiday weekend, counsel has been unable to obtain declarations to support this response or to verify the information alleged in the petition or motion.

section on the Tazkira "appeared to be digitally manipulated and fraudulent." Ex. D. The AAU could not authenticate the medical record because it was written on a prescription pad with the date of birth written in place of a prescription and could not authenticate the school records because they did not have an attestation from the Afghan Ministry of Education or a verification by the Afghan Ministry of Foreign Affairs. Ex. D.

A dental forensic examination was completed on May 8, 2025, which indicated at 77.55% empirical statistical probability that Petitioner had attained 18 years of age. Ex. E, Dental Age Assessment Report.

Given the totality of the evidence, including the passport and national security card, the finding of digital manipulation on the Tazkira, the inability to authenticate the records provided by Petitioner's mother, and the dental age assessment indicting a 77.55% probability that Petitioner was at least 18 years old, ORR determined that Petitioner was no longer eligible for placement in an ORR-funded facility for minors. Ex. D. He was transferred to ICE custody and placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b). At Petitioner's counsel's request, ICE has reviewed Petitioner's evidence and determined that Petitioner is an adult. Doc. 2 at ¶ 52. Petitioner has claimed a fear of return to Afghanistan and is awaiting an interview with an asylum officer. Ex. A.

II. Legal Framework Governing Unaccompanied Alien Children.

Before the 2002 creation of the Department of Homeland Security, the care and placement of unaccompanied alien children ("UAC") in the United States was the responsibility of the Office of Juvenile Affairs in the former Immigration and Naturalization Service ("INS"). *See F.L. v. Thompson*, 293 F. Supp. 2d 86, 96 (D.D.C. 2003). In 2002, INS's functions were split between the enforcement of federal immigration law, which was left to DHS, and the care of immigrant children, which was transferred to the HHS. *See* Homeland Security Act, Pub. L. No. 107-296, 116 Stat. 2135 (2002) ("HSA"). Those laws were amended again in 2008 through the William Wilberforce Trafficking Victims Protection Act ("TVPRA"), further separating DHS's and HHS's functions by placing the care and custody of children under HHS's jurisdiction and

clarifying the respective roles and responsibilities of the two agencies with respect to UACs.

A. The Homeland Security Act of 2002.

With the enactment of the HSA, Congress created DHS and transferred most immigration functions formerly performed by INS to DHS and its components, including U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement ("ICE"). *See* HSA; Department of Homeland Security Reorganization Plan Modification of January 30, 2003, H.R. Doc. No. 108-32 (2003) (also set forth as a note to 6 U.S.C. § 542). Notably, Congress transferred to [ORR] the responsibility for the care of any UAC "who [is] in Federal custody by reason of [his or her] immigration status." 6 U.S.C. §§ 279(a), (b)(1)(A). The HSA also transferred to ORR the responsibility for making all placement decisions for UACs, required ORR to coordinate these placement decisions with DHS, and required ORR to ensure that UACs are not released upon their own recognizance. *See* 6 U.S.C. §§ 279(b)(1)(C), (D), (b)(2).

B. The Trafficking Victims Protection Reauthorization Act of 2008.

The TVPRA, which was signed into law on December 23, 2008, contains statutory protections relating to UACs and codified protections related to the processing and detention of UACs. The TVPRA built on the split of duties in the HSA and further requires that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services." 8 U.S.C. § 1232(b)(1). It also provides that in most instances, "any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child." 8 U.S.C. § 1232(b)(3).

The TVPRA makes clear that HHS is responsible for all placement decisions for UACs in its custody, and for conducting suitability assessments for those placements. 8 U.S.C. § 1232(c). It requires that UACs in HHS custody be "promptly placed in the least

restrictive setting that is in the best interest of the child," and it provides guidelines for the reunification of UACs with their families by HHS. 8 U.S.C. § 1232(c)(2), (3).

The protections TVPRA affords UACs apply after the HHS, in consultation with DHS, determines that the applicant is indeed a child. 8 U.S.C. § 1232(b)(a). Importantly for this litigation, the TVPRA provides:

> The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall develop procedures to make a prompt determination of the age of an alien, which shall be used by the Secretary of Homeland Security and the Secretary of Health and Human Services for children in their respective custody. At a minimum, these procedures shall take into account multiple forms of evidence, including the non-exclusive use of radiographs, to determine the age of the unaccompanied alien.

8 U.S.C. § 1232(b)(4).

C. ORR's age determination procedures.

Pursuant to § 1232(b)(4), ORR developed age determination procedures for individuals without lawful immigration status. *See* ORR Unaccompanied Alien Children Bureau Policy Guide ("ORR Guide"), available at https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide (last visited July 6, 2025). The ORR Guide provides that "HHS may make age determinations of an [UAC] when they are in HHS custody if there is a reasonable suspicion that a child is 18 years or older." ORR Guide § 1.6.1. ORR considers multiple forms of evidence in making age determinations, which are made based upon a totality of the evidence. ORR Guide at §1.6.2. ORR may consider documentation, including official government-issued documents, statements by individuals determined to have personal knowledge of the UAC's age and who HHS concludes can credibly attest to the age of the UAC, and medical age assessments. ORR Guide at § 1.6.2. The ORR Guide provides that a "dental maturity assessments using radiographs may be used to determine age, but only in conjunction with other evidence." ORR Guide at § 1.6.2.

III. Nature of Relief Sought in this Action.

Petitioner alleges nine causes of action in the Complaint and Petition for Writ of

Habeas Corpus. Petitioner alleges that Respondents: (1) violated Section 235 of the TVPRA, 8 U.S.C. § 1232 (Doc. 1 at ¶ 81-83); (2) violated the *Flores* Settlement Agreement (Doc. 1 at ¶¶ 84-88); (3) acted arbitrarily and capriciously in violation of the Administrative Procedures Act ("APA") and the *Accardi* doctrine (Doc. 1 at ¶¶ 89-94); (4) have "unlawfully withheld" a discrete agency action in violation of the APA (Doc. 1 at ¶¶ 95-97); (5) violated the Fifth Amendment's Substantive Due Process Clause (Doc. 1 at ¶¶ 98-103); (6) violated the Fifth Amendment's Procedural Due Process Clause (Doc. 1 at ¶¶ 104-109); (7) lack a factual basis to initiate expedited removal proceedings (Doc. 1 at ¶¶ 110-114); (8) violated the Fifth Amendment's Procedural Due Process Clause by issuing an expedited removal order (Doc. 1 at ¶¶ 115-119); (9) violated the Prison Rape Elimination Act, 28 C.F.R. § 115.14(a) (Doc. 1 at ¶¶ 120-122).

On the basis of his claims, Petitioner seeks an order declaring that ICE and ORR have acted arbitrarily and capriciously and failed to follow internal policies, declare that ICE and ORR have unlawfully withheld required agency action, declare that ICE's decision to detain Petition is unlawful under the TVPRA and the *Flores* Settlement Agreement, declare that Petitioner's due process rights have been violated, enjoin Respondents from applying the ORR's age re-determination as a basis for expedited removal, custody determinations, or other immigration decisions, order ORR to complete a new age determination with 48 hours, order Petitioner to be transferred to ORR custody within 72 hours and for release to a sponsor, enjoin Respondents from transferring Petitioner during the pendency of this action or "causing [him] any greater harm," grant the Petition and order his immediate release from ICE custody to ORR custody for release to a sponsor, and award attorneys' fees and costs. Doc. 1 at Prayer for Relief.

In his Motion for Preliminary Injunction, Petitioner seeks an order (1) declaring ICE and ORR's age re-determination violated 8 U.S.C. § 1232(b)(4) and order that ICE and ORR rescind the age re-determination, (2) enjoining Respondents from applying the age re-determination as the basis for expedited removal, custody determinations or other immigration relief, (3) enjoining Respondents from "causing Petitioner any greater harm

during the pendency of this litigation," including transferring him, (4) order ORR to complete a new age determination within 48 hours, (5) order Respondents to transfer Petitioner to ORR custody for release to a sponsor within 3 days. Doc. 2 at 32.

IV. Legal Standard for Preliminary Injunction.

"A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). Preliminary injunctions are intended to preserve the relative positions of the parties until a trial on the merits can be held, "preventing the irreparable loss of a right or judgment." *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). Preliminary injunctions are "not a preliminary adjudication on the merits." *Id.* A court should not grant a preliminary injunction unless the applicant shows: (1) a strong likelihood of his success on the merits; (2) that the applicant is likely to suffer an irreparable injury absent preliminary relief; (3) the balance of hardships favors the applicant; and (4) the public interest favors a preliminary injunction. *Winter*, 555 U.S. at 20. To show harm, a movant must allege that concrete, imminent harm is likely with particularized facts. *Id.* at 22. This standard reflects the idea that a preliminary injunction is an "extraordinary remedy that may only be awarded upon a clear showing that the [petitioner] is entitled to such relief." *Id.* Where the government is a party, courts merge the analysis of the final two *Winter* factors, the balance of equities and the public interest. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

A preliminary injunction can take two forms. A "prohibitory injunction prohibits a party from taking action and preserves the status quo pending a determination of the action on the merits." *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878-79 (9th Cir. 2009) (cleaned up). A "mandatory injunction orders a responsible party to take action. . . . A mandatory injunction goes well beyond simply maintaining the status quo pendente lite and is particularly disfavored." *Id.* at 879 (cleaned up). A mandatory injunction is "subject to a higher degree of scrutiny because such relief is particularly disfavored under the law of this circuit." *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320

(9th Cir. 1994) (citation omitted). The Ninth Circuit has warned courts to be "extremely cautious" when issuing this type of relief, *Martin v. Int'l Olympic Comm.*, 740 F.2d 670, 675 (9th Cir. 1984), and requests for such relief are generally denied "unless extreme or very serious damage will result," and even then, not in "doubtful cases." *Marlyn Nutraceuticals, Inc.*, 571 F.3d at 879; *accord LGS Architects, Inc. v. Concordia Homes of Nev.*, 434 F.3d 1150, 1158 (9th Cir. 2006); *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). In such cases, district courts should deny preliminary relief unless the facts and law *clearly* favor the moving party. *Garcia*, 786 F.3d at 740.

V. Argument.

A. Petitioner improperly seeks a judgment on the merits.

By his Motion for Temporary Restraining Order and Preliminary Injunction, Petitioner is not seeking to merely preserve the status quo on a temporary basis. Rather, he seeks an injunction that would alter the status quo by providing him the ultimate relief he seeks in this litigation. If Petitioner's motion for preliminary injunction is granted, then there is no more effective relief for Petitioner to be granted on the habeas petition. By issuing the requested preliminary injunction, this Court would be deciding the central issues to this litigation: that Petitioner is entitled to a new age determination by ORR, that he must be transferred from ICE custody to ORR custody for placement with a sponsor, and that his due process rights have been violated. This is an improper use of a preliminary injunction, which is "not a preliminary adjudication on the merits but rather a device for preserving the status quo and preventing the irreparable loss of rights before judgment." *Sierra On-Line, Inc.*, 739 F.2d at 1422 (citation omitted); *see Anderson v. Davila*, 125 F.3d 148, 156 (3rd Cir. 1997) ("The purpose of a preliminary injunction is to preserve the status quo, not to decide the issues on their merits."). As a matter of law, Petitioner is not entitled to what amounts to a judgment on the merits at this preliminary stage. *See Mendez v. U.S. Immigr. & Customs Enf't*, No. 23-cv-00829-TLT, 2023 WL 2604585, at * 3 (N.D. Cal. Mar. 15, 2023) (quoting *Senate of State of Cal. v. Mosbacher*, 968 F.2d 974, 978 (9th Cir. 1992) for the proposition that "judgment on the merits in the guise of preliminary relief is

a highly inappropriate relief.").

B. Petitioner cannot establish the requirements for an injunction.

1. Petitioner cannot establish a likelihood of success on the merits.

a. ORR does not have custody of Petitioner.

Petitioner's central claim is that ORR violated statutory law and its own guidelines when it determined his date of birth was 2003, the date listed on his passport and national identity card, thereby rejecting the declarations of Petitioner and his family and other records he submitted identifying his date of birth as 2009. Petitioner seeks a declaration that ORR violated the law and his constitutional rights, and an injunction requiring ORR to rescind its finding and issue a new finding. As the Court determined in *Imon v. Keeton*, No. CV-20-00037-PHX-DWL (JZB), 2020 WL 4284378, at *6 (D. Ariz. July 27, 2020), these claims are not properly before the Court in this habeas action because ORR does not have custody of Petitioner. *See Imon*, 2020 WL 4284378, at *6 ("Here, ORR (a component of HHS) does not have custody of [p]etitioner. Instead, he has been in the custody of ICE (a component of DHS) since October 2018. . . .Given this backdrop, it is unclear how the Court could, via a writ of habeas corpus, order ORR to provide the relief that Petitioner seeks. 28 U.S.C. § 2243 (when issued, a writ of habeas corpus 'shall be directed to the person having custody of the person detained')."

b. Respondents have appropriately determined Petitioner's age.

The TVPRA directed HHS and DHS to develop procedures to make a prompt determination of the age of an alien, which must take into account multiple forms of evidence. 8 U.S.C. § 1232(b)(4). Those procedures were developed and became the ORR Guide, which acknowledges the "challenges in determining the age of individuals in custody." ORR Guide at § 1.6. As addressed above, the ORR Guide directs that "[p]rocedures for determining the age of an individuals must take into account the totality of the circumstances and evidence, including the non-exclusive use of radiographs, to determine the age of the individual." ORR Guide at §1.6.2. ORR considers multiple forms

of evidence including documentation, statements by individuals, and medical age assessments. ORR Guide at § 1.6.2. In this case, the evidence indicates that Petitioner has a genuine and authentic Afghan passport and national identity card that establish his year of birth as 2003. The contrary evidence are statements by Petitioner and his family members that his year of birth in 2009, a medical record that is handwritten on a prescription pad, and school records that are not authenticated. Ex. D. Because of the inconsistency in the records, a dental maturity assessment was performed that determined with a 77.55% probability that Petitioner was at least 18 years old. The ORR Guide provides that "[i]f an individual's estimated probability of being 18 or older is 75 percent or greater according to a medical age assessment, and this evidence has been considered in conjunction with the totality of the evidence, ORR must determine that the individual is 18 years or older and may refer the individual to [DHS]." ORR Guide at § 1.6.2. DHS has also reviewed Petitioner's proffered evidence and determined that he is an adult. Doc. 2 at ¶ 52. Petitioner may disagree with the results, but Respondents followed the statutory regulations and their own procedures in determining Petitioner's age.

c. Petitioner is lawfully and mandatorily detained under 8 U.S.C. § 1225(b).

Initially, when Petitioner was apprehended by immigration officials and presented himself as an unaccompanied minor, he was issued a notice to appear in general removal proceedings under 8 U.S.C. § 1229(a) and referred to ORR. Ex. A. On April 15, 2025, prior to being determined to be an adult, Petitioner's removal proceedings under 8 U.S.C. 1229(a) were terminated to allow Petitioner to apply for relief with United States Citizenship and Immigration Services. However, when Petitioner was properly determined to be an adult, he was referred back to DHS and processed under expedited removal procedures for inadmissible aliens encountered at the border without valid entry documents. Ex. A.; *see also* 8 U.S.C. § 1225(b)(1). As an adult detainee determined to be inadmissible for lack of a valid entry document and in expedited removal proceedings under 8 U.S.C. § 1225(b), Petitioner is subject to mandatory detention under 8 U.S.C.

§ 1225(b)(1)(B)(ii).

Under section 1225(b)(1), aliens are ordered removed "without further hearing or review," 8 U.S.C. § 1225(b)(1)(A)(i), but an alien indicating either an intention to apply for asylum or a credible fear of persecution, 8 U.S.C. § 1225(b)(1)(A)(ii), "shall be detained" while that alien's asylum application is pending, 8 U.S.C. § 1225(b)(1)(B)(ii). Aliens covered by 8 U.S.C. § 1225(b)(2) in turn "shall be detained for a [removal] proceeding" if an immigration officer "determines that [they are] not clearly and beyond a doubt entitled" to admission. 8 U.S.C. § 1225(b)(2)(A).

Petitioner has claimed a fear of return to Afghanistan and is awaiting an asylum interview. He is therefore subject to mandatory detention during his expedited removal proceedings while his credible fear claim is adjudicated. 8 U.S.C. § 1225(b)(1)(B)(ii).

2. Petitioner will not be irreparably harmed absent an injunction.

To establish the element of irreparable harm, Petitioner relies on the false allegation that he is a minor in adult detention. However, as established above, DHS has followed the applicable statutory regulations and their own procedures, considered the totality of the evidence, and properly determined that Petitioner is an adult. Accordingly, Petitioner's irreparable harm arguments that he is "actively suffering irreparable harm" because he is unlawfully subject to adult detention fail.

Petitioner also claims that he will suffer irreparable harm absent an injunction because he is at imminent risk of removal. Under Supreme Court precedent, "the burden of removal alone cannot constitute the requisite irreparable injury." *Nken*, 556 U.S. at 438. "Although removal is a serious burden for many aliens, it is not categorically irreparable." *Id.* at 435. That is particularly true where, as here, the petitioner has been determined to be inadmissible and subject to expedited removal proceedings. Because Petitioner is still considered to be at the border seeking entry, removal alone does not constitute irreparable harm.

3. Relief Is Not In the Public Interest.

The public interest factor does not weigh in Petitioner's favor. Petitioner's

arguments in favor of the public interest are all based on the protections afforded UACs. These arguments start with the assumption that Petitioner is a UAC and entitled to those protections, and that relief should be granted to ensure that he receives them. However, the point is not whether UACs should be afforded the protections prescribed by law. The issue is whether Respondents complied with the law and regulations to when they determined Petitioner's age, which they did. The public interest weighs in favor of denying the Motion for Temporary Restraining Order and Preliminary Injunction. Petitioner has been determined to be an adult based on the totality of the evidence presented to ORR and to ICE. Petitioner has received the process to which he is due and is unlikely to succeed on the merits of the petition. The public interest lies in the Executive's ability to enforce U.S. immigration laws. *El Rescate Legal Servs., Inc. v. Exec. Off. of Immigr. Rev.*, 959 F.2d 742, 750 (9th Cir. 1991) ("Control over immigration is a sovereign prerogative."). Indeed, the public interest is evidenced by Congress' intent in giving the Executive the ability to determine who is admissible and who is inadmissible to the United States and to mandatorily detain aliens who have not demonstrated their admissibility to the United States while assessing any claims for relief. *See* 8 U.S.C. §§ 1182(a), 1225(b).

C. Petitioner should be required to post a bond in the event relief is granted.

Finally, if the Court decides to grant relief, it should order a bond pursuant to Fed. R. Civ. P. 65(c), which states "The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c) (emphasis added). Here, because Petitioner is an arriving alien subject to mandatory detention, the amount of any bond should be akin to an appearance bond.

D. Response to Petition for Appointment of Guardian Ad Litem.

Defendant objects to the Petition for Appointment of Guardian Ad Litem because Petitioner is not a minor or otherwise incompetent and can prosecute this case without a representative appointed pursuant to Fed. R. Civ. P. 17(c). If the Court is inclined to grant

the Petition for Appointment, Respondents object to being taxed for the costs and fees of the guardian ad litem.

VI. Conclusion.

Every habeas corpus petition necessarily alleges the same basic ground for relief, *i.e.*, that the petitioner is detained in violation of the Constitution, laws or treaties of the United States. *See* 28 U.S.C. § 2241. Only when it is clear on the face of a petition that exceptional circumstances require immediate review of a petitioner's claims will consideration of his petition be advanced at the expense of prior, pending petitions. Upon the current record, it is not plain that the merits of Petitioner's claims are so strong as to warrant expedited adjudication and Petitioner is not likely to succeed on the merits of his claim. *See In re Roe,* 257 F.3d 1077, 1081 (9th Cir. 2001) (declining to resolve issue of whether a district court has the authority to release a prisoner pending resolution of a habeas case, but holding that if such authority does exist, it can only be exercised in an "extraordinary case involving special circumstances"). Accordingly, Petitioner's Motion for Preliminary Injunction should be denied.

Respectfully submitted this 7th day of July, 2025.

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s/Katherine R. Branch
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