IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 25-cv-02205-WJM-STV

DENNIS AROSTEGUI MALDONADO,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Warden of the Aurora Contract Detention Facility,
ROBERT HAGAN, in his official capacity as Field Office Director, Denver, U.S. Immigration and Customs Enforcement,
KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security,
TODD LYONS, if his official capacity as Acting Director of Immigration and Customs Enforcement,
PAMELA BONDI, in her official capacity as Attorney General of the United States,

Respondents.

MOTION TO DISMISS COMPLAINT PURSUANT TO RULES 12(b)(1) AND 12(b)(6), ECF NO. 48

Respondents move to dismiss Petitioner's Petition for Writ of Habeas Corpus and Complaint, ECF No. 48 (the "Complaint"), for lack of jurisdiction under Rule 12(b)(1) and Rule 12(b)(6).[1]

Petitioner has already been released from detention. Thus, Petitioner's only

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[1] Pursuant to the Court's practice standards, III.D.1, undersigned counsel for Respondents conferred with Petitioner's counsel regarding this motion. Undersigned counsel for Respondents sent an email on December 5, 2025, to Petitioner's counsel identifying the bases on which Respondents intended to move to dismiss. Undersigned counsel sent another email on December 9, 2025, to determine Petitioner's position on the motion to dismiss and offering a phone call to discuss the motion. Petitioner's counsel indicated that Petitioner opposes the motion.

remaining request for relief in the Complaint is to "enjoin Respondents from removing or attempting to remove [him] to a third country or a country to which his removal has been withheld pending appeal in violation of the Constitution as well as statutory and regulatory procedures." ECF No. 48 at 42. The Complaint should be dismissed. First, under the Immigration and Nationality Act ("INA"), the Court lacks jurisdiction to enjoin Petitioner's removal. Second, a nationwide class action regarding third-country removal procedures is pending in the District of Massachusetts. The claim Petitioner raises in the Complaint is properly presented in that non-opt-out class action, not in this case.

BACKGROUND

The Complaint presents, as relevant here, a claim about the processes afforded to a noncitizen before removal to a third country. Accordingly, this section addresses the legal background of those processes, Petitioner's status, and the claim he asserts.

I. Legal Background

Withholding of removal. 8 U.S.C. § 1231(a)(5) provides for the reinstatement of removal orders against noncitizens who illegally reenter the United States:

> If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this chapter, and the alien shall be removed under the prior order at any time after the reentry.

8 U.S.C. § 1231(a)(5).

When a noncitizen's removal order is reinstated, the noncitizen may still seek withholding or deferral of removal under the United Nations Convention Against Torture ("CAT"). 8 C.F.R. §§ 208.31, 1208.31; *see also* Clarification Regarding Bars to

Eligibility During Credible Fear and Reasonable Fear Review, 89 Fed. Reg. 105392, 105395 (Dec. 27, 2024) (interim final rule describing the "reasonable fear screening" process under the CAT). Section 1231 implements these obligations under CAT, providing that the Attorney General may not remove a noncitizen "to a country if the Attorney General decides that [their] life or freedom would be threatened in that country because of [their] race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1231(b)(3)(A).

A noncitizen who is subject to a reinstatement of a removal order under § 1231(a)(5) may seek "withholding of removal" based on a "reasonable fear" of persecution or torture if he is returned to the country of removal. *See* 8 C.F.R. § 208.31. Once a final removal order is issued or notice is made that a noncitizen is subject to removal, the noncitizen is referred to an asylum officer for a reasonable-fear determination. *Id.* § 208.31(b). A positive determination by the asylum officer results in a referral to an immigration judge ("IJ") for consideration of the request for withholding of removal only. *Id.* § 208.31(e). If a noncitizen receives a negative determination by the asylum officer, the noncitizen can still seek review by an IJ. *Id.* § 208.31(f), (g).

Third country removal. Congress has provided a framework for determining where aliens may be removed. 8 U.S.C. § 1231(b). A noncitizen ordered removed "may designate one country to which the alien wants to be removed." *Id.* § 1231(b)(2)(A)(i). In certain circumstances, however, the Department of Homeland Security ("DHS") need not remove the noncitizen to their designated country, including where "the government of the country is not willing to accept the alien into the country."

Id. § 1231(b)(2)(C)(iii). The next preference is "a country of which the alien is a subject, national, or citizen," *id.* § 1231(b)(2)(D); followed, if that country is not an option, by a country that has a connection to the alien, *id.* § 1231(b)(2)(E)(i)–(vi). But if removal to each of those countries is "impracticable, inadvisable, or impossible," the alien may be removed to "another country whose government will accept the alien into that country." *Id.* § 1231(b)(2)(E)(vii). This is known as "third country removal."

A grant of withholding or deferral of removal under the CAT or 8 U.S.C. § 1231(b)(3) as to one country does not bar removal to a different country. The implementing regulations expressly provide that "[n]othing in [the regulations] shall prevent [DHS] from removing an alien to a third country other than the country to which removal has been withheld or deferred." 8 C.F.R. § 1208.16(f). Thus, "[i]f an immigration judge grants an application for withholding of removal, he prohibits DHS from removing the alien to that particular country, not from the United States." *Johnson v. Guzman Chavez*, 594 U.S. 523, 536 (2021) (emphasis in original).

The *D.V.D.* class action. In March 2025, several plaintiffs instituted a putative class action in the District of Massachusetts challenging their potential removals to third countries. *D.V.D. v. DHS*, 25-10676-BEM, ECF No. 1 (D. Mass. Mar. 23, 2025). Those plaintiffs seek a declaratory judgment and relief under the Administrative Procedure Act ("APA"). *Id.* at 31–37. They moved for a TRO and preliminary injunction. *D.V.D.*, ECF Nos. 6, 7 (Mar. 23, 2025). The *D.V.D.* court granted the TRO motion on March 28, 2025. *D.V.D.*, ECF No. 34.

On April 18, 2025, the court in *D.V.D.* issued an order certifying a class under

Federal Rule of Civil Procedure 23(b)(2). *D.V.D.*, 778 F. Supp. 3d 355 (D. Mass 2025). The class includes:

> All individuals who have a final removal order issued in proceedings under Section 240, 241(a)(5), or 238(b) of the INA (including withholding-only proceedings) who DHS has deported or will deport on or after February 18, 2025, to a country (a) not previously designated as the country or alternative country of removal, and (b) not identified in writing in the prior proceedings as a country to which the individual would be removed.

Id. at 378. The *D.V.D.* Court explained that it was certifying the class for a "challenge [to] a policy or practice that impacts all putative class members: failing to provide meaningful notice and opportunity to present a fear-based claim before executing removal to a third country." *Id.* at 386.

In the same order, the *D.V.D.* court entered a preliminary injunction requiring DHS, before removing a class member to a third country, to provide written notice of the third country identified for removal, an opportunity to raise the issue of fear of removal to that country, and other process. *Id.* at 392-93.

On June 23, 2025, the Supreme Court stayed the *D.V.D.* court's order granting a preliminary injunction pending appeal in the First Circuit Court of Appeals. *DHS v. D.V.D.*, 145 S. Ct. 2153 (2025) (per curiam). The class certification in *D.V.D.* remains in effect notwithstanding the Supreme Court's stay of the preliminary injunction.

II. Factual Background

According to the Complaint, Petitioner is a citizen of Costa Rica and El Salvador. ECF No. 48 ¶ 14. Petitioner has entered the country without inspection and then been removed from the country by DHS on several prior occasions. *Id.* ¶¶ 23, 25, 27. When he entered the United States in 2021, he was taken into custody pursuant to 8 U.S.C.

§ 1231(a)(6) and had a prior order of removal reinstated. *Id.* ¶¶ 25-26. Because an asylum officer determined that Petitioner had articulated a colorable claim for relief from removal based on his fear of removal to Costa Rica or El Salvador, Petitioner's case was referred to an IJ for withholding-only proceedings. *Id.* ¶¶ 26-27. In 2022, an IJ denied Petitioner's requests for relief and protection from removal to Costa Rica and El Salvador. *Id.* ¶ 27. The Board of Immigration Appeals ("BIA") subsequently affirmed that decision. *Id.* Petitioner appealed that determination to the Tenth Circuit. *Id.*

In 2022, during the pendency of the Tenth Circuit appeal, U.S. Immigration and Customs Enforcement ("ICE") removed Petitioner to Costa Rica. *Id.* ¶ 27. The Tenth Circuit granted Petitioner's petition for review in part and remanded the case to the BIA for reconsideration of Petitioner's requests for relief from removal. *Id.* ¶ 30; *see also Arostegui-Maldonado v. Garland*, 75 F.4th 1132, 1148 (10th Cir. 2023). The BIA, in turn, remanded the case to the IJ for additional fact finding and additional arguments and evidence. ECF No. 48 ¶ 30. In 2024, DHS allowed Petitioner to return to the United States and granted him parole so he could pursue his remanded proceedings. *Id.* ¶ 31. ICE subsequently detained him. *Id.*

In May 2025, the IJ granted Petitioner withholding-only relief under the CAT to both Costa Rica and El Salvador. *Id.* ¶ 32; ECF No. 1-1 at 9-10. The IJ did not grant withholding of removal under 8 U.S.C. § 1231(b)(3). ECF No. 1-1 at 9-10. ICE then appealed that decision to the BIA, and Petitioner filed a cross-appeal. ECF No. 48 ¶ 33.

III. Procedural Background

Petitioner filed a Petition for Writ of Habeas Corpus on July 18, 2025. ECF No. 1

(the "Petition"). The Petition challenged his detention during the pendency of an appeal of the IJ's withholding-only decision, and argued that such detention violated the standard articulated for detentions under 8 U.S.C. § 1231 in *Zadvydas* or otherwise violated due process. *See id.* In the Petition, Petitioner sought a grant "of writ of habeas corpus directing Respondents to release [him] on his own recognizance or, in the alternative, provide him" with "a constitutionally adequate, individualized bond hearing." *Id.* at 29.[2]

On July 18, 2025, Petitioner filed a Motion for a Temporary Restraining Order ("TRO"). ECF No. 5. Along with requesting immediate release or a bond hearing, Petitioner requested that the Court enjoin Respondents from transferring him outside of the District of Colorado during the pendency of his habeas case. *Id.* at 2, 26.

After holding a hearing, the Court issued an order granting in part and denying in part the Motion for a TRO. ECF No. 46. The Court ordered that Respondents provide Petitioner with a bond hearing before an IJ within 14 days and granted Petitioner's request for an order that he not be removed from the District of Colorado, either via transfer to a different detention facility or removal from the United States, while the habeas petition is pending. *Id.* at 25-34.

On August 11, 2025, Petitioner filed the Complaint. ECF No. 48.[3] In the Complaint, Petitioner brought three claims for relief—two regarding his unlawful

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[2] The parties have completed briefing on the Petition. *See* ECF Nos. 49 (response to the order to show cause) & ECF No. 55 (reply to response to the order to show cause).

[3] The United States Attorney's Office was served with the Complaint and summons on October 2, 2025. ECF No. 62 at 3.

detention (Counts I and II) and one regarding the processes afforded before removal to a third country (Count III). *Id.* ¶¶ 97-105; *see also id.* at 40-42 (Claims for Relief & Prayer for Relief). While the Petition was styled as a petition for writ of habeas corpus, the Complaint is styled as both a petition for writ of habeas corpus as well as a civil complaint. *Id.* at 1. The Complaint thus seeks relief based both on habeas challenges to his detention (Counts I and II) and on a civil claim regarding his removal (Count III).

As to Count III, Petitioner alleges that "DHS has adopted a policy that allows for removal to a third country without any notice or process if DHS has received diplomatic assurances that noncitizens removed from the United States will not be persecuted or tortured." ECF No. 48 ¶ 100 (citing *D.V.D.*, 778 F. Supp. 3d 355). Petitioner further alleges that "[a]ccording to the March Guidance, DHS will provide the [noncitizen] with notice of the third country (and an opportunity to affirmatively assert a fear of return to that third country) only if the United States has not received assurances, or if the Department of State does not believe those assurances to be credible." *Id.* (quoting *D.V.D.*, 778 F. Supp. 3d at 368).

On August 20, 2025, Petitioner had a bond hearing before an IJ based on the Court's Order. ECF No. 49 at 8. The IJ granted Petitioner bond, which was paid. ECF No. 52 at 3. Petitioner is no longer in detention. *Id.*

ARGUMENT

Because Petitioner has already been granted a bond hearing and release, the only remaining (*i.e.*, non-moot) claim from the Complaint is his request "to enjoin Respondents from removing or attempting to remove Mr. Maldonado to a third country

or a country to which his removal has been withheld pending appeal in violation of the Constitution as well as statutory and regulatory procedures." ECF No. 48 at 42. According to Petitioner, he requests—like the certified class in *D.V.D.*—that he should be given "notice and a meaningful opportunity to be heard before he be removed from the United States." *Id.* ¶ 97. As described in more detail below, the Court should dismiss the Complaint due to lack of jurisdiction. In addition, Petitioner cannot proceed on Count III because the relief he seeks is presently being handled as part of the nationwide certified non-opt-out class action in *D.V.D.*

I. The Court lacks jurisdiction to enjoin Petitioner's removal.

Under Rule 12(b)(1), "a party may move to dismiss a claim for lack of subject-matter jurisdiction, mounting either a facial or factual attack." *Baker v. USD 229 Blue Valley*, 979 F.3d 866, 872 (10th Cir. 2020). "A facial attack assumes the allegations in the complaint are true and argues they fail to establish jurisdiction." *Id.* "A factual attack goes beyond the allegations in the complaint and adduces evidence to contest jurisdiction." *Id.* Respondents bring a facial attack here.

Petitioner's remaining request for relief is that the Court enjoin Respondents from removing him to a third country.[4] This Court lacks jurisdiction to provide such relief;

[4] To the extent Petitioner also challenges his potential removal to the countries to which his removal has been withheld under the CAT, the Complaint does not contain any allegations identifying a final agency action that he is challenging. *See* ECF No. 48 ¶¶ 97-105. Such a failure is a basis to dismiss any such claim in the Complaint. *See Colo. Farm Bureau Fed. v. U.S. Forest Service*, 220 F.3d 1171, 1173-74 (10th Cir. 2000) (explaining that for a plaintiff to maintain an APA challenge he must "establish that defendants took 'final agency action for which there is no other adequate remedy in court.'") (quoting 5 U.S.C. § 704)).

such relief must be sought (if at all) in the court of appeals.

The INA, in several different ways, strips district courts of jurisdiction to enjoin removal of a noncitizen who (like Petitioner) has been issued a final removal order. First, 8 U.S.C. § 1252(b)(9) limits "[j]udicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, *arising from any action* taken . . . to remove an alien from the United States under this subchapter" to "judicial review of a final [removal] order" (emphasis added); and such judicial review must take place in the courts of appeals, *id.* § 1252(a)(5). Given that the decision about where to remove Petitioner to is necessarily bound up with the execution of his removal order, the Court lacks jurisdiction to enjoin Petitioner's removal. *Cf. Odiase v. Oddo*, No. 3:25-206, 2025 WL 2673938, at *1, 6 (W.D. Pa. Sept. 18, 2025) (concluding that "the jurisdictional bar enunciated in 8 U.S.C. § 1252(a)(5), (b)(9), (g) precludes this Court from . . . considering" the petitioner's requests that the court enjoin her removal until the government "compl[ies] with the minimum requirements of due process and the protections against persecution and torture enshrined in U.S. and international law").

Second, 8 U.S.C. § 1252(g) provides that "no court shall have jurisdiction to hear any cause or claim by . . . any alien arising from the decision or action by [DHS] to . . . execute removal orders against any alien." This provision applies "notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision." *Id.* Accordingly, a district court cannot review the decision to remove a noncitizen to a third country. *See Tazu v. Att'y Gen. United*

States, 975 F.3d 292, 297 (3d Cir. 2020) (concluding that Section 1252(g) shields the Attorney General's discretion about whether to execute an order of removal); *see also Martinez v. Napolitano*, No. 11–cv–01158–REB–KMT, 2012 WL 1044621, at *6 (D. Colo. Mar. 28, 2012) (concluding that the court lacked jurisdiction to review a claim for injunctive relief stemming from the Attorney General's decision to execute an order of removal); *Odiase*, 2025 WL 2673938, at *6 n.11 (explaining that "the jurisdictional bar set forth in multiple provisions of 8 U.S.C. § 1252 prevent this Court from considering Ms. Odiase's present requests for relief").

Third, 8 U.S.C. § 1252(a)(4), as well as § 2242(d) of the Foreign Affairs Reform and Restructuring Act of 1998 ("FARRA"), preclude this Court from issuing the requested relief. The CAT is not self-executing. *See Medellin v. Texas*, 552 U.S. 491, 505, 520 (2008); *Saint Fort v. Ashcroft*, 329 F.3d 191, 202 (1st Cir. 2003). Rather, it is only operative domestically insofar as Congress implements it by statute. Congress, in its discretion, implemented it by directing the issuance of regulations, expressly depriving courts of jurisdiction to review those regulations, and channeling all review of individual CAT claims into review of final orders of removal. *See* FARRA, PL 105–277, § 2242(d), 112 Stat. 2681 (1998) ("[N]othing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the [CAT] or this section . . . except as part of the review of a final order of removal pursuant to section 242 of the [INA] (8 U.S.C. 1252)."). In 8 U.S.C. § 1252(a)(4), Congress lodged "judicial review of any cause or claim under the United Nations Convention Against Torture" in the courts of appeals. *Kapoor v. DeMarco,* 132 F.4th 595, 608 (2d Cir. 2025)

(explaining that § 1252(a)(4) "makes clear that a petition for review of a final order of removal is the 'sole and exclusive means for judicial review' for 'any' CAT claim.").

In short, the INA has stripped the Court of jurisdiction to consider Petitioner's challenge to his removal. The Complaint should be dismissed.[5]

II. The Court should dismiss the Complaint because the claim presented here is duplicative of the one presented in a non-opt-out class action.

The Complaint challenges how Respondents should implement any potential removal of Petitioner to a third country. ECF No. 48 ¶ 97. That is precisely the challenge brought by the *D.V.D.* non-opt-out class. Petitioner is a member of the non-opt out class in the earlier-filed *D.V.D.* case, which is addressing the same issue that Petitioner seeks to have resolved here. Such claims are being actively litigated in the *D.V.D.* class action, which is before the First Circuit. Based on this overlap, the Court should dismiss Count III, without prejudice, on multiple grounds.

First, courts have authority to decline to consider claims to avoid duplicative litigation. The Supreme Court has explained that "the general principle is to avoid duplicative litigation" between federal courts. *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976). In the Tenth Circuit, the general rule is that "when two courts have concurrent jurisdiction, the first court in which jurisdiction attaches has priority to consider the case." *Hospah Coal Co. v. Chaco Energy Co.*, 673

[5] Even if this Court did have jurisdiction, Petitioner has not shown that, by obtaining withholding of removal, he has a right not to have his removal order executed. By regulation, the fact that Petitioner has been granted withholding of removal does not prevent DHS "from removing an alien to a third country other than the country to which removal has been withheld or deferred." 8 C.F.R. § 1208.16(f).

F.2d 1161, 1163 (10th Cir. 1982). Accordingly, district courts, as part of the power to administer their dockets, "may stay or dismiss a suit that is duplicative of another federal court suit." *Cutris v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000).

The duplicative nature of a claim is especially salient when a plaintiff is also a party in a non-opt-out class under Federal Rule of Civil Procedure 23(b)(2). "The key" to a non-opt-out class "is the indivisible nature of the injunctive or declaratory remedy warranted—the notion that the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them." *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 360 (2011) (quotation omitted). Accordingly, "class members in [a] Rule 23(b)(2) action[] . . . . do not have the alternative of bringing a separate suit." 7AA Charles Alan Wright & Arthur R. Miller, Fed. Practice and Procedure § 1786 (3d ed. updated 2025) (footnote omitted).

Courts thus have recognized that members of class action lawsuits should not be permitted to bring separate actions that litigate issues raised in the class action. *See Wynn v. Vilsack*, No. 3:21-CV-514-MMH-LLL, 2021 WL 7501821, at *3 (M.D. Fla. Dec. 7, 2021) (collecting cases) ("Multiple courts of appeal have approved the practice of staying a case, or dismissing it without prejudice, on the ground that the plaintiff is a member of a parallel class action." (citation modified)). This prevents class members from avoiding the binding results of the class action. *Goff v. Menke*, 672 F.2d 702, 704 (8th Cir. 1982). At least four courts of appeals have affirmatively held, in the prisoner context, that "it is error to allow a prisoner to prosecute a separate action once his class has been certified." *Horns v. Whalen*, 922 F.2d 835, 835 (4th Cir. 1991) (table op.)

(finding district court did not abuse discretion when it declined to decide an issue that overlapped with a class action "to avoid the risk of inconsistent adjudications"). This logic applies to Petitioner's claim challenging removal.

Second, this Court should decline to permit Petitioner's claim to proceed as a matter of comity. The Tenth Circuit has explained, in the context of a prison class action, that individual suits for injunctive and equitable relief should not be able to proceed where there is an existing class action. *See McNeil v. Guthrie*, 945 F.2d 1163, 1165 (10th Cir. 1991) ("Individual suits for injunctive and equitable relief from alleged unconstitutional prison conditions cannot be brought where there is an existing class action. To permit them would allow interference with the ongoing class action."); *see also Pacesetter Systems, Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94-95 (9th Cir. 1982) ("There is a generally recognized doctrine of federal comity which permits a district court to decline jurisdiction over an action when a complaint involving the same parties and issues has already been filed in another district.").

Such comity is warranted here. The District of Massachusetts has certified a class of people that will cover the same claim Petitioner pursues in this Court. For the Court to permit Petitioner's claim to proceed here would cut against the purpose of a Rule 23(b)(2) non-opt out class action and risk an order that will conflict with not only the relief, if any, eventually provided to the *D.V.D.* class but also the Supreme Court's rejection of the relief that was temporarily provided to class members there. As one court in this district has explained, "in light of *D.V.D.*'s class certification, 'it would be contrary to [comity and judicial economy] principles for [the Court] to assert jurisdiction

over virtually identical claims between essentially the same parties.'" *Sanchez v. Bondi*, 25-cv-02287-CNS, 2025 WL 2550646, at *2 (D. Colo. Aug. 20, 2025) (quoting *I.V.I. v. Baker*, Civ. No. JKB-25-1572, 2025 WL 1519449, at *2 (D. Md. May 27, 2025)).

Dismissing the claim would preserve comity and avoid conflict with that litigation. Allowing Petitioner to proceed with his claim challenging removal would present a serious risk of conflict with any relief that may be ultimately provided to the *D.V.D.* class. Allowing Petitioner to proceed with this claim also would risk conflict with an order of the Supreme Court. When the District of Massachusetts issued a preliminary injunction setting parameters around third country removals, the Supreme Court stayed the *D.V.D.* preliminary injunction and effectively rejected those parameters, signaling that ultimately the class members would not succeed on the merits of the case. Permitting a party like Petitioner to seek the same relief in a separate action would impermissibly permit an end run around the Supreme Court's stay in *D.V.D.* by seeking relief in this Court.

CONCLUSION

The Court should dismiss the Complaint, without prejudice. Now that Petitioner has been released, the only live claim in his Complaint is a request to enjoin his removal to a third country absent specific notice and processes. This Court lacks jurisdiction to consider such a claim under the INA. In addition, even if the Court did have jurisdiction, the Court should dismiss Petitioner's claim as duplicative and on principles of comity out of respect for the district court handling the ongoing litigation in *D.V.D.*

Dated December 15, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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