UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOSE AYALA CASUN, Petitioner, v. PATRICIA HYDE, Field Office Director, MICHAEL KROL, HSI New England Special Agent in Charge, and TODD LYONS, Acting Director U.S. Immigrations and Customs Enforcement, and KRISTI NOEM, U.S. Secretary of Homeland Security, Respondents.	Civil Action No. 1:25-cv-00427-AEM

REPLY TO GOVERNMENT OPPOSITION TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner Jose Ayala Casun, by and through their attorney, Hans J. Bremer, respectfully submits this Reply to Respondents' Opposition to Petitioner's Petition for Writ of Habeas Corpus ("Petition"). Doc. 4. Petitioner submits this Reply pursuant to Rule 5(e) of the Federal Rules Governing Section 2254 cases.

When Petitioner entered the United States, the Department of Homeland Security ("DHS") chose to put Petitioner in full removal proceedings before an Immigration Judge under 8 U.S.C. § 1229a, which is mutually exclusive with expedited removal proceedings under 8 U.S.C. § 1225. DHS is now detaining Petitioner solely on the purported ground that Petitioner is not eligible for bond under 8 U.S.C. § 1225. However, 8 U.S.C. § 1225(b)(l)(B)(iii)(IV) and§ 1225(b)(2)(A) do not apply to Petitioner.

Therefore, Petitioner's detention violates both the Immigration and Nationality Act ("INA") and Petitioner's Fifth Amendment right to due process of law.

PROCEDURAL HISTORY

Petitioner entered the United States in 2022, through the southern border. *See* Doc. 1. On August 13, 2025, DHS filed a "Notice to Appear" ("NTA") against Petitioner, with the Chelmsford Immigration Court, pursuant to 8 U.S.C. § 1229. *See* Notice to Appear against Petitioner. When DHS issued the NTA, DHS alleged that the Petitioner was an alien present in the United States who has not been admitted or paroled, not that he was an arriving alien. The NTA charged Petitioner with being "inadmissible" as "present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General" pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) and ..."as an immigrant, who at the time of application for admission, is not in possession of a valid unexpired immigrant visa...or other suitable document" pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I)" *See* Notice to Appear against Petitioner. An NTA is the "charging document" that initiates removal proceedings in Immigration Court, before an Immigration Judge, against a noncitizen, and constitutes written notice to the noncitizen of their placement in removal proceedings before the Immigration Court. *See* 8 U.S.C.§ 1229(a) (describing the requirements of a Notice to Appear as the "initiation of removal proceedings."); 8 C.F.R. § 1003.14(a) (2025) ("Jurisdiction vests, and proceedings before an Immigration Judge commence, when a charging document is filed with the Immigration Court by the Service."). Therefore, DHS's filing of the NTA

against Petitioner in this case initiated "full" removal proceedings in Immigration Court pursuant to 8 U.S.C. § 1229a-which vested jurisdiction with the Immigration Judge and constituted **"the sole and exclusive procedure for determining whether an alien may be admitted to the United States or, if the alien has been so admitted, removed from the United States."** 8 U.S.C. § 1229a(a)(3) (emphasis added). As the Board of Immigration Appeals ("BIA") recently stated, "DHS may place aliens arriving in the United States in either expedited removal proceedings under section 235(b)(l) of the INA, 8 U.S.C. § 1225(b)(l), **or** full removal proceedings under section 240 of the INA, 8 U.S.C. § 1229a." *Matter of Q. LI,* 29 I&N Dec. 66, 68 (BIA 2025) (emphasis added). In addition, the Customs and Border Protection issued the Petitioner a Form I-200 on August 13, 2025, a warrant for arrest of alien, indicating initiation of removal proceedings against the Petitioner under § 1229a. Moreover, the Government appears to agree that the Petitioner is not in expedited removal proceedings. *See* Doc. 4.

On August 21, 2025, 2025, Petitioner filed a motion for custody redetermination hearing. The motion was granted, and, on August 28, 2025, the Immigration Court held the custody redetermination hearing. The attorney for ICE solely argued that the Petitioner was subject to mandatory detention pursuant to 8 U.S.C. § 1225. The Immigration Judge, disagreeing with ICE, found the Petitioner eligible for bond and granted his release for $8000. Family and friends of the Petitioner attempted to post the bond but were informed that ICE had filed an Intent to Appeal Custody Determination and, thus, ICE refused to accept the funds for the bond. The Petitioner remains detained by the Government.

ARGUMENT

1. Petitioner is Not Subject to Mandatory Detention Under the Expedited Removal Statute

The Government now argues that Petitioner is subject to mandatory detention under the expedited removal statute, 8 U.S.C. § 1225(b). *See* Doc. 4 at p. 1. This argument is inapposite because this statutory provision applies only to noncitizens in the process of Credible Fear Interviews: a process to which Petitioner was not and is not subject. The statute upon which the Government relies to justify Petitioner's detention applies exclusively to noncitizens formerly in expedited removal proceedings and the "Credible Fear Interview" procedure. 8 U.S.C. § 1225 contains a provision governing "Asylum interviews," or "Credible Fear Interviews." *See§* 1225(b)(l)(B). When a noncitizen that seeks admission to the United States and is in the custody of DHS "indicates either an intention to apply for asylum under [8 U.S.C. § 1158] or a fear of persecution," 8 U.S.C. § 1225(b)(l)(A)(ii), "the [immigration] officer shall refer the alien for an interview by an asylum officer." *Id.* This statute further provides that "[i]f the officer determines at the time of the interview that an alien has a credible fear of persecution... the alien shall be detained for further consideration of the application for asylum." *Id.* § 1225(b)(l)(B)(ii). The statute clarifies that a noncitizen subject to the Credible Fear Interview process is subject to mandatory detention: "Any alien **subject to the procedures under this clause** shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed."§ 1225(b)(l)(B)(iii)(IV) (emphasis added). Therefore, this provision explicitly limits the application of the mandatory detention provision to noncitizens "subject to the procedures" under the "Asylum interviews"

clause.

The mandatory detention provision of 8 U.S.C. § 1225(b) does not apply to Petitioner. Petitioner was never placed in expedited removal proceedings and never underwent a Credible Fear Interview. On the contrary, DHS chose to initiate full removal proceedings under 8 U.S.C. § 1229a. *See* Notice to Appear against Petitioner. DHS did **not** subject Petitioner to a Credible Fear Interview under 8 U.S.C. § 1225(b)(l)(B)(ii), which is indicated by the fact that the box on Petitioner's NTA stating "This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture," **remains unchecked.** *See id;* Notice to Appear against Petitioner. Full removal proceedings are mutually exclusive with expedited removal proceedings. *See* 8 U.S.C. § 1229a(a)(3)("a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States or, if the alien has been so admitted, removed from the United States."). Therefore, Petitioner is **not** subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), which is limited to "alien[s] subject to the procedures under this clause shall be detained pending a final determination of credible fear of persecution." 8 U.S.C. § 1225(b)(l)(B)(iii)(IV).

Administrative interpretations of 8 U.S.C. § 1225 confirm that the mandatory detention provision applies only to noncitizens in the expedited removal and Credible Fear Interview procedure. The Attorney General explained that

> **Section 235 of the Act expressly provides for the detention of aliens originally placed in expedited removal.** Such aliens "shall be detained pending a final determination of credible fear." INA § 235(b)(l)(B)(iii)(IV) [8 USC§ 1225(b)(l)(B)(iii)(IV)]. Aliens found not to have a credible fear

> "shall be detained... until removed." *Id.* Aliens found to have such a fear, however, "shall be detained for further consideration of the application for asylum." *Id.* § 235(b)(l)(B)(ii).

Matter of M-S-, 27 l&N Dec. 509, 512 (A.G. 2019) (emphasis added). This agency interpretation of 8 U.S.C. § 1225(b)(l)(B)(iii)(IV) confirms that the application of this mandatory detention provision applies only to noncitizens in expedited removal proceedings "pending a final determination of credible fear." *Id.* In this case, there is no pending Credible Fear Interview for Petitioner. *See* Notice to Appear against Petitioner.

The DHS documents also demonstrate that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225. The Warrant for Arrest of Alien and the NTA indicate that DHS arrested Petitioner pursuant to INA§ 236, 8 U.S.C. § 1226. *See* Warrant for Arrest of Alien against Petitioner; Notice to Appear. As the Attorney General stated in *Matter of M-S-,*

> Section 236 of the Act addresses, more generally, the detention of aliens in removal proceedings. Once an alien has been arrested pursuant to an immigration warrant, DHS "may continue to detain the arrested alien" or "may release the alien on" "bond of at least $1,500" or "conditional parole." INA§ 236(a)(l)-(2), 8 U.S.C. § 1226(a)(l)-(2).

Matter of M-S-, 27 I&N Dec. 509,512 (A.G. 2019). Therefore, DHS's own arrest documents for Petitioner contradict the Government's contention that the Petitioner's "detention is proper under 8 U.S.C. § 1225(b)(2)(A), which mandates he remain in detention during the pendency of his removal proceedings." Doc. 4 at p. 8. Taking DHS's arrest documents against Petitioner into consideration, it is clear that DHS arrested Petitioner pursuant to 8 U.S.C.§ 1226(a), not 8 U.S.C. § 1225(b), and Petitioner is not subject to mandatory detention. The Government also relies on 8 U.S.C. § 1225(b)(2)(A) for the conclusion that Petitioner is not eligible for release. This argument

also fails because this statutory provision applies to applicants for admission *before* DHS initiates full removal proceedings by filing an NTA with the Immigration Court. 8 U.S.C. § 1225(b)(2)(A) falls under the subheading "Inspection of other aliens," and states that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien **seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a [full removal] proceeding under section 1229a of this title." *Id.* (emphasis added). The INA defines the "terms 'admission' and 'admitted' [to] mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). Both the plain meaning and the context of this provision-the expedited removal statute-indicate that it applies only at the time DHS initiates full removal proceedings under 8 U.S.C. § 1229a. *See FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 132 (2000) ("[T]he court should not confine itself to examining a particular statutory provision in isolation. Rather, it must place the provision in context."). In this case, DHS arrested Petitioner on August 12, 2025: three years *after* the Petitioner entered the United States and two years *after* he filed for Special Immigrant Juvenile Status, which was approved. *See* Form I-360, Petition for Special Immigrant Status, Approval Notice. Therefore, 8 U.S.C. § 1225(b)(2)(A) does not apply to this case.

To the extent that *Matter of Q. Li*, and subsequent decisions from the board of Immigration Appeals, *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), permits mandatory detention of Petitioner under 8 U.S.C. § 1225(b), the Court should not follow *Matter of Q. Li.* The Government contends that Petitioner is not eligible for release under the BIA's recent decision in *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The

Government asserts that the decision in *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), "that aliens who are present in the United States without admission are 'applicants for admission' as defined under section 235(b)(2)(A) if the INA, 8 U.S.C. § 1225(b)(2)(A)," is the proper statutory interpretation. Doc. 4 at 9. The statute at issue in *Q. Li* and *Yajure Hurtado* is 8 U.S.C. § 1225(b)(2)(A), which governs **"Inspection** of other aliens." *Id.§* 1225(b)(2) (emphasis added). The statute provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A). This statute applies at the time the noncitizen seeks admission at he border. *See Matter of M-S-*, 27 I&N Dec. 509, 512 (A.G. 2019). If *Q. Li* and *Yajure Hurtado* stands for the proposition that 8 U.S.C. § 1225(b)(2)(A) renders Petitioner ineligible for bond, then the Court should eschew BIA's arbitrary and capricious interpretation of the statute. *See Loper Bright Enterprises v. Raimondo,* 603 U.S. 369, 392 (2024) (stating that 5 U.S.C. §706(2)(A) requires "agency action to be set aside if 'arbitrary, capricious, [or] an abuse of discretion.'"). Courts may "hold unlawful and set aside agency action, findings, and conclusions found to be... not in accordance with law." *Id.* at 391 (quoting §706(2)(A)). "Courts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority, as the APA requires." *Id.* at 412. Therefore, if the Court determines that *Q. Li* and *Yajure Hurtado* extend 8 U.S.C. § 1225(b)(2)(A)'s mandatory detention requirement to Petitioner, the Court should *not* follow *Q. Li,* but rather independently rule that 8 U.S.C. § 1225(b)(2)(A) does not apply to Petitioner because the statute contemplates procedures, expedited removal and admission *before*

full removal proceedings commenced, that do not apply to Petitioner.

2. Petitioner is Not Required to Exhaust Administrative Remedies

The Government contends that the Petitioner's Habeas Petition is premature, asserting that the proper venue is to appeal a denial of bond to the Board of Immigration Appeals. The Government relies on *Demore v. Kim,* 538 U.S. 510, (2003). While this argument has been heard *ad nauseam* by other courts deciding similar habeas petitions[1], this argument fails for the reasons set forth below.

This Court has jurisdiction to review habeas petitions filed by immigration detainees who assert that they are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 224l(c)(3). The government contests that this Court lacks jurisdiction, as 8 U.S.C. §1226(e) "blocks judicial review of discretionary decisions by immigration officials regarding the arrest, detention, and issuance of bond pursuant to 8 U.S.C. § 1226." Doc 4. Pgs 10-11.

"There are two species of exhaustion: statutory and common-law." *Brito v. Garland,* 22 F.4th 240,255 (1st Cir. 2021). "The former deprives a federal court of jurisdiction, while the latter 'cedes discretion to a [federal] court to decline the exercise of jurisdiction.'" *Id.* (quoting *Anversa v. Partners Healthcare Sys., Inc.,* 835 F.3d 167, 174 (1st Cir. 2016)). Because exhaustion is not required by statute in this context, the government's exhaustion argument is measured against the "more permissive" common-law exhaustion standard. *Id.* at 256; *see Portela-Gonzalez v. Sec'y of the Navy,* 109 F.3d 74, 77 (1st Cir.

[1] *Lopez Benitez v. Francis*, No. 25-cv-2937-DEH (S.D.N.Y. July 28, 2025); *Maldonado Bauttista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM (C.D. Cal July 28, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025); *Gomes v. Hyde,* No. 25-11571, 2025 WL 1869299 (D. Mass. July, 7, 2025); *Encarnacion v. Moniz*, No. 25-cv-12237-LTS (D. Mass. Sept. 5, 2025).

1997) ("[C]ourts have more latitude in dealing with exhaustion questions when Congress has remained silent.").

While "the exhaustion doctrine ordinarily 'serves the twin purposes of protecting administrative agency authority and promoting judicial efficiency,' and, thus, should customarily be enforced," there are "'circumstances in which the interests of the individual weigh heavily against requiring administrative exhaustion.'" *Portela-Gonzalez,* 109 F.3d at 77 (quoting *McCarthy v. Madigan,* 503 U.S. 140, 145, 146 (1992)). As relevant here, "a court may consider relaxing the [exhaustion requirement] when unreasonable or indefinite delay threatens unduly to prejudice the subsequent bringing of a judicial action." *Id.* "And, relatedly, if the situation is such that 'a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim,' exhaustion may be excused even though 'the administrative decision making schedule is otherwise reasonable and definite.'" *Id.* (quoting *McCarthy,* 503 U.S. at 147). Irreparable harm may be established where a petitioner will be incarcerated or detained pending the exhaustion of administrative remedies. *See Brito,* 22 F.4th at 256 ("'[E]xhaustion might not be required if [the petitioner] were challenging her incarceration ... or the ongoing deprivation of some other liberty interest.'" (quoting *Bois v. Marsh,* 801 F.2d 462, 468 (D.C. Cir. 1986))).

Waiver of the exhaustion requirement is warranted here because the Petitioner is likely to experience irreparable harm if he is unable to seek habeas relief until the BIA decides an appeal by the government, who is arguing he is ineligible for bond. According to data released by the Executive Office for Immigration Review, the average processing time for bond appeals exceeded 200 days in 2024. *See Rodriguez v. Bostock,* --- F. Supp. 3d ---, 2025 WL 1193850, at *5 (W.D. Wash. Apr. 24, 2025). Assuming the BIA is

processing appeals at the same rate as last year, the government's appeal would likely not be resolved until 2026, giving rise to the possibility that he would endure several additional months of unlawful detention. Such a prolonged loss of liberty would, in these circumstances, constitute irreparable harm. *See Bois,* 801 F.2d at 468.

Many of the policy concerns animating the common-law exhaustion requirement are, moreover, absent here. An Immigration Judge has already considered and granted the Petitioner's bond request. *Cf Brito,* 22 F.4th at 255-56 (requiring exhaustion where, among other things, the petitioners failed "to raise their alternatives-to-detention claims before their respective [immigration judges]"). The government's sole reason for their appeal of the grant of bond, and thus the reason for the Petitioner's continued detention, is based on a legal conclusion regarding the interaction between Section 1225(b)(2) and Section 1226, not on any factual determinations particular to the Petitioner's case. And, in any event, the underlying factual record is straightforward and undisputed. *Cf McCarthy,* 503 U.S. at 145 (exhaustion requirement promotes judicial efficiency by creating "a useful record for subsequent judicial consideration, especially in a complex or technical factual context"). In these circumstances, where the Petitioner" liberty interests "'weigh heavily against requiring administrative exhaustion,'" waiver of exhaustion is warranted. *Portela-Gonzalez,* 109 F.3d at 77 (quoting *McCarthy,* 503 U.S. at 146); *see also, e.g., Villalta v. Sessions,* No. 17-cv- 05390-LHK, 2017 WL 4355182, at *3 (N.D. Cal. Oct. 2, 2017) ("[T]he potential for irreparable harm to Petitioner, in the form of continued unlawful denial of bond hearings for potentially four months or more, persuades the Court that waiver of the exhaustion requirement is appropriate in the instant case." (quotation marks and brackets omitted)); *Rodriguez,* 2025 WL 1193850, at *10 (similar) (collecting cases).

Based on information and belief, the BIA will likely affirm the Immigration Judge's decision pursuant to *Matter of Q. LI,* 29 I&N Dec. 66 (BIA 2025) and the more recent decision of *Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025). The unlikelihood that Petitioner's claim of eligibility for release will succeed at the administrative level supports Petitioner's instant habeas claim. *See, e.g., McCarthy v. Madigan,* 503 U.S. 140, 147 (1992) ("[A]n administrative remedy may be inadequate 'because of some doubt as to whether the agency was empowered to grant effective relief'") (quoting *Gibson v. Berryhill,* 411 U.S. 564, 575, n. 14 (1973))). *Demore* is distinguishable from the facts and arguments here. Petitioner is not challenging an Immigration Judge's decision regarding the setting of bond, but rather, an Immigration Judges has already agreed that bond is appropriate. Instead, Petitioner challenges DHS's custody determination that Petitioner is ineligible for bond, contrary to the Immigration Judge's finding, and DHS's detention of Petitioner pursuant to 8 U.S.C. § 1225(b). The Petitioner is challenging his statutory *eligibility* to be detained indefinitely, which is reviewable on habeas. *See, e.g., Goncalves v. Reno,* 144 F.3d 110, 125 (1st Cir. 1998) ("Analytically, the decision whether an alien is eligible to be considered for a particular discretionary form of relief is a statutory question separate from the discretionary component of the administrative decision whether to grant relief."). Furthermore, Petitioner *was* granted bond with the Immigration Court, and DHS continues to contend that Petitioner is not eligible for bond. *See* Doc. 4.

3. <u>Petitioner Has a Right to Due Process in his Immigration Proceedings</u>

Petitioner has a constitutionally protected interest in procedural due process in their removal proceedings and applications for relief. *See Yamataya v. Fisher,* 189 U.S. 86

(1903) (holding that immigrants have procedural due process rights); *Bridges v. Wixon,* 326 U.S. 135 (1945) (holding that deportation proceedings against non-citizens lawfully residing in the United States must adhere to norms of due process).

"[O]ur immigration laws have long made a distinction between those aliens who have come to our shores seeking admission... and those who are within the United States after anentry." *Leng May Ma v. Barber,* 357 U.S. 185, 187 (1958). "Noncitizens in this country... undeniably have due process rights." *Department of Homeland Security v. Thuraissigiam,* 591 U.S. 103, 191 (2020). *See also Landon v. Plasencia,* 459 U.S. 21, 32 (1982) ("[A]n alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application"). The government is arguing that the Petitioner

is seeking admission, but this belies the undisputed facts of this case. In this case, the Petitioner is not an arriving alien, was neither paroled nor had his parole revoked. In contrast, he was processed pursuant to INA 236(a), or 8 U.S.C. § 1226, and was placed in full removal proceedings, which are governed by 8 C.F.R. §§ 1003.12-1003.41, 1240.1-1240.26.

A full and fair hearing is one of the due process rights afforded to aliens in deportation proceedings.

The First Circuit held in *Hernandez-Lara v. Lyons* that the Fifth Amendment's Due Process clause requires the government to provide detained noncitizens awaiting removal proceedings a bond hearing. 10 F.4th 19 (1st Cir. 2021). The government must prove the noncitizen is a danger by clear and convincing evidence, or flight risk by preponderance of evidence. *See id.* at 41. If the government cannot meet its burden, it must offer bond or

conditional parole. See *id.* The decision expanded the due process rights of noncitizens. The court also asserted that the decision ameliorates the "substantial societal costs" of unnecessary detention.

In this case, the Government claims that the Petitioner has no right to due process because he is an applicant for admission. This argument ignores the facts of the case: that after entry into the United States, DHS opted not to place Petitioner in expedited removal, but full removal proceedings. DHS served him with an NTA and placed him in full removal proceedings pursuant to 8 U.S.C. § 1229a. Now, DHS is trying to recreate the facts to change the posture of his case by claiming that Petitioner is subject to expedited removal, mandatory detention under the expedited removal statute, and has no right to due process. The Government's arguments attempt to stretch *Matter of Q Li,* 20 I&N Dec. 66 (BIA 2025), and subsequent case law based on *Q.* Li, to dramatically overturn over twenty-five years of jurisprudence. However, the record shows that Petitioner remains in full removal proceedings with his next Master Calendar at the Chelmsford Immigration Court now scheduled for September 25, 2025. Petitioner remains in full removal proceedings. Thus, the protections afforded to *Hernandez Lara* should be extended to the Petitioner in this case as well.

CONCLUSION

For the reason described above, Petitioner's Petition should be granted, and Respondents should be ordered to release Petitioner immediately pursuant to his statutory eligibility for release.

Dated: September 16, 2025

Respectfully submitted,

//Hans. J Bremer

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CERTIFICATE OF SERVICE

I, Hans J. Bremer, Counsel for Petitioner hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: September 16, 2025

Respectfully submitted,

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