UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Holger Euclides Tapuy Huatatoca,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of Homeland Security,

Department of Homeland Security,

Todd M. Lyons, Acting Director of Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Sirce Owen, Acting Director for Executive Office for Immigration Review,

Executive Office for Immigration Review,

Samuel Olson, Director, St. Paul Field Office, Immigration and Customs Enforcement,

and,

Joel Brott, Sheriff of Sherburne County.

Respondents.

0:25-cv-03433-PAM-JFD

MEMORANDUM IN SUPPORT OF EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

Petitioner Holger Euclides Tapuy Huatatoca (hereinafter "Petitioner") has been detained by Immigration and Customs Enforcement ("ICE") and denied the right to release on bond despite the Immigration Judge's finding that he posed neither a danger nor a flight risk and his clear statutory right to such release upon such a showing.

Petitioner requests a Temporary Restraining Order ("TRO") to (i) enjoin Respondents from moving Petitioner outside of the geographic boundaries of the District of Minnesota and (ii) order Respondents to permit Petitioner to post the ordered bond and release him from custody forthwith. Petitioner's continued detention and Respondents' refusal to permit Petitioner to post the Immigration Judge's stated bond is unconstitutional and inconsistent with the INA and the record in this case. Respondents have repeatedly indicated that Respondent was detained under 8 U.S.C. § 1226, and the plain text, legislative history, and longstanding administrative practice reinforce the conclusion that Respondents cannot detain him under 8 U.S.C. § 1225(b)(2)(A) now, years after he arrived in the United States.

Petitioner is very likely to prevail on the merits of his case because his detention, absent the ability to post bond, is a quintessential irreparable harm. Respondents conversely have no interest in unlawfully detaining Petitioner despite the order granting bond. The Court should grant this motion.

FACTS

Petitioner, a citizen of Ecuador, entered the United States without inspection on or about April 11, 2023. *See* Ex. B; Ex. C; Ex. D. He was detained and issued a Notice to Appear ("NTA") at 12:28:36 on April 12, 2023. *See* Ex. B; Ex. C. He was then "released on [his] own recognizance … in accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations" at 12:28:59 on April 12, 2023. Ex. D. Petitioner's court date was set for August 17, 2023, at the Immigration Court in Fort Snelling, Minnesota. Petitioner missed that hearing, but he filed a timely motion to reopen, which was granted on January 24, 2024. *See* Ex. F. Shortly thereafter, Petitioner filed an application for asylum, which remains pending with the Immigration Court. He has been diligently participating in his removal matter.

On July 21, 2025, Respondents encountered Petitioner in Burnsville, Minnesota. Respondents cited a Form I-205, Warrant of Deportation, as the basis for arrest. *See* Ex. G; Ex. Q. Petitioner was taken into custody pursuant to that warrant and transferred to the Sherburne County Jail, where he has remained since.

On August 11, 2025, Petitioner requested a bond from the Immigration Court with jurisdiction over Sherburne County Jail, where he was detained. *See* Ex. H. On August 26, 2025, the Immigration Judge denied bond on the grounds that petitioner was subject to "[m]andatory custody under INA § 235(b)(2)(A)" and that

the court purportedly did "not have jurisdiction to reconsider bond determinations made by the DHS under INA Sec. 235." *See* Ex. I. The Immigration Judge further noted that, "[i]n the alternative, the court would find Respondent is not a danger to the community" and that "if the court has jurisdiction to redetermine Respondent's bond, the court finds that Respondent is a flight risk, but a $5,000 bond would mitigate any risk of flight." *See* Ex. I. On August 30, 2025, Petitioner filed an administrative appeal, which remains pending. *See* Ex. P.

ARGUMENT

I. THIS COURT HAS JURISDICTION

"A person challenging the lawfulness of immigration-related detention may also avail themselves of a writ of habeas corpus." *Maldonado v. Olson*, 2025 WL 2374411, at *4 (D. Minn. Aug. 15, 2025) (citing *Deng Chol A. v. Barr*, 455 F. Supp. 3d 896, 900–01 (D. Minn. 2020)). Respondents will contend that 8 U.S.C. § 1252(b)(9) precludes review of Petitioner's claims. However, § 1252(b)(9) comes under the authority of § 1252(b), which lists "[r]equirements for review of orders of removal." This provision channels review of "final orders of removal" to federal courts of appeals. 8 U.S.C. § 1252(b)(9).

Nothing in this record indicates that any order of removal has been issued for Petitioner. Rather, Petitioner has been granted bond by an Immigration Judge. Without an order of removal, § 1252(b)(9) alone does not bar this Court from

reviewing Petitioner's TRO regarding the legality of the new DHS policy and bond orders applying § 1225 rather than § 1226(a). Indeed, custody is entirely separate and independent from removal proceedings. *Compare* 8 U.S.C. § 1229a, *with* 8 U.S.C. § 1226. By regulation, "[c]onsideration by the Immigration Judge of an application or request of a respondent regarding custody or bond under this section shall be separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding." 8 C.F.R. § 1003.19(d). Custody and removal have nothing to do with each other.

8 U.S.C. § 1252(g) also is irrelevant. Petitioner is asserting that the application of 8 U.S.C. § 1225(b)(2)(A) was improper and that he is not subject to mandatory detention. He is not challenging any decision to commence proceedings, adjudicate cases, or execute removal orders. These matters are "separate and apart from" each other. 8 C.F.R. § 1003.19(d). Moreover, the initiation of proceedings is governed by 8 U.S.C. § 1229, regardless of whether the mandatory detention provisions at 8 U.S.C. § 1225(b)(2)(A), or the discretionary detention framework at 8 U.S.C. § 1226(a)(2)(A), apply. Proceedings are commenced with the filing of an NTA that complies with the requirements at 8 U.S.C. § 1229(a). *Cf.* 8 U.S.C. §§ 1225(b)(2)(A); 1229(a); 1229a.

As such, Respondents have not "commenced" proceedings under 8 U.S.C. § 1225(b)(2). Section 1229 is titled "initiation of proceedings" for a reason. It governs

that process. This matter is a challenge to how to interpret the sections that address Respondents' authority to detain, not commence, initiate, or execute the removal process. Petitioner is not challenging any action taken under 8 U.S.C. § 1229.

Furthermore, the Supreme Court has previously characterized § 1252(g) as a narrow provision, determining that it applies "only to three discrete actions that the Attorney General may take: her 'decision or action' to '*commence* proceedings, *adjudicate* cases, or *execute* removal orders.'" *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (emphasis in original). The Supreme Court found it "implausible that the mention of *three discrete events* along the road to deportation was a shorthand way to referring to all claims arising from deportation proceedings." *Id.* (emphasis added).

Moreover, even if this suit did somehow relate to the discrete events outlined at 8 U.S.C. § 1252(g), the Eighth Circuit has explicitly observed "an exception to § 1252(g) for a habeas claim raising a pure question of law." *Silva v. United States*, 866 F.3d 938, 941 (8th Cir. 2017) (citing *Jama v. I.N.S.*, 329 F.3d 630, 633 (8th Cir. 2003), *aff'd sub nom. Jama v. Immigr. & Customs Enf't*, 543 U.S. 335, 125 S. Ct. 694, 160 L. Ed. 2d 708 (2005)). This is a pure question of law in the habeas context. 8 U.S.C. § 1252(g) does not apply because resolving the legal authority of detention is the question before the Court.

Finally, section 1252, titled "Judicial Review of Orders of Removal," contains a provision detailing "[m]atters not subject to judicial review." *See* 8 U.S.C. § 1252(a)(2). This provision contains four subsections outlining categories of claims that are not subject to judicial review. *See* 8 U.S.C. § 1252(a)(2)(A)–(D). None of these subsections precluding judicial review apply to this matter, as the specified statutory provisions do not cite to 8 U.S.C. § 1225, which is the provision the Parties agree Petitioner challenges. No part of § 1252 deprives the Court of jurisdiction.

II. EXHAUSTION IS FUTILE WHEN RESPONDENTS COLLABORATE IN DEVELOPING A NATIONWIDE CHANGE OF POLICY

The Supreme Court has noted that prudential exhaustion is not required when to do so would be futile or "the administrative body . . . has . . . predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992). Here, the government's evolving position on the application of 8 U.S.C. § 1225(b)(2)(A) was issued "in coordination with the Department of Justice." *See* Ex. A. Exhaustion is intended to resolve the arbitrary, isolated instance of agency action. It is incapable of unwinding a concerted agencywide effort to apply a new policy. Administrative appeals would be a futile exercise and expense that Petitioner alone would bear while challenging a policy adopted by the administrative body charged with hearing his administrative appeal. 8 C.F.R. § 1003.19(f).

Furthermore, "[t]here is no useful purpose to proceeding through the administrative remedy process where the petitioner presents a pure question of law."

Vang v. Eischen, No. 23-CV-721 (JRT/DLM), 2023 WL 5417764, at *3 (D. Minn. Aug. 1, 2023). "A party also may escape the exhaustion requirement if it is able to show that the agency clearly exceeded its statutory authority." *Trinity Indus., Inc. v. Reich*, 901 F. Supp. 282, 286 (E.D. Ark. 1993) (citing *Philip Morris, Inc. v. Block*, 755 F.2d 368, 370 (4th Cir. 1985)). This issue is a matter of law related to agency conduct in excess of the statute. Exhaustion is not required.

That is the case here, and similarly situated courts have agreed. *See Jose J.O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Maldonado*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025); *Aguilar Vazquez v. Bondi*, 25-cv-03162 (D. Minn. Aug 19, 2025); *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Ermeo Sicha v. Bernal*, 2025 WL 2494530 (D. Me. Aug. 29, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Anicasio v. Kramer*, 2025 WL 2374224 (D. Neb. Aug. 14, 2025).

III. A TEMPORARY RESTRAINING ORDER IS APPROPRIATE.

"[T]he standard for analyzing a motion for a temporary restraining order is the same as a motion for a preliminary injunction." *Tumey v. Mycroft AI, Inc.*, 27

F.4th 657, 665 (8th Cir. 2022). The relevant factors are: 1) the likelihood of irreparable harm; 2) the likelihood of success on the merits; 3) relevant hardships, and 4) public interest. *See Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 112 (8th Cir. 1981). The Eighth Circuit has held that the first two factors are particularly important as they comprise what is known as the "traditional test" employed to evaluate the necessity of a Temporary Restraining Order ("TRO"). *Id.* at 12. Petitioner maintains that weighing of these factors militates towards the Court granting this motion.

A. Likelihood of Irreparable Harm

At the outset, "the equitable balancing test a court must conduct using the *Dataphase* factors requires an initial determination that threatened irreparable harm exists." *Gelco Corp. v. Coniston Partners*, 811 F.2d 414, 420 (8th Cir. 1987). It most certainly does in this case.

As Minnesota federal district courts have recognized, "a loss of liberty … is perhaps the best example of irreparable harm." *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018); *see also Farella v. Anglin*, 734 F. Supp. 3d 863, 885 (W.D. Ark. 2024). Indeed, "[f]reedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001). Respondents are keeping Petitioner detained in violation of statute, which clearly entitles him to a bond hearing. *See* 8 U.S.C. § 1226(a).

Petitioner has remained "detained at the [Sherburne] County Jail, which is 'not meaningfully different from a penal institution for criminal detention.'" *Ararso U.M. v. Barr*, No. 19-CV-3046 (PAM/DTS), 2020 WL 1452480, at *4 (D. Minn. Mar. 10, 2020) (citing *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 860 (D. Minn. 2019)). This is despite a total absence of criminal history. The government's actions have already deprived Petitioner of his liberty, and because these violations continue each day he remains in custody, he has suffered and will continue to suffer actual prejudice. *See Puc-Ruiz v. Holder*, 629 F.3d 771, 782 (8th Cir. 2010) (prejudice exists where an alternate result may well have occurred absent the violation). Immediate relief is warranted to halt ongoing harm and restore his rights. Petitioner's continued unjustified detention constitutes irreparable and immediate harm and justifies the issuance of a TRO while his habeas proceedings are pending.

Petitioner will be further harmed if Respondents are not enjoined from transferring him to a detention facility in another state. A transfer further impedes vital attorney-client exchanges by limiting how Petitioner and his attorneys can communicate confidentially. Moving Petitioner out of this District, therefore, inhibits these crucial attorney-client communications. It also complicates the need for any appearance in this Court. Given the time-sensitive nature of continued unlawful detention, this too is irreparable harm.

Given the harm of unlawful detention absent a bond, as well as the issues arising from his movement outside of Minnesota, irreparable harm has been established.

B. Likelihood of Success on Merits

"While no single factor is determinative, the probability of success factor is the most significant" in determining whether to grant a TRO or preliminary injunction. *Home Instead, Inc. v. Florance*, 721 F.3d 494, 497 (8th Cir. 2013). Analyzing the likelihood of a party's success on the merits is not an inquiry aimed at pinning down the mathematical probability that a plaintiff will prevail on the merits. Rather, the court seeks to ascertain whether the "balance of equities so favors the movant that justice requires the Court to intervene to preserve the status quo until the merits are determined." *Dataphase Systems, Inc.*, 640 F.2d at 113.

Courts, including in this District, have already issued rulings favorable to Petitioner on materially identical facts—i.e., a person initially detained at the border, released on recognizance under 8 U.S.C. § 1226(a) according to DHS records, and then re-detained on a warrant at some later point. *See, e.g.*, *Maldonado*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Gomes*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Dos Santos*, 2025 WL 2370988, (D. Mass. Aug. 14, 2025); *Martinez*, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Lopez Benitez*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Romero*,

2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Ramirez Clavijo*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025). The only case Petitioner is aware of that held otherwise entirely failed to account for the statutory language or wrestle with the plain language of the statute at 8 U.S.C. § 1225(b)(2)(A) requiring that an applicant for admission under that section must also be "seeking admission" at the time of the detention, and failed to seek a bond hearing, but rather requested release based on a mistaken understanding of what a visa is. *See Pena v. Hyde*, 2025 WL 2108913 (D. Mass. July 28, 2025). *Pena* is not instructive.

These courts all found as much because Petitioner's "statutory construction better aligns with the text of Sections 1225(b) and 1226 and better harmonizes the two statutes" and because "[t]he government's interpretation contravenes the plain text of Section 1226(a) and would render superfluous Section 1226(c), which mandates the detention of certain noncitizens and is the sole exception to Section 1226(a)'s discretionary framework." *Gomes*, 2025 WL 1869299, at *1 (D. Mass. July 7, 2025). Longstanding practice and legislative history were also instructive. *See Maldonado*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025).

As such, Petitioner is also likely to succeed on the merits of his claim that 8 U.S.C. § 1225(b)(2)(A) does not apply to him.

a. The Record Confirms that Petitioner was Detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A).

Respondents have repeatedly indicated that Petitioner has been detained under

8 U.S.C. § 1226(a), and they cannot recast that for the purposes of litigation. Petitioner was initially charged in Respondents' Notice to Appear as an "alien present in the United States who has not been admitted or paroled" and not as an "arriving alien." *See* Ex. B. Respondents then "released [him] on [his] own recognizance" expressly "in accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations." Ex. D. When they detained him again in July 2025, they did so "pursuant to a warrant." Ex. G. All of this expressly invokes 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A).

In *Jose J.O.E.*, *Martinez v. Hyde*, and *Rodriguez v. Perry*, courts in Minnesota, Massachusetts, and Washington pointed to DHS's own documents to establish that the noncitizen was detained under 8 U.S.C. § 1226(a), as opposed to 8 U.S.C. § 1225(b)(2), and therefore entitled to a bond hearing. 2025 WL 2466670 (D. Minn. Aug. 27, 2025); 2025 WL 2084238 (D. Mass. July 24, 2025); 747 F. Supp. 3d 911; *see also Rosada*, 2025 WL 2337099, at *7 (D. Ariz. Aug. 11, 2025); *Ramirez Clavijo*, 2025 WL 2419263, at *4 (N.D. Cal. Aug. 21, 2025); *Lopez Benitez*, 2025 WL 2371588, at *4 (S.D.N.Y. Aug. 13, 2025). The same is true here.

Jose J.O.E. reflects the logic that Petitioner propounds here. *Jose J.O.E.* ruled that 8 U.S.C. § 1226 applied when "Respondents point[ed] to no record evidence suggesting that Jose was arrested and detained under § 1225" because he was

"arrested on a warrant pursuant to § 1226 … and detained under authority of § 1226 and its implementing regulations." 2025 WL 2466670, at *8. There is no distinction in this record. Petitioner was arrested on a warrant, *see* Ex. G, and he was previously released "in accordance with section 236 of the Immigration and Nationality Act." Ex. D. Therefore, 8 U.S.C. § 1226 applies. The Court must hold Respondents to their determinations. They cannot abandon a record by claiming to adopt a new legal position. The record controls.

In *Rodriguez*, the court held that "when ICE arrested and detained him in June 2023, he was an 'alien present' in the United States and was entitled to a bond hearing under § 1226(a)," in part, because "ICE's records … clearly state that Sandoval is subject to removal as an alien present under INA § 212(a)(6)(A)(i), and not as an arriving alien under § 212(a)(7)(A)(i)(I)." 747 F. Supp. 3d at 916. The same is true here. The Notice to Appear designated Petitioner as an alien present under INA § 212(a)(6)(A)(i), and not an arriving alien under § 212(a)(7)(A)(i)(I). *See* Ex. B. This Court too must hold Respondents to their records. The § 1182(a)(6)(A)(i) designation in the NTA, along with the specific notice that he was "present" rather than an "arriving alien," means that 8 U.S.C. § 1226(a) controls.

In *Martinez*, the court found that 8 U.S.C. § 1226(a) controlled where Ms. Martinez's "Order of Release does not indicate that she was examined or detained under section 1225 but instead explicitly premises her release on section 1226 ("[i]n

accordance with section 236 of the Immigration and Nationality Act")." 2025 WL 2084238, at *3 (D. Mass. July 24, 2025). Here too, the Form I-220A Order of Release on Recognizance expressly notes that release was authorized "in accordance with section 236 of the Immigration and Nationality Act." Ex. D. Similarly, the I-213 specifically references an "arrest without incident pursuant to a warrant." Ex. G.

Respondents have been clear in the underlying proceedings that they have detained Petitioner under 8 U.S.C. § 1226(a)(2), not 8 U.S.C. § 1225(b)(2), as in *Jose J.O.E.*, *Rodriguez*, and *Martinez*. Yet, Respondents seek to rewrite this administrative history and invoke, for the first time, the mandatory detention provisions at 8 U.S.C. § 1225(b)(2). This attempt at revisionism is inconsistent with the statute, the regulations, and a host of clear representation of Congressional intent. *See infra*. Respondents' own records contradict Respondents. Given that the government has routinely invoked 8 U.S.C. § 1226(a)(2) to justify Petitioner's detention, the Court must hold them to that now.

b. The Plain Text Illustrates that 8 U.S.C. § 1226(a) Clearly Applies to Petitioner.

Respondents' records are in fact consistent with § 1226(a). Respondents arrested Petitioner "on a warrant issued by the Attorney General," so he is clearly eligible for bond pursuant to 8 U.S.C. § 1226(a). The plain text at § 1226(a) "establishes a discretionary detention framework for noncitizens arrested and detained '[o]n a warrant issued by the Attorney General.'" *Gomes*, 2025 WL

1869299, at *6 (citing 8 U.S.C. § 1226(a)). "For such individuals, the Attorney General (1) *may* continue to detain the arrested alien"; (2) "*may* release the alien on ... bond"; or (3) "*may* release the alien on ... conditional parole." 8 U.S.C. §§ 1226(a)(1), (a)(2)(A), (a)(2)(B). "The thrice-used permissive word 'may' indicates Congress's intent to establish a discretionary, rather than mandatory, detention framework for noncitizens arrested on a warrant." *Gomes*, 2025 WL 1869299, at *6.

The statute then sets out a single exception to this discretionary framework, articulating that it applies "[e]xcept as provided in subsection (c)." 8 U.S.C. § 1226(a). Subsection (c), in turn, applies to certain "criminal" noncitizens, who are expressly exempted from this discretionary framework. 8 U.S.C. § 1226(c). However, this framework "does not similarly carve out noncitizens who would be subject to mandatory detention under Section 1225(b)(2)." *Gomes*, 2025 WL 1869299, at *6. As the Supreme Court has noted, this sort of "express exception" to Section 1226(a)'s discretionary framework "implies that there are no *other* circumstances under which" detention is mandated for noncitizens, like Petitioner, who are subject to Section 1226(a), in that he was arrested on a warrant issued by the attorney general. *Jennings*, 583 U.S. at 300 (citing A. Scalia & B. Garner, Reading Law 107 (2012)).

Petitioner, just like in *Gomes*, was initially processed "[a]fter being arrested in [April 2023, and] was immediately issued a Notice to Appear and then

conditionally paroled on an Order of Recognizance issued under Section 1226(a)." *Gomes*, 2025 WL 1869299, at *8; *Matter of Cabrera-Fernandez*, 28 I. & N. Dec. 747, 747 (BIA 2023); Ex. D. Notably, there is a substantial difference between release on "conditional parole" under 8 U.S.C. § 1226(a)(2)(B), and parole "into the United States" under 8 U.S.C. § 1182(d)(5).

> [A]lthough both styled as "parole," these two mechanisms serve fundamentally different purposes. Parole "into the United States," under section 1182(d)(5)(A), permits a non-citizen to physically enter the country, subject to a reservation of rights by the Government that it may continue to treat the non-citizen "as if stopped at the border." *See Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020) (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)). Conditional parole, under section 1226(a)(2)(B), instead releases a non-citizen already in the country from domestic detention.

Martinez, 2025 WL 2084238, at *3 (D. Mass. July 24, 2025). Petitioner was expressly released under section 1226. *See* Ex. D.

Petitioner was charged under 8 U.S.C. § 1182(a)(6)(A)(i), which applies to those who are "present in the United States without being admitted or paroled," as opposed to 8 U.S.C. § 1182(a)(7)(A)(i), which expressly applies "at the time of application for admission." Ex. B. More recently, and again just as in *Gomes*, Petitioner was arrested pursuant to a "warrant" on July 23, 2025. *See* Ex. G. Just like the warrant at issue in *Gomes*, the warrant in this case was signed by an immigration officer. *See* Ex. Q.

Given that Petitioner was initially processed and released on conditional parole under 8 U.S.C. § 1226(a), rather than humanitarian or public interest parole under 8 U.S.C. § 1182(d)(5), *see* Ex. D, his most recent arrest on a "warrant issued by the attorney general" also falls within the discretionary bond framework governed by 8 U.S.C. § 1226(a). No one here alleges that the exceptions to that framework articulated at 8 U.S.C. § 1226(c) apply here, so there is no basis to find that mandatory custody applies.

c. The Plain Text Illustrates that 8 U.S.C. § 1225(b)(2)(A) Cannot Apply as Petitioner Was Not "Seeking Admission" When He Was Detained on July 23, 2025.

The text and structure of the statute illustrate that 8 U.S.C. § 1225(b)(2) is totally inapplicable now, years after Petitioner first arrived and entered into the United States. As the Supreme Court has held, while "Section 1225(b) 'authorizes the Government to detain certain aliens *seeking admission into the country*,' Section 1226 'authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings.'" *Gomes*, 2025 WL 1869299, at *2 (citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)). Petitioner was apprehended in Burnsville, Minnesota, *see* Ex. G, hundreds of miles from the nearest border and nowhere near a port of entry. He was not "seeking admission into the country." He was already here.

The statutory text makes it clear that, at the time of his 2025 detention, Petitioner was not "seeking admission" as contemplated at 8 U.S.C. § 1225(b)(2)(A). In reading a statute, "'we must 'give effect, if possible, to every clause and word of [the] statute.'" *Fischer v. United States*, 603 U.S. 480, 486 (2024) (citing *Williams v. Taylor*, 529 U.S. 362, 404 (2000)). A comprehensive reading of 8 U.S.C. § 1225 illustrates that both 8 U.S.C. § 1225(b)(1) and 8 U.S.C. § 1225(b)(2) apply only to those arriving at the border or those who have recently arrived.

"[W]e start where we always do: with the text of the statute." *Van Buren v. United States*, 593 U.S. 374 (2021). In interpreting 8 U.S.C. § 1225(b)(2), it is critical to note how the qualifier "seeking admission" limits the class of aliens to which 8 U.S.C. § 1225(b)(2) applies to those seeking entry into the United States from outside the country, either at the border or a port of entry. In this way, an "alien present in the United States who has not been admitted" is only subjected to 8 U.S.C. § 1225(b)(2) if he is "seeking admission."

As the Supreme Court has held:

> It is important to note at the outset that our 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 an entry, irrespective of its legality**. In the latter instance the Court has recognized additional rights and privileges not extended to those in the former category who are merely "on the threshold of initial entry."

Leng May Ma v. Barber, 357 U.S. 185, 187 (1958) (citing *Shaughnessy v. U.S. ex rel. Mezei*, 345 U.S. 206, 212 (1953)) (emphasis added). Petitioner was plainly beyond the threshold of entry when detained.

This is particularly notable given that the term "admission" is statutorily defined as "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). As always, "we start … with the text of the statute," *Van Buren*, 593 U.S. 374, so to be "seeking admission," a person must be seeking "lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13). This is augmented by long-held interpretations of "[t]he word 'entry' [which] by its own force implies a coming from outside." *U.S. ex rel. Claussen v. Day*, 279 U.S. 398, 401 (1929).

Petitioner is not outside the United States, nor did his most recent apprehension occur at the threshold of the United States, nor has he been outside the country for years. He is not seeking admission into the country at this time, nor was he at the time of his 2025 detention. As such, 8 U.S.C. § 1225(b)(2) cannot apply to him.

The remainder of the INA's definition of "admission" reinforces the conclusion that "admission" contemplates entry from outside. The provisions related

to when a lawful permanent resident ("LPR") will be treated as "seeking an admission" bear this out.

> An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission ... unless the alien-
>
> (i) has abandoned or relinquished that status,
>
> (ii) has been absent from the United States for a continuous period in excess of 180 days,
>
> (iii) has engaged in illegal activity after having departed the United States,
>
> (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this chapter and extradition proceedings,
>
> (v) has committed an offense identified in section 1182(a)(2) of this title, unless since such offense the alien has been granted relief under section 1182(h) or 1229b(a) of this title, or
>
> (vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

8 U.S.C. § 1101(a)(13)(C). Once again, an "admission" necessarily contemplates entry from outside the territorial boundaries of the United States. To be "seeking admission" as contemplated under 8 U.S.C. § 1225(b)(2), an alien must be entering from abroad. The provision clearly applies at and immediately around the border.

If that were not enough, the "[a]dmission of immigrants into the United States" is governed under INA § 211, which requires "a valid unexpired immigrant visa … and [ ] a valid unexpired passport or other suitable travel document." 8 U.S.C. § 1181(a). Moreover, those seeking admission are "admitted into the United States." *Id.* This also necessarily contemplates an alien "seeking entry" from outside the United States.

This is also consistent with how the pre-IIRAIRA INA distinguished between aliens present in the United States and those seeking to enter. Prior to 1997, "[t]he deportation hearing [was] the usual means of proceeding against an alien already physically in the United States, and the exclusion hearing [was] the usual means of proceeding against an alien outside the United States seeking admission." *Landon v. Plasencia*, 459 U.S. 21, 25 (1982).

In fact, the term "seeking admission" was plucked from former 8 U.S.C. § 1225, which governed "exclusion proceedings" and the "[t]he inspection ... of aliens (including alien crewmen) seeking admission or readmission to ... the United States" who, then as now, were "examined by one or more immigration officers at the discretion of the Attorney General and under such regulations as he may prescribe...." 8 U.S.C. § 1225(a) (1994). Under the prior regime, those who were "seeking admission" were those "outside the United States seeking admission." *Landon v. Plasencia*, 459 U.S. 21, 25 (1982).

Given that this language, now codified at 8 U.S.C. § 1225, came from the former 8 U.S.C. § 1225, which also governed the "inspection of aliens," the well-established legal principal applies: "[w]hen a statutory term is 'obviously transplanted from another legal source,' it 'brings the old soil with it.'" *Taggart v. Lorenzen*, 587 U.S. 554, 560 (2019). Then as now, those "seeking admission" are those at the border or a port of entry, not those simply present in the United States without admission.

By contrast, long-tenured aliens like Petitioner are not "seeking admission" when they are detained by ICE. While they may be "applicants for admission" under 8 U.S.C. § 1225(a)(1), to "seek admission" they would need to present at a border or port of entry and request "admission into the United States." 8 U.S.C. § 1181.

This is also consistent with how all Circuits have "construe[d] the meaning of the phrase 'at the time of application for admission'" in the context of 8 U.S.C. § 1182(a)(7), which "refers to the particular point in time when a noncitizen submits an application to physically enter into the United States." *Torres v. Barr*, 976 F.3d 918, 924 (9th Cir. 2020); *see also Marques v. Lynch*, 834 F.3d 549, 561 (5th Cir. 2016) (quoting *Ortiz-Bouchet v. U.S. Atty. Gen.*, 714 F.3d 1353, 1356 (11th Cir. 2013)) ("Section 1182(a)(7) 'only applies to applicants for admission and not to immigrants ... who sought post-entry adjustment of status while already in the United States.'"). Just as an "application for admission" occurs at the specific moment an

application is applied for, seeking admission also occurs at the moment admission is sought.

The subsection title further reinforces this conclusion. While they do not supplant the statutory text, "statutory titles and section headings 'are tools available for the resolution of a doubt about the meaning of a statute.'" *Fla. Dep't of Revenue v. Piccadilly Cafeterias*, 554 U.S. 33, 47 (2008) (citing *Porter v. Nussle*, 534 U.S. 516, 528 (2002)). Section 1225 is titled "[i]nspection by immigration officers; expedited removal of inadmissible arriving aliens; [and] referral for hearing." 8 U.S.C. § 1225. All of this is squarely related to inspection at or near a point of entry, not interior enforcement against aliens who have been present for years.

The "catchall" nature of 8 U.S.C. § 1225(b)(2) is not limitless either. It has to reflect the general parameters of 8 U.S.C. § 1225(b)(1) and respond to the similarly situated individuals arriving to the country who are not arriving aliens. As the Supreme Court has noted, 8 U.S.C. § 1225(b)(2) is a "catchall" that "applies to most other applicants for admission not covered by § 1225(b)(1)." *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). "The ejusdem canon applies when 'a catchall phrase' follows 'an enumeration of specifics, as in dogs, cats, horses, cattle, and other animals.'" *Fischer v. United States*, 603 U.S. 480, 509 (2024) (quoting A. Scalia & B. Garner, READING LAW § 32, at 199 (2012)). "We often interpret the catchall phrase

to 'embrace only objects similar in nature to those objects enumerated by the preceding specific words.'" *Id.*

8 U.S.C. § 1225(b)(2) follows in line with the specificity contained in 8 U.S.C. § 1225(b)(1). Section 1225(b)(2) is titled "inspection of other aliens." "Other aliens" nonetheless has a proximity limitation—around the border and ports of entry. It is not a force multiplier. After all, this catchall provision would be an odd place to hide the most far-reaching and consequential detention authority in the INA. "Congress does not 'hide elephants in mouseholes.'" *Sackett v. Env't Prot. Agency*, 598 U.S. 651, 677 (2023). The Supreme Court recognized this limited reach of § 1225(b)(2) when it held, "An alien arriving in the United States must be inspected by an immigration official, 66 Stat. 198, as amended, 8 U.S.C. § 1225(a)(3), and, unless he is found 'clearly and beyond a doubt entitled to be admitted,' must generally undergo removal proceedings to determine admissibility, § 1225(b)(2)(A)." *Clark v. Martinez*, 543 U.S. 371, 373 (2005).

Section 1225(b)(2) addresses a person who presents some evidence he or she is entitled to entry, but the examining officer is not clearly and beyond a reasonable doubt convinced. For example, Respondents invoke this provision frequently to LPRs returning from travel abroad. Precedent has acknowledged this distinction in purpose within § 1225(b). Detention of non-arriving aliens attempting to enter from the outside is permissible because "§ 235(b)(2) requires the INS to detain aliens 'not

clearly and beyond a doubt entitled to be admitted' … in practice, these provisions often result in the mandatory detention of returning lawful permanent residents at places of inspection." *Tineo v. Ashcroft*, 350 F.3d 382, 387 (3rd Cir. 2003); *see also Kasneci v. Dir., Bureau of Immigr. & Customs Enf't*, 2012 WL 3639112, at *3 (E.D. Mich. Aug. 23, 2012); *Bautista v. Sabol*, 2011 WL 5040894, at *4 (M.D. Pa. Oct. 24, 2011).

The Court must also consider that the government's regulation identifies the limited scope of § 1225(b)(2). It states, "Lawful permanent residents have verifiable entry documents ('green cards') which prevents them from being deemed clearly inadmissible. All aliens who are not clearly inadmissible, but are also not clearly admissible, are placed in regular removal proceedings. INA § 235(b)(2)." 8 C.F.R. § 235.3(b)(5)(ii). As identified in statute, this group includes LPRs who appear to have abandoned status, been absent from more than 180 days, departed during pendant removal or extradition hearings, committed certain crimes, or who are attempting to enter the United States at a place other than a designated port of entry. *See* 8 U.S.C. § 1101(a)(13)(C). Such LPRs are definitionally "seeking admission" but are not necessarily inadmissible for fraud or a lack of travel documents under 8 U.S.C. §§ 1182(a)(6)(C); 1182(a)(7), so they do not fall within the provisions of 8 U.S.C. § 1225(b)(1)(A). Instead, they fall into 8 U.S.C. § 1225(b)(2)(A)'s catchall.

Nor does Petitioner's reading create a surplusage issue in which the 8 U.S.C. § 1225(b)(2) catchall becomes redundant in light of 8 U.S.C. § 1225(b)(1). While 8 U.S.C. § 1225(b)(1) expressly applies to those who are "arriving," and 8 U.S.C. § 1225(b)(2)(A) expressly excludes those "to whom paragraph (1) applies," 8 U.S.C. § 1225(b)(2)(B)(ii), there is a universe of "applicants for admission" who are "seeking admission" from outside the United States that fall outside of 8 U.S.C. § 1225(b)(1), and therefore fall into the catchall at 8 U.S.C. § 1225(b)(2).

These include most obviously any "alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations and who arrives by aircraft at a port of entry." 8 U.S.C. § 1225(b)(1)(F). These individuals are expressly exempted from 8 U.S.C. § 1225(b)(1). They fall into 8 U.S.C. § 1225(b)(2).

The neighboring inadmissibility provision at 8 U.S.C. § 1182(a)(9)(A) reinforces § 1225's limited application to the borders and ports of entry. This provision lumps those who are "removed under 8 U.S.C. § 1225(b)(1) of this title" together with those removed "at the end of proceedings under section 1229a of this title initiated upon the alien's arrival in the United States." 8 U.S.C. § 1182(a)(9)(A)(i). Given that the only provision of law that appears to authorize full proceedings under 8 U.S.C. § 1229a for those arriving at the border is 8 U.S.C. § 1225(b)(2)(A), this inadmissibility provision reinforces Petitioner's interpretation

that 8 U.S.C. § 1225(b)(2)(A), like 8 U.S.C. § 1225(b)(1), applies to those arriving at or near the border. That is why removals in 1229a proceedings initiated upon arrival at the border—that is, 8 U.S.C. § 1225(b)(2)(A) removals—are treated like removals under 8 U.S.C. § 1225(b)(1), triggering a five-year inadmissibility period, whereas those otherwise "ordered removed under section 1229a of this title" are subject to a ten-year bar. *See* 8 U.S.C. § 1182(a)(9)(A)(ii). This dichotomy between 1) border detention and removal, and 2) interior enforcement, is clear in both provisions.

8 U.S.C. § 1225(a)(3) does not undercut this point. 8 U.S.C. § 1225(a)(3) defines who "shall be inspected by immigration officers." It does not define who "shall be detained." Moreover, the notion that the word "or" somehow means that the subsequent phrase is necessarily synonymous with the proceeding one is meritless. Instead:

> While that can sometimes introduce an appositive—a word or phrase that is synonymous with what precedes it ("Vienna or Wien," "Batman or the Caped Crusader")—its ordinary use is almost always disjunctive, that is, the words it connects are to "be given separate meanings."

United States v. Woods, 571 U.S. 31, 45–46 (2013) (citing *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979)). In other words, "or" is generally disjunctive, and here, some "applicants for admission" are "seeking admission," and some who are not "applicants for admission" may be "otherwise seeking admission," and all those

people are subject to inspection. *Romero v. Hyde* recently illustrated this poignantly. *See* 2025 WL 2403827, at *10 (illustrative graph). Ultimately, only those who are both an "applicant for admission" and "seeking admission … shall be detained." 8 U.S.C. § 1225(b)(2)(A). The provisions are different and address different things. The Court must ensure it gives each an independent meaning.

Petitioner was processed and released under 8 U.S.C. § 1226(a), then detained years later on a warrant, hundreds of miles from any border or port of entry. At that time, he was, and still is not, seeking admission. Therefore, 8 U.S.C. § 1225(b)(2)(A) cannot apply.[1]

d. Canons Against Surplusage Require Finding that Petitioner Is Not Subject to 8 U.S.C. § 1225(b)(2).

As a rule, courts do not "adopt an interpretation of a congressional enactment which renders superfluous another portion of that same law." *Sudan v. Harrison*, 139 S. Ct. 1048, 1058 (2019). In fact, this "canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme." *Chicago v. Fulton*, 141 S. Ct. 585, 591 (2021) (quoting *Yates v. United States*, 574 U.S. 528, 543 (2015)).

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[1] Petitioner is aware that the Board decided *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), late Friday afternoon. That decision is owed no deference under *Loper Bright*, 603 U.S. at 369, and simply regurgitates the same tired arguments that have been rejected by at least 20 district courts throughout the country.

Interpreting 8 U.S.C. § 1225(b)(2) as Respondents do would have the Court render the entire Laken Riley Act (LRA) superfluous. In the LRA, Congress added language to 8 U.S.C. § 1226(c) that directly references people who have entered without inspection or who are present without authorization. *See* Laken Riley Act, PL 119-1, January 29, 2025, 139 Stat 3. Pursuant to these amendments, an alien who "is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a) of this title; and is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person" is subject to mandatory detention. 8 U.S.C. § 1226(c)(1)(E).

If everyone inadmissible under 8 U.S.C. § 1182(a)(6)(A) is already subject to mandatory detention under 8 U.S.C. § 1225(b)(2), then there would be no need for the LRA at all. Those present without admission who commit crimes would not require a separate provision to mandate detention. That would render an entire provision of the INA surplusage and runs afoul of the maxim that "[w]hen Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect." *Pierce Cnty. v. Guillen*, 537 U.S. 129, 145 (2003). This cannot stand, and definitively illustrates that 8 U.S.C. § 1225(b)(2) is confined to the borders and ports of entry. It does not apply to Petitioner.

e. Applicable Precedent Cuts in Petitioner's Favor.

To the extent that the Court is ruling on the *likelihood* of success on the merits, the existence of at least eight decisions affirming his decision, in contrast to just one incomplete and poorly plead decision in Respondents' favor, certainly suggests he has illustrated a strong likelihood of success. Courts in Minnesota, Massachusetts, New York, California, New York, and Arizona have endorsed Petitioner's petition on materially identical facts. *See, e.g.*, *Maldonado*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Gomes*, 2025 WL 1869299 (D. Mass. July 7, 2025); *dos Santos*, 2025 WL 2370988, (D. Mass. Aug. 14, 2025); *Martinez*, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Lopez Benitez*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Romero*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Ramirez Clavijo*, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025). One district in Massachusetts refused to unconditionally release a petitioner who failed to ask for bond and argued that an approved I-130 was a visa. *See Pena*, 2025 WL 2108913 (D. Mass. July 28, 2025). The weight of authority favors Petitioner.

f. Legislative History and Longstanding Practice Illustrate that Petitioner Is Not Subject to Mandatory Detention Under 8 U.S.C. § 1225(b)(2).

If the structure and language did not make 8 U.S.C. § 1225(b)(2)'s inapplicability to this case clear, Congress did so expressly. "Section 1226(a)'s

predecessor statute, § 1252(a), included discretionary release on bond." *Maldonado*, 2025 WL 2374411, at *11 (D. Minn. Aug. 15, 2025) (citing 8 U.S.C. § 1252(a) (1994)). In House reports accompanying the legislation that enacted 8 U.S.C. § 1225(b)(2), the legislators noted how the simultaneously enacted detention authority that now lives at 8 U.S.C. § 1226(a) merely "restates the [then] current provisions in section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States." H.R. Rep. No. 104-469, pt. 1, at 229 (1996); *see also* H.R. Rep. No. 104-828, at 210 (1996) (Conf. Rep.) (same).

Both provisions were created in the same Act. *See* Illegal Immigration Reform and Immigration Responsibility Act of 1996, Division C of Pub. L. No. 104-208, 110 Stat. 3009-546, 3009-585 ("IIRIRA"). It seems preposterous that Congress would enact one provision, at 8 U.S.C. § 1226(a)(2)(A), for the purpose of authorizing "the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States" just one section after enacting a provision that DHS now claims subjects those exact same people to mandatory detention. *See* 8 U.S.C. § 1225(b)(2).

Furthermore, from 1996 to 2025, Respondents contended that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without

inspection) will be eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 FR 10312, 10323, 62 FR 10312-01, 10323. "[T]he contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect, is entitled to very great respect," particularly "when an Executive Branch interpretation was issued roughly contemporaneously with enactment of the statute and remained consistent over time." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024). This is long-held Agency practice, and it makes clear that, despite Respondents' newfound position, 8 U.S.C. § 1226 governs Petitioner's detention, and as such, he is eligible for bond.

C. Relevant Hardships and Public Interest

"The balance of the equities and the public interest … factors merge [when] the federal government is the party opposing the injunction." *Missouri v. Trump*, 128 F.4th 979, 996–97 (8th Cir. 2025). These factors require the Court to consider "whether the movant's likely harm without a preliminary injunction exceeds the nonmovant's likely harm with a preliminary injunction in place." *Cigna Corp. v. Bricker*, 103 F.4th 1336, 1347 (8th Cir. 2024).

Courts have recognized that the public interest includes upholding constitutional safeguards, ensuring due process, and preventing unnecessary

deprivation of liberty. *See, e.g.*, *Mohammed H. v. Trump*, 2025 WL 1692739, at *6 (D. Minn. June 17, 2025) (rejecting public-interest argument where detention rested solely on automatic stay without evidence); *Günaydın*, 2025 WL 1459154, at *10 (same). The public interest is not served by needlessly incarcerating a family man with no criminal conviction in violation of statute.

Granting Petitioner's TRO is fully consistent with the government's ability to enforce its immigration laws. An immigration judge has already determined that Petitioner poses no danger and a flight risk that may be ameliorated by a $5,000 bond. If the TRO is granted, DHS retains all tools to continue his removal case, to monitor his compliance with conditions of release, and to seek re-detention if circumstances change. In short, the government can enforce the law, and the Court can ensure that enforcement proceeds within constitutional bounds by ordering his release on the bond already set.

The harms to Petitioner have been articulated, *supra*, and they are severe. In contrast, "[t]here is generally no public interest in the perpetuation of unlawful agency action." *Missouri v. Trump*, 128 F.4th 979, 997 (8th Cir. 2025). The Eighth Circuit has called the federal interest in an action is "minimal" where the plaintiff has illustrated a "strong likelihood of success in showing it exceeds agency authority." *Id.* As that is precisely the case here, all factors favor the issuance of a TRO.

CONCLUSION

The evidence compels the conclusion that Petitioner, who has demonstrated a strong likelihood of success on the merits, will suffer significantly and irreparably in the absence of a TRO. As such, a TRO must be granted, enjoining Respondents from moving Petitioner outside of Minnesota and ordering Respondents to permit Petitioner to post the ordered bond and release him from custody forthwith.

Respectfully submitted,

/s/ David L. Wilson — **September 7, 2025**
Date

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