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10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE DISTRICT OF ARIZONA**

13 Wenjuan Wang,
 14 Petitioner,
 15 v.
 16 Fred Figueroa, et al.,
 17 Respondents.

No. 2:25-cv-03301-MTL

**GOVERNMENT’S RESPONSE TO
 NOTICE OF SUPPLEMENTAL
 AUTHORITY**

18 The government responds as follows to this Court’s order (Doc. 20) and to Petitioner’s
 19 Notice of Supplemental Authority (Doc. 19).

20 Petitioner is a citizen and national of China, who lacks any legal status within the
 21 United States. Prior to her current marriage to a U.S. citizen, she was married to another U.S.
 22 citizen with whom her marriage was dissolved very recently: March 7, 2025. *See* Doc. 1 at 25.
 23 The government denied Petitioner’s Adjustment of Status applications due to that dissolution,
 24 formally doing so on February 25 and 26, 2025. Doc. 15-1, ¶¶ 6-7. Barely three months later,
 25 Petitioner married another U.S. citizen, on June 4, 2025. Doc. 1 at 25. Her application for
 26 Adjustment of Status based on this second, brand new marriage is her sole basis for applying
 27 for legal immigration status within the United States.

28 United States Citizenship and Immigration Services (USCIS) currently has jurisdiction

1 over the adjudication of Petitioner’s application, which remains pending. The government
2 notes that where a noncitizen marries a U.S. citizen “during the pendency of removal
3 proceedings, fraud is presumed” under the Immigration and Nationality Act, which can only
4 be rebutted by clear and convincing evidence that the marriage is bona fide. *Matter of P. Singh*,
5 27 I. & N. Dec. 598 (BIA), 2019 WL 4054424 (BIA April 14, 2021).

6 Nonetheless, Petitioner is correct in her assertion to the Court that the United States
7 Department of Homeland Security (DHS) has not filed an appeal of the Immigration Judge’s
8 termination of Petitioner’s removal action. In the government’s Answer and Response to the
9 Motion for Injunctive Relief (Doc. 15), the government stated that it had anticipated DHS
10 would do so, for which the filing deadline was September 22, 2025. This appeal, if filed, would
11 have argued that the government’s statutory basis for detaining Petitioner should be reinstated.

12 The undersigned is unaware of the reasons why the appeal was not filed. Thus, the
13 government now concludes that it lacks a current statutory basis for Petitioner’s continuing
14 detention. To the extent the government had previously argued in its Answer that detention
15 was warranted under 8 U.S.C. § 1225(b)(2)(A), the government must now withdraw those
16 arguments. As such, no removal proceedings are currently active that can serve as a legal basis
17 to continue detaining Petitioner.

18 Respectfully submitted on October 1, 2025.

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