IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

RENE GARIBAY ROBLEDO,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondent.

Civil Action No. 1:25-CV-00177-H

RESPONSE IN OPPOSITION TO WRIT OF HABEAS CORPUS AND REQUEST FOR INJUNCTIVE RELIEF

NANCY E. LARSON
ACTING UNITED STATES ATTORNEY

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney
Texas Bar No. 24032102
1205 Texas Avenue, Suite 700
Lubbock, Texas 79401
Telephone: (806) 472-7351
Facsimile: (806) 472-7394
Email: ann.haag@usdoj.gov

Attorneys for Respondent

Table of Contents

I. Introduction 1

II. Background 1

III. Argument and Authorities 2

A. Petitioner has not exhausted administrative remedies. 2

B. An APA claim is not available. 3

C. Petitioner is not entitled to any relief, because he is an applicant for admission who may properly be subjected to mandatory detention under 8 U.S.C. § 1225 without any requirement for a bond hearing. 4

1. Petitioner is considered an applicant for admission because he entered the United States without being inspected, admitted, or paroled. 4

2. Because Petitioner is an applicant for admission, he is subject to detention under 8 U.S.C. § 1225(b)(2) 6

3. Applicants for admission may be released from detention on an 8 U.S.C. § 1182(d)(5) parole, but that is a discretionary matter. 10

4. The Due Process Clause does not entitle Petitioner to any relief. 11

D. The Court should decline to issue any temporary relief. 13

IV. Conclusion 13

Table of Authorities

Cases

Ardestani v. INS,
502 U.S. 129 (1991) 6

Ascencio-Rodriguez v. Holder,
595 F.3d 105 (2d Cir. 2010) 4

Canal Auth. of State of Fla. v. Callaway,
489 F.2d 567 (5th Cir. 1974) 12

Demore v. Kim,
538 U.S. 510 (2003) 10, 11, 12

Dep't of State v. Muñoz,
602 U.S. 899 (2024) 11

DHS v. Thuraissigiam,
591 U.S. 103 (2020) 4, 12

Florida v. United States,
660 F.Supp. 3d 1239 (N.D. Fla. 2023) 8

Jennings v. Rodriguez,
583 U.S. 281 (2018) 6, 8, 9, 12

Lee v. Gonzalez,
410 F.3d 778 (5th Cir. 2005) 2

Matter of Castillo-Padilla,
25 I&N Dec. 257 (BIA 2010) 10

Matter of Lemus-Losa,
25 I&N Dec. 734 (BIA 2012) 4

Matter of M-S-,
27 I&N, Dec 509 (A.G. 2019) 8

Matter of Q. Li,
29 I&N, Dec 66 (BIA 2025) 8

Matter of Yajure-Hurtado,
29 I&N Dec. 216 (BIA 2025) 1, 2, 7, 8

McCarthy v. Madigan,
503 U.S. 140 (1992) 2

Rubin v. United States,
449 U.S. 424 (1981) 6

Trump v. J.G.G.,
604 U.S. 670 (2025) 3

Washington v. Glucksberg,
521 U.S. 702 (1997) 11

Statutes

5 U.S.C. § 704 3

8 U.S.C. § 1101(a)(13)(B) 10

8 U.S.C. § 1182(a) 5

8 U.S.C. § 1182(a)(9)(A)(i) 7

8 U.S.C. § 1182(d)(5) 9, 10

8 U.S.C. § 1182(d)(5)(A) 9, 10

8 U.S.C. § 1225(a)(3) 5

8 U.S.C. § 1225(b) 5, 8, 9

8 U.S.C. § 1225(b)(1) 6, 9, 10

8 U.S.C. § 1225(b)(2) .... passim

8 U.S.C. § 1225(c)(1) 7

8 U.S.C. § 1229a 5, 6, 9

8 U.S.C. § 1229a(c)(2)(A) 5

8 U.S.C.§ 1225(a)(1) 4, 6

8 U.S.C.§ 1225(b)(2)(A) 4

8 U.S.C. § 1226 2

8 U.S.C. § 1225 .... 1, 5, 6

28 U.S.C. § 2241 1

Regulations

8 C.F.R. § 1.2 .... 5, 10

8 C.F.R. § 1001.1(q) 5

8 C.F.R. § 212.5(a) 10

8 C.F.R. § 235.1(a). 5

8 C.F.R. § 235.1(f)(1) 5

8 C.F.R. § 235.1(f)(2) 5

Other Authorities

INA § 235(b)(2)(A) 7

I. Introduction

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his recent detention by Immigration and Customs Enforcement (ICE). He alleges that he cannot be subject to mandatory immigration detention but rather must be given an individualized bond hearing in connection with his pending removal proceeding. Petitioner also brings a related claim under the Administrative Procedure Act (APA) to challenge a decision issued by the Board of Immigration Appeals (BIA) addressing whether aliens who enter the United States unlawfully (e.g., without inspection or admission) and are then placed in removal proceedings are entitled to a bond hearing or instead are subject to mandatory detention. Finally, in addition to the habeas petition, Petitioner seeks a temporary restraining order that likewise asserts that he is entitled to an individualized bond determination. This Court has denied the TRO request and the subsequent motion for reconsideration of the TRO. As explained herein, Petitioner is not entitled to any relief on his habeas petition.

II. Background

The petitioner is a native and citizen of Mexico who illegally entered the United States in 1994. App. p. 6. He entered without inspection or parole by an immigration officer. *Id.* On September 18, 2025, Petitioner was placed into proceedings with the issuance of a Notice to Appear ("NTA"). App. pp. 1-3. Petitioner filed a motion for a bond redetermination (motion for bond), with the immigration court, that motion was denied for lack of jurisdiction. App. pp. 14-15.

Petitioner seeks habeas relief in two counts by which he asserts an entitlement to a

bond hearing of the type he could receive if detained under § 1226. ECF 1, ¶¶ 23–43. And in a third count, Petitioner bring an APA claim by which he challenges the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2015). ECF 1, ¶¶ 45–50. Finally, Petitioner seeks injunctive relief arguing that he is illegally detained without a bond hearing. The request for injunctive relief has already been denied by this Court.

III. Argument and Authorities

The Court should deny Petitioner's petition for the following reasons:

A. Petitioner has not exhausted administrative remedies.

The Supreme Court "long has acknowledged the general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts." *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992). Exhaustion "serves the twin purposes of protecting administrative agency authority and promoting judicial efficiency." *Id.* at 145. The rationale for administrative exhaustion applies equally in the context of seeking relief of denial of a bond hearing via a writ of habeas corpus, even though the statute does not mandate exhaustion for situations other than appeals for final orders of removal. *See id.* at 144 (explaining that "where Congress has not clearly required exhaustion, sound judicial discretion governs"). As the Fifth Circuit has explained, "a petitioner must exhaust available avenues of relief and turn to habeas only when no other means of judicial review exists." *Lee v. Gonzalez*, 410 F.3d 778, 786 (5th Cir. 2005).

Here, Petitioner has not yet appealed the denial of bond from the Immigration Judge, and so any request at this time to order a bond hearing via a writ of habeas corpus

is premature, at best. Subsequent developments may moot the issues Petitioner is complaining about in this proceeding or cause his cases to develop in other ways that obviate the need for any decision by this Court. For these reasons, exhaustion of administrative procedures is appropriate and should occur before the matters presented in Petitioner's petition become the subject of federal litigation.

B. An APA claim is not available.

Petitioner's attempt to proceed under the APA also fails. By the APA's terms, it is available only for final agency action "for which there is no other adequate remedy in a court." 5 U.S.C. § 704. Thus, Petitioner's APA claim is independently barred by this limitation in § 704.

In *Trump v. J.G.G.*, 604 U.S. 670 (2025) the Supreme Court held that where immigration detainees' claims "necessarily imply the invalidity of [] confinement," those claims "must be brought in habeas." 604 U.S. 670, 672 (2025) (internal quotation marks and citation omitted). As noted by Justice Kavanaugh in a concurrence, "given 5 U.S.C. § 704, which states that claims under the APA are not available when there is another 'adequate remedy in a court,' I agree with the Court that habeas corpus, not the APA, is the proper vehicle here." *Id.* at 674 (Kavanaugh, J. concurring).

Here, as in *J.G.G.*, habeas is an "adequate remedy" through which Petitioner can challenge any future denial of a bond hearing. Thus, even if his APA claim had merit, which it does not, the result would be the same as that in habeas—the government would presumably be required to hold a bond hearing to assess whether detention can continue. For this reason, Petitioner is not entitled to any relief on his APA claim.

C. Petitioner is not entitled to any relief, because he is an applicant for admission who may properly be subjected to mandatory detention under 8 U.S.C. § 1225 without any requirement for a bond hearing.

If the Court reaches the merits of the petitioner, Petitioner is correctly detained without bond as an applicant for admission. The provision at § 1225(b)(2)(A) applies specifically to any "applicant for admission"—and calls for mandatory detention. Thus, Petitioner constitutes an "applicant for admission" who is potentially subject to § 1225(b)(2)(A) and its more restrictive mandatory detention provision.

1. Petitioner is considered an applicant for admission because he entered the United States without being inspected, admitted, or paroled.

Section 1225(a)(1) deems any "alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters)" to be an "applicant for admission." 8 U.S.C. § 1225(a)(1); *see also Ascencio-Rodriguez v. Holder*, 595 F.3d 105, 108 n.3 (2d Cir. 2010) (explaining that an alien who "was present in the country and had been for years," but "whose entry into the United States was not lawful or authorized" was "not considered 'admitted' into the United States," and that such aliens are "treated as 'applicants for admission'" and "deemed to be legally at the border").

Accordingly, by its very definition, the term "applicant for admission" includes two categories of aliens: (1) arriving aliens, but also (2) aliens present without admission. *See DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020) (explaining that "an alien who tries to enter the country illegally is treated as an 'applicant for admission'"); *Matter of*

Lemus-Losa, 25 I&N Dec. 734, 743 (BIA 2012) ("Congress has defined the concept of an 'applicant for admission' in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission . . . ."). Indeed, that "arriving aliens" are just one subset of the larger group of "applicants for admission" is made clear by the fact that "arriving alien" is defined as "an applicant for admission *coming or attempting to come into the United States at a port-of-entry*"—thus making clear that there are other types of applicants for admission. 8 C.F.R. §§ 1.2, 1001.1(q) (emphasis added).

All aliens who are applicants for admission "shall be inspected by immigration officers." 8 U.S.C. § 1225(a)(3); *see also* 8 C.F.R. § 235.1(a). An applicant for admission seeking admission at a port-of-entry "must present whatever documents are required and must establish to the satisfaction of the inspecting officer that the alien is not subject to removal . . . and is entitled, under all of the applicable provisions of the immigration laws . . . to enter the United States." 8 C.F.R. § 235.1(f)(1); *see also* 8 U.S.C. § 1229a(c)(2)(A) (describing the related burden of an applicant for admission in removal proceedings). "An alien present in the United States who has not been admitted or paroled or an alien who seeks entry at other than an open, designated port-of-entry . . . is subject to the provisions of [§ 1182(a)] and to removal under [§ 1225(b)] or [§ 1229a]." 8 C.F.R. § 235.1(f)(2).

Here, Petitioner did not present at a port-of-entry but instead entered the United States elsewhere, in an unlawful fashion and without having been admitted or paroled

after inspection by an immigration officer. He is, therefore, an alien present without admission and, consequently, an applicant for admission.

2. Because Petitioner is an applicant for admission, he is subject to detention under 8 U.S.C. § 1225(b)(2).

Applicants for admission may be placed in expedited removal proceedings under § 1225 or, as has occurred here with respect to Petitioner, he may be placed in § 1229a removal proceedings (which are the more comprehensive form of removal proceedings that also generally apply to aliens other than applicants for admission who are charged with removability). But even if placed in § 1229a proceedings, applicants for admission may be subjected to mandatory detention under § 1225 such that they are ineligible for release on bond. Specifically, aliens present without admission placed in § 1229a removal proceedings are both applicants for admission as defined in § 1225(a)(1) *and* aliens "seeking admission," as contemplated in § 1225(b)(2)(A). Such aliens are subject to detention under § 1225(b)(2)(A) and thus ineligible for release on bond.

Section 1225(b)(2)(A) "serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *see* 8 U.S.C. § 1225(b)(2)(A), (B)). Under § 1225(b)(2)(A), "an alien who is an applicant for admission" "*shall be detained* for a proceeding under section 1229a" "if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A) (emphasis added).

Thus, according to the plain language of § 1225(b)(2)(A), applicants for admission in § 1229a removal proceedings "*shall* be detained." *Id.* (emphasis added). "The 'strong presumption' that the plain language of the statute expresses congressional intent is rebutted only in 'rare and exceptional circumstances,' . . . ." *Ardestani v. INS*, 502 U.S. 129, 135–36 (1991) (quoting *Rubin v. United States*, 449 U.S. 424, 430 (1981)). And as the Supreme Court observed in *Jennings*, nothing in § 1225(b)(2) "says anything whatsoever about bond hearings." 583 U.S. at 297. Further, there is no textual basis for arguing that § 1225(b)(2)(A) applies only to arriving aliens—no provision within § 1225(b)(2) refers to "arriving aliens," or limits that clause to arriving aliens, and Congress instead intended for it to apply generally "in the case of an alien who is an applicant for admission." 8 U.S.C. § 1225(b)(2)(A). Where Congress means for a rule to apply only to "arriving aliens," it has used that specific term of art or similar phrasing. *See, e.g.*, *id.* §§ 1182(a)(9)(A)(i), 1225(c)(1).

The BIA's recently issued published decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), is consistent with these principles. In its decision, the BIA affirmed "the Immigration Judge's determination that he did not have authority over [a] bond request because aliens who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." *Id.* at 220.[1]

---

[1] Previously, § 1226(a) had been interpreted as an available detention authority for aliens who were present without admission and placed in § 1229a removal proceedings. *See, e.g.*, *Matter of Cabrera-*

The BIA concluded that aliens "who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer. Remaining in the United States for a lengthy period of time following entry without inspection, by itself, does not constitute an 'admission.'" *Id.* at 228. To hold otherwise would lead to an "incongruous result" that rewards aliens who unlawfully enter the United States without inspection and subsequently evade apprehension for a number of years. *Id.*

In so concluding, the BIA rejected the alien's argument that "because he has been residing in the interior of the United States for almost 3 years . . . he cannot be considered as 'seeking admission.'" *Id.* at 221. The BIA determined that this argument "is not supported by the plain language of the INA" and creates a "legal conundrum." *Id.* If the alien "is not admitted to the United States (as he admits) but he is not 'seeking admission' (as he contends), then what is his legal status?" *Id.* (parentheticals in original).

The decision in *Matter of Yajure Hurtado* is consistent not only with the plain language of § 1225(b)(2), but also with the Supreme Court's 2018 decision in *Jennings*. Specifically, in *Jennings*, the Supreme Court explained that § 1225(b) applies to all applicants for admission, noting that the language of § 1225(b)(2) is "quite clear" and "unequivocally mandate[s]" detention. 583 U.S. at 300, 303.

Fernandez, 28 I&N Dec. 747, 747–48 (BIA 2023). However, as noted by the BIA, the BIA had not previously addressed this issue in a precedential decision. *See Matter of Yajure Hurtado*, 29 I&N Dec. at 216.

Moreover, during the IIRIRA's legislative drafting process, Congress asserted the importance of controlling illegal immigration and securing the land borders of the United States. *See* 29 I&N Dec. at 222–24 (discussing H.R. Rep. 104-469 (1996)). One goal of the IIRIRA was to "reform the legal immigration system and facilitate legal entries into the United States." H.R. Rep. No. 104-828, at 1. Affording bond hearings to aliens present without admission, who have evaded immigration authorities and illegally entered the United States, but not affording such hearings to arriving aliens, who are attempting to comply with U.S. immigration law, is anomalous with and runs counter to that goal.

Similarly, relying on *Jennings* and the plain language of §§ 1225 and 1226(a) , the Attorney General recognized in *Matter of M-S-* that §§ 1225 and 1226(a) describe "different classes of aliens." 27 I&N Dec. 509, 516 (AG 2019). And in *Matter of Q. Li-*, the BIA also held that an alien who illegally crossed into the United States between ports-of-entry and was apprehended without a warrant while arriving is detained under § 1225(b). 29 I&N Dec. 66, 71 (BIA 2025) -. These decisions make clear that all applicants for admission are subject to detention under § 1225(b). *See also Florida v. United States*, 660 F. Supp. 3d 1239, 1275 (N.D. Fla. 2023) (explaining that "the 1996 expansion of § 1225(b) to include illegal border crossers would make little sense if DHS retained discretion to apply § 1226(a) and release illegal border crossers whenever the agency saw fit").

Given that § 1225 is the applicable detention authority for all applicants for admission—both arriving aliens and aliens present without admission alike, regardless of

whether the alien was initially processed for expedited removal proceedings under § 1225(b)(1) or placed directly into removal proceedings under § 1229a—and further given that both "§§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the completion of applicable proceedings," *Jennings*, 583 U.S. at 302, Petitioner has no grounds to complain that he is subject to mandatory detention and is not entitled to a bond hearing.

Petitioner is properly considered an applicant for admission (specifically, an alien present without admission), and he was placed into removal proceedings under § 1229a. He is therefore subject to detention pursuant to § 1225(b)(2)(A) and there is no requirement that he be eligible for bond.

3. Applicants for admission may be released from detention on an 8 U.S.C. § 1182(d)(5) parole, but that is a discretionary matter.

Importantly, applicants for admission may only be released from detention if the government invokes its discretionary parole authority under § 1182(d)(5), which can be exercised with respect to "any alien applying for admission to the United States" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A). In *Jennings*, the Supreme Court placed significance on the fact that § 1182(d)(5) is the specific provision that authorizes release from detention under § 1225(b), at the government's discretion. *Jennings*, 583 U.S. at 300. Specifically, the Court emphasized that "[r]egardless of which of those two sections [§ 1225(b)(1) or (b)(2)] authorizes . . . detention, applicants for admission may be temporarily released on parole . . . ." *Id.* at 288.

The parole authority under § 1182(d)(5), however, is "delegated solely to the Secretary of Homeland Security." *Matter of Castillo-Padilla*, 25 I&N Dec. 257, 261 (BIA 2010); *see* 8 C.F.R. § 212.5(a). And parole does not constitute a lawful admission or a determination of admissibility, 8 U.S.C. §§ 1101(a)(13)(B), 1182(d)(5)(A)), so an alien granted parole remains an applicant for admission, *id.* § 1182(d)(5)(A); *see* 8 C.F.R. § 1.2 (providing that "[a]n arriving alien remains an arriving alien even if paroled pursuant to [§ 1182(d)(5)], and even after any such parole is terminated or revoked"). Here, accepting Petitioner's theory that applicants for admission are nonetheless eligible for bond under § 1226 would run headlong against the specific grant of parole authority as to applicants for admission, in § 1182(d)(5).

4. The Due Process Clause does not entitle Petitioner to any relief.

As discussed above, the relevant immigration statutes, properly construed, provide no entitlement to relief for Petitioner. Nor does the Due Process Clause. Instead, mandatory detention under § 1225(b)(2) is constitutionally permissible—particularly where, as here, Petitioner has been detained for a very short period of time. The Supreme Court has held that detention during removal proceedings, even without access to a bond hearing, is constitutional. In *Demore v. Kim*, the Supreme Court upheld the constitutionality of § 1226(c), which mandates the detention of certain aliens during removal proceedings without access to bond hearings. 538 U.S. 510, 522 (2003). The Court "recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process," and also reaffirmed its "longstanding view that the Government may constitutionally detain deportable aliens during the limited period

necessary for their removal proceedings." *Id.* at 523, 526. The Court further explained that "when the Government deals with deportable aliens, the Due Process Clause does not require it to employ the least burdensome means to accomplish its goal." *Id.* at 528. With respect to due process concerns, the Court recognized that it "has firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens." *Id.* at 522.

Here, Petitioner is being detained for the limited purpose of removal proceedings and determining his removability. Such detention is not punitive or done for other reasons than to address removability, which will occur in the removal proceedings. Whether framed as a substantive or procedural due process claim, the principles set forth in *Demore* govern this case. Substantive due process protects "only 'those fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition.'" *Dep't of State v. Muñoz*, 602 U.S. 899, 910 (2024) (quoting *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997)). Any substantive due process claim therefore fails here because "the through line of history" is that the federal government has "sovereign authority to set the terms governing the admission and exclusion of noncitizens." *Id.* at 911, 912. Indeed, Congress in exercising this "broad power over naturalization and immigration . . . regularly makes rules that would be unacceptable if applied to citizens." *Demore*, 538 U.S. at 522 (internal quotation marks and citation omitted). Consistent with these principles, the Supreme Court has long recognized that "the Government may constitutionally detain deportable aliens during the limited period necessary for their removal proceedings." *Id.* at 526.

Similarly, Petitioner cannot succeed on a procedural due process claim. Such a claim fails because where Congress has substantively mandated detention pending removal proceedings, an alien cannot displace that substantive choice with a procedural due process claim. As discussed, aliens are not entitled to bond hearings as a matter of substantive due process. *See Demore*, 538 U.S. at 523–29. Under *Demore*, Congress may reasonably determine—as it did here—to subject aliens who were never inspected or admitted to this country to detention without bond while the government determines their removability. And "an alien in [that] position has only those rights regarding admission that Congress has provided by statute." *Thuraissigiam*, 591 U.S. at 140. Congress has not created any procedural rights to a bond hearing for applicants for admission. *See Jennings*, 583 U.S. at 297. "Read most naturally," § 1225 "mandate[s] detention of applicants for admission until certain proceedings have concluded." *Id.* And the statute says nothing "whatsoever about bond hearings." *Id.* No procedural due process claim is stated.

D. The Court should decline to issue any temporary relief.

As discussed above and as this Court previously determined, there is no basis for granting temporary relief because no likelihood of success on the merits can be shown. *See Canal Auth. of State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). Moreover, Petitioner has no likelihood of success (or actual success) on the merits, so he is not entitled to temporary relief.

IV. Conclusion

The petition for writ of habeas corpus should be denied.

Respectfully submitted,

NANCY E. LARSON
ASSISTANT UNITED STATES ATTORNEY

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney
Texas Bar No. 24032102
1205 Texas Avenue, Suite 700
Lubbock, Texas 79401
Telephone: (806) 472-7351
Facsimile: (806) 472-7394
Email: ann.haag@usdoj.gov

Attorneys for Respondent

CERTIFICATE OF SERVICE

On November 3, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Ann E. Cruce-Haag
ANN E. CRUCE-HAAG
Assistant United States Attorney