UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

WILLIAN WILFREDO PACHECO MAYEN, Petitioner, v. KEVIN RAYCRAFT, Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, Respondents.	Case No. 2:25-cv-13056 Hon. Matthew F. Leitman Mag. Judge Anthony P. Patti

PETITIONER'S REPLY BRIEF
IN SUPPORT OF THE
PETITION FOR WRIT OF HABEAS CORPUS

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ISSUES PRESENTED

1. Before dismissing all Respondents other than the ICE Field Office Director, should the Court ensure that it can grant the requested relief?

2. Are Respondents unlawfully detaining Petitioner without a bond hearing under 8 U.S.C. § 1225(b)(2)(A), which applies only to the inspection and detention of recent arrivals at or near the border?

3. Is Petitioner entitled to a bond hearing conducted by an Immigration Judge under 8 U.S.C. § 1226(a), which all courts to consider the question have found applies to noncitizens like Petitioner who were residing in the United States when they were apprehended and charged with inadmissibility, and which Respondents themselves have historically applied to such noncitizens?

4. Have Respondents violated the Due Process Clause by detaining Petitioner, who is a long-time resident of the United States with no criminal history, without any individualized determination that his civil detention is necessary to facilitate removal because he is a flight risk or danger?

5. Should this Court, like all others that have considered such claims, exercise its discretion to waive prudential exhaustion requirements and proceed to the merits of Petitioner's habeas corpus petition, which raises urgent statutory and constitutional claims regarding his ongoing unlawful detention?

CONTROLLING OR MOST APPROPRIATE AUTHORITY

8 U.S.C. § 1225
8 U.S.C. § 1226

Other Cases Raising Same Merits and Exhaustion Issues

Lopez-Campos v. Raycraft, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
Pizarro Reyes v. Raycraft, 2:25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)
Rodriguez v. Bostock, 3:25-cv-05240-TMC (W.D. Wash. Sept. 30, 2025)
Echevarrria v. Bondi, CV-25-032520PHX-DWL (D. Ariz. Oct. 3, 2025)

Caselaw Pertaining to Statutory Claim

Jennings v. Rodriguez, 583 U.S. 281 (2018)

Mr. Pacheco Mayen has lived in the United States since 2003, has four United States citizen children with his lawful permanent resident wife, Respondents previously conceded that his custody was governed by 8 U.S.C. § 1226, and they previously administratively closed his removal proceedings because he is a low enforcement priority. His nine-year-old son A-P-C- travels via wheelchair and suffers from a combination of developmental delay, neurologic dysfunction, and skeletal dysplasia. A- is unable to feed himself and has vision and hearing problems, epilepsy, hypotonia, and metabolic disease.

For nearly thirty years, Respondents and the federal courts recognized that noncitizens who entered the United States without inspection and were apprehended years later were eligible for a bond hearing before an immigration judge under 8 U.S.C. § 1226(a). Petitioner has been denied a bond determination in Immigration Court because the Respondents advance a new statutory interpretation that defies the text, structure, and purpose of the Immigration and Nationality Act (INA), and reverses decades of consistent agency practice. The government's novel position mandates the detention, without a bond hearing, of millions of longtime residents of the United States. It is contrary to the plain language of the statute; Congress's intent and understanding of the detention statutes, expressed most recently in January 2025; long-standing agency practice; and the agency's conduct in this case. It is no surprise that, to the best of counsel's knowledge, this new interpretation has been

squarely rejected by every federal court to address this issue, including in *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486 (E.D. Mich. Aug. 29, 2025), and *Pizarro Reyes v. Raycraft*, 2:25-cv-12546 (E.D. Mich. Sept. 9, 2025).[1] Some of the more than fifty district courts that have rejected the government's new interpretation are cited in the footnote below and the habeas petition.[2] As court after court has held, § 1225 is a border inspection scheme that does not apply to noncitizens who were already residing in the United States when they were apprehended. Instead, § 1226(a) plainly applies. And those courts all rejected the government's argument that exhaustion is a barrier to habeas relief. This Court should grant Mr. Pacheco Mayen's petition and order Respondents to either immediately release him or hold a new bond hearing.

I. Petitioner Will Not Oppose Dismissal of All Respondents Except the ICE Field Office Director if the Court Retains Jurisdiction to Grant the Requested Relief

Respondent seeks dismissal of all Respondents except for the ICE Field Office Director. Petitioner will not oppose this request if the Court retains jurisdiction to grant meaningful habeas relief.

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[1] The one apparent exception, *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. 2025), denied an ex parte temporary restraining order but has not issued a final judgment on the merits.

[2] *See, e.g., Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (D. Ariz. Oct. 3, 2025); *Rodriguez Vasquez v. Bostock*, 3:25-cv-05240-TMC (W.D. Wash. Sept. 30, 2025); *see also* ECF No. 1, PageID.11-12.

II. Because § 1225 Only Applies to the Inspection of Recent Arrivals, § 1226 Governs the Detention of Residents Like Mr. Pacheco Mayen.

The text, structure, and purpose of the INA all support Mr. Pacheco Mayen's argument that § 1226(a) governs his detention, and not § 1225(b)(2)(A). *See Lopez-Campos*, *supra*, ECF No. 14, PageID.165-66. The Court does not owe any deference to the agency's new interpretation of §§ 1225 and 1226. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). Here, the agency believes that the language of the statute is plain such that there are no gaps for the agency to fill. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025).

A. The rules of statutory interpretation show that § 1226(a) applies here

Sections 1226(a) and 1225(b)(2)(A) work in tandem to cover different categories of noncitizens: § 1226 provides a discretionary detention scheme for individuals who are "already in the country" and are detained "pending the outcome of removal proceedings," *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018), while § 1225 (including its subsection (b)(2)(A)) is a processing and inspection scheme that applies to those "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible," *Id.* at 287. Conversely, § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings." *Id.* at 289. Indeed, there is a "line historically drawn between these two sections" and the

categories of noncitizens they respectively cover. *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025).

This understanding situates each detention provision "in their context and with a view to their place in the overall statutory scheme." *King v. Burwell*, 576 U.S. 473, 486 (2015) (citation omitted). *See also Biden v. Texas*, 597 U.S. 785, 799-800 (2022) (looking to statutory structure to inform interpretation of INA provision). Placing a provision in its larger context is especially important where the provision "may seem ambiguous in isolation" but can be "clarified by the remainder of the statutory scheme . . . because only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law." *United Sav. Ass'n of Tex. v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 371 (1988). And the one meaning which permits a logical and compatible effect here is that § 1225 and § 1226 each cover different categories of noncitizens.[3]

Section 1225's plain text shows that it is focused on inspecting people who are arriving or have just entered the United States. *See generally* 8 U.S.C. § 1225(a)-(b), (d). That section repeatedly refers to "examining immigration officer[s]," 8 U.S.C. § 1225(b)(2)(A), (b)(4); sets out procedures for "inspection[s]" of people

[3] Respondents are also wrong to claim § 1225(b)(2)(A) somehow takes "priority" over § 1226(a) if they overlap. ECF No. 8, PageID.84-85. To the contrary, the U.S. Supreme Court has said the opposite, characterizing § 1226(a) as the "default rule" for "aliens already in the country." *Jennings*, 583 U.S. at 288-89.

"arriving in the United States," *id.* § 1225(a)(3), (b)(1), (b)(2), (d); and discusses "stowaways, "crewm[e]n," and noncitizens "arriving from contiguous territory." *Id.* § 1225(a)(2), (b)(2)(B), (b)(2)(C). Even the title of § 1225 refers to the "inspection" of "inadmissible arriving" noncitizens (emphasis added). *Cf. Dubin v. United States*, 599 U.S. 110, 120-21 (2023) (relying on section title to help construe statute). Thus, by its own text, § 1225, read as a whole, makes clear that it is intended to apply to recent arrivals at or near the U.S. border. Mr. Pacheco Mayen, of course, arrived at the border over twenty years ago and has been residing in the United States since.

On the other hand, § 1226(a) is a separate detention authority that applies broadly to any noncitizen arrested "on a warrant . . . pending a decision on whether [they are] to be removed from the United States." *See also Jennings*, 583 U.S. at 289 (§ 1226(a) applies to those "already in the country" who are detained "pending the outcome of removal proceedings"). On its face, the provision plainly applies to Mr. Pacheco Mayen, who was arrested "on a warrant" when he was already in the U.S. and is now detained "pending a decision on" his removal. Thus, § 1226(a), and not § 1225(b)(2)(A), is clearly the proper detention authority for Mr. Pacheco Mayen.

1. Section 1225(b)(2)(A) cannot apply to Mr. Pacheco Mayen because he is not an "applicant for admission."

Respondents first argue that, despite having lived in this country for decades, Mr. Pacheco Mayen is an "applicant for admission" and can be detained under § 1225(b)(2)(A) as if he were fictionally at the border attempting entry. *See* ECF No.

8, PageID.75.[4] Respondents zoom too far into the statute. The term "applicant for admission," when viewed in its statutory context, cannot be understood without acknowledging Congress's choice to deploy the term within § 1225's border inspection scheme. *See* Section I. By contrast, the term "applicant for admission" appears nowhere in § 1226. This comparative context thus clarifies that the term refers to a specific category of "arriving" noncitizens being "inspected" at or near the border. See 8 U.S.C. § 1225. Indeed, in *Bautista v. Santacruz Jr.*, the court rejected this exact argument, finding that the petitioners—who had been residing in the U.S.—were not "applicants for admission." No. 5:25-CV-1873-BFM (C.D. Cal. July 28, 2025), Dkt. 14 at 7-8.

Thus, when § 1225(a)(1) describes "applicants for admission" as a noncitizen "present in the United States who has not been admitted," the larger context of § 1225 clarifies that this definition refers to individuals who were apprehended in the interior of the country after having recently crossed the border. In sum, Mr. Pacheco Mayen—who has resided here for more than twenty years—is not an "applicant for admission" as that term should be understood within the INA, and thus he cannot be mandatorily detained under § 1225(b)(2)(A).

[4] Respondents' reliance on *DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020), to support this statutory fiction is misleading at best. The Supreme Court was clearly referring to the scope of due process protections in the context of people who physically "arrive at ports of entry" (airports are offered as an example). *Id.*

2. Section 1225(b)(2)(A) cannot apply to Mr. Pacheco Mayen because he is not "seeking admission" to the United States.

Even if Mr. Pacheco Mayen were an "applicant for admission," § 1225(b)(2)(A) also requires an independent and separate showing that he is "seeking admission" to the United States. Respondents' interpretation of "seeking admission" has even less statutory footing: they argue that the term encompasses anyone seeking "a lawful means of entering" the country without regard to where or when that right may be granted, thus mandating the detention of any noncitizen present in the United States who has not been lawfully admitted or paroled. Such a broad interpretation of "seeking admission" flies in the face of the INA's text, structure, and purpose, and defies the common-sense meaning of the term.

Interpreting the INA properly shows that "seeking admission" describes a much narrower class: recent arrivals who are presenting themselves for admission at or near the border. Again, the text and structure of § 1225 clearly show that it deals with inspections of recent arrivals at or near the border. *See* Section I. By deploying "seeking admission" within § 1225's border inspection scheme—and not § 1226—Congress intended for this term to cover the detention of noncitizens seeking admission at or near the border. That is why the statute's implementing regulations, which were "promulgated mere months after passage of the statute and have remained consistent over time," *Lopez Benitez v. Francis*, 25-CV-5937-DEH, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025), describe those seeking admission as

"arriving aliens," 8 C.F.R. § 235.3(c)(1), who are "coming or attempting to come into the United States," 8 C.F.R. § 1.2 (emphasis added). *See Martinez*, 2025 WL 2084238 at *6 (the regulations' use of "arriving alien" is "roughly interchangeable with an 'applicant . . . seeking admission'" as used in § 1225(b)(2)(A)); *see also Lopez Benitez*, 2025 WL 2371588, at *7 (same). Thus, only those who take affirmative steps to seek admission while "coming or attempting to come into the United States" can reasonably be said to be "seeking admission" under § 1225(b)(2)(A). *See Gonzalez v. Noem*, 25-CV-2054-ODW-BFM at 8 (C.D. Cal. Aug. 13, 2025).

The word "seeking" is the present participle of the verb "seek." It thus has a temporal element-Petitioner must have been in the process of seeking admission at the time of the inspection. *United States v. Balint*, 201 F.3d 928, 933 (7th Cir. 2000) ("[U]se of . . . the present participle, or '-ing' form of an action verb, generally indicates continuing action."). It is difficult to see how Mr. Pacheco Mayen could be deemed to be "seeking" admission at the time of his encounter with ICE. By that point, he had been present in the U.S. for many years. If he became an "applicant for admission" at the time of his initial entry, by Respondents' interpretation he would be in a perpetual state of seeking admission the entire time between his entry and encounter. This "would seem to push the statutory text beyond its breaking point." *Echevarria v. Bondi*, 25-03252 at *12 (D. Ariz. Oct. 3, 2025).

A cancellation of removal applicant, 8 U.S.C. § 1229b(b)(1), is not "seeking admission." If granted, the agency will adjust their status to that of a lawful permanent resident and record their "lawful admission for permanent residence." 8 U.S.C. § 1229b(b)(3). The term "lawfully admitted for permanent residence" means "the status of having been accorded the privilege of residing permanently in the United States as an immigrant." 8 U.S.C. § 1101(a)(20); *Stanovsek v. Holder*, 768 F.3d 515, 517 (6th Cir. 2014). On the other hand, an "admission" means "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).

Mr. Pacheco Mayen is not presenting himself for admission at the border; he arrived at the border over a quarter-century ago and has been residing in the United States since. He simply wishes to remain in the country he has long called home—not to enter it. All that Respondents can say in response to this obvious fact is that noncitizens like Mr. Pacheco Mayen must be seeking admission. But even Respondents' massive presumption does not make their case. Regardless of whether Mr. Pacheco Mayen desired a lawful means of entering, the reality is that he is not trying to enter the United States; he is already here. Thus, he cannot be considered "seeking admission" in any reasonable way, rendering § 1225(b)(2)(A) wholly inapplicable to his detention.

B. Congressional intent shows that § 1226(a) applies here

Congress intended for § 1226 to govern the detention on noncitizens who entered the U.S. without inspection. Congress most recently expressed this understanding earlier this year in the Laken Riley Act. This act added a subsection to § 1226 that specifically mandated detention for noncitizens who are inadmissible under §§ 1182(a)(6)(A) (noncitizens present without being admission or parole, like Petitioner), 1182(a)(6)(C) (misrepresentation), or 1182(a)(7) (lacking valid documentation) and have been arrested for, charged with, or convicted of certain crimes. *See* 8 U.S.C. § 1226(c)(1)(E); Pub. L. No. 119-1, 139 Stat. 3 (2025).

Respondents' interpretation of the statutes renders this recently amended section superfluous. *Lopez-Campos*, *supra*, ECF No. 14, PageID.173-74. If Congress intended or understood § 1225 to govern the detention of noncitizens like Mr. Pacheco Mayen, who were apprehended years after entering the country, it would have placed these amendments within § 1225, not § 1226.

When Congress amended § 1225(b)'s predecessor statute—which authorized detention only of arriving noncitizens—to include individuals who had not been admitted, legislators expressed concerns about recent arrivals to the United States who lacked the documents to remain in the country. There is no suggestion in the legislative history that Congress intended to subject all people present in the United States after an unlawful entry to mandatory detention and thereby transform

immigration detention and sweep millions of noncitizens into § 1225(b). *See* H.R. Rep. No. 104-469, pt. 1, at 157–58, 228–29 (1996); H.R. Rep. No. 104-828, at 209 (1996) (Conf. Rep.).

C. Long-standing agency practice shows that § 1226(a) applies here

Petitioner's position is not a novel interpretation of the INA. It has been *Respondents'* own understanding of these provisions since they were first enacted thirty years ago—a view they held until suddenly reversing course two months ago in a policy ICE issued "in coordination with the Department of Justice." *See* ECF No.1, PageID.10-11.

Following IIRIRA, the agency drafted new regulations that provided: "[a]liens who are present without having been admitted or paroled (formerly referred to as aliens 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 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). The relevant regulations restrict only "arriving aliens" from an an immigration court bond hearing. 8 C.F.R. § 1003.19(h)(2)(i)(B). An "arriving alien" is, as relevant here, "an applicant for admission coming or attempting to come into the United States at a port-of-entry." 8 C.F.R. § 1001.1(q).

In fact, as recently as August 4, the Attorney General designated for publication a decision in which the BIA reviewed under § 1226(a) the merits of a

bond request by a noncitizen who unlawfully entered the United States. *Matter of Akhmedov*, 29 I&N Dec. 166, 166 n.1 and 166-67 (BIA 2025). "The longstanding practice of the government can inform a court's determination of 'what the law is.'" *Loper Bright*, 603 U.S. at 385-86.

D. Respondents' conduct in this case suggests they did not view Mr. Pacheco Mayen as seeking admission

Finally, belying Respondents' entire defense are the facts surrounding Mr. Pacheco Mayen's initial detention: when he was apprehended, the DHS deliberately chose not to check the box designating Mr. Pacheco Mayen as an "arriving alien." ECF No. 8-2, PageID.96. Instead, DHS only checked the box for an "alien present in the United States" and it only charged him with removability under 8 U.S.C. § 1182(a)(6)(A)(i). *Id.* DHS also acknowledged that its detention authority derived from 8 U.S.C. § 1226 and it released him on a bond set pursuant to that statute. ECF No. 1-3, PageID.25-26.

III. Due Process Entitles Mr. Pacheco Mayen to a Bond Hearing

Respondents claim that Mr. Pacheco Mayen is only due the removal procedures provided by Congress. While that may be true for some people apprehended while crossing the border, see *Thuraissigiam*, 591 U.S. at 139, that is not true for people like Mr. Pacheco Mayen who have resided in the United States and "develop[ed] the ties that go with" that longtime residence, *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Indeed, there has long been a legal "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." *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958) (emphasis added).

And the process due here is governed by the classic balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 334-335 (1976). Mr. Pacheco Mayen invokes "the most elemental of liberty interests—the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Meanwhile, the government's interest in detaining Mr. Pacheco Mayen is limited to ensuring his appearance at future immigration proceedings and preventing danger to the community. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Because Respondents denied Mr. Pacheco Mayen a proper bond hearing, "there is nothing in the record demonstrating that [Mr. Pacheco Mayen] is a flight risk or a danger to the community." *Lopez Benitez,* 2025 WL 2371588 at *12. The risk of erroneously depriving Mr. Pacheco Mayen of his physical freedom is unbearably high. *See id.* Without the bond hearing that he is entitled to under § 1226(a), he will never be able to present the compelling reasons that he is neither a flight risk nor a danger. Due process requires that Mr. Pacheco Mayen be afforded a bond hearing under § 1226(a). *See Lopez-Campos, supra*, ECF No. 14, PageID.175-78.

IV. The Court Should Waive Any Prudential Exhaustion Requirement

The exhaustion of administrative remedies is not a statutory or jurisdictional requirement for a habeas petitioner but is instead a prudential matter of this Court's discretion. There are many circumstances where courts do not require exhaustion of administrative remedies, including when "[1] delay means hardship . . . or when [2] exhaustion would prove 'futile'." *Shalala v. Illinois Council*, 529 U.S. 1, 13 (2000); *see also Fazzini v. Ne. Ohio Corr. Ctr.*, 473 F.3d 229, 236 (6th Cir. 2006). First, exhaustion is futile because the BIA has issued a decision, binding on the agency, mandating the detention without a bond hearing of the millions of noncitizens who are present in the United States without having been inspected and admitted. *Yajure Hurtado*, 29 I&N Dec. 216.

Second, as to delay, the petitioner faces "an unreasonable or indefinite timeframe for administrative action." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). This is so "[e]ven where the administrative decisionmaking schedule is otherwise reasonable and definite." *Id.* Agency data shows that, on average, the BIA took over six months to decide bond appeals in 2024. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025). Such a delay surely "means hardship" for Mr. Pacheco Mayen, who would have to remain unlawfully detained for months—separated from his home, his children, and his community—before the BIA could rule on the legality of his bond denial and on any underlying merits appeal. *Shalala*, 529 U.S. at 13. Indeed, "because of delays inherent in the

administrative process, BIA review would result in the very harm that the bond hearing was designed to prevent: prolonged detention without due process." *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (cleaned up).

Third, waiver is appropriate because the petitioner raises non-frivolous' constitutional questions. *See Bangura v. Hansen*, 434 F.3d 487, 493 (6th Cir. 2006)). Mr. Pacheco Mayen's due process arguments, *see* Section III, are far from frivolous, and raise important questions about whether the government can mandatorily detain a longtime resident without a criminal record before they have been ordered removed. That is an argument "[n]either an immigration judge nor the Board of Immigration Appeals is positioned to properly adjudicate." *Lopez Benitez*, 2025 WL 2371588 at *14.

Fourth, the need for waiver is amplified in the context of a habeas corpus petition, which demands a "swift" remedy in the face of illegal detention. *Fay v. Noia*, 372 U.S. 391, 400 (1963). See also 28 U.S.C. § 2243. Requiring prior administrative exhaustion will only serve to prolong that illegal detention. Unsurprisingly, then, all the Courts to consider habeas petitions raising the same issues present in this case have waived the prudential exhaustion requirements.[5] This Court should again exercise its discretion to do so here and proceed to the merits of this petition—especially in the absence of factual disputes and facing only questions

[5] *See supra* n. 1 and 2.

of pure statutory interpretation and constitutional due process analysis. See *Shalala*, 529 U.S. at 13 (waiver appropriate when "the legal question is 'fit' for resolution.").[6]

Dated: October 6, 2025

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[6] Contrary to the assertion at ECF No. 8-2, PageID.99, if Petitioner is ordered removed at his merits hearing, his detention will continue to be governed by 8 U.S.C. § 1226 during his administrative appeal because the removal order will not be final. 8 C.F.R. § 1241.1.

Certificate of Service

I hereby certify that on October 6, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Russell Reid Abrutyn
Russell Abrutyn
Attorney for Petitioner