**UNITED STATES DISTRICT COURT**
**DISTRICT OF NEW JERSEY**

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| PEDRO MARCELO MACANCELA BUESTAN,<br><br>*Petitioner*,<br><br>v.<br><br>CORY CHU, *in his official capacity*, et al.,<br><br>*Respondents.* | Civil No. 25-16034<br><br>(Hon. Michael E. Farbiarz, U.S.D.J.) |

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

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## PRELIMINARY STATEMENT

Pedro Marcelo Macancela Buestan is a 43-year-old native and citizen of Ecuador ("Petitioner" or "Mr. Macancela Buestan"). Mr. Macancela Buestan first entered the United States without inspection on February 22, 2000. Mr. Macancela Buestan previously applied for asylum with USCIS. His asylum interview with USCIS was originally scheduled for July 24, 2025, but was moved to September 10, 2025. The Petitioner attended this asylum interview and was asked to return to the asylum office on September 24, 2025, to pick up a copy of his asylum decision. At that time, he was arrested by DHS and detained without bond at the Delaney Hall Detention Facility in Newark, New Jersey. On September 26, 2025, Petitioner filed this Habeas corpus petition seeking release or, in the alternative, an order directing Respondents to schedule a bond hearing before an Immigration Judge, and requesting that the Mr. Macancela Buestan not be transferred outside the jurisdiction of the Newark Field Office and the District of New Jersey. Despite this, Respondents transferred the petitioner to Adams County Correctional Facility in Natchez, Mississippi, on September 30, 2025. Mr. Macancela Buestan has three United States Citizen children. All three of his children suffer from severe asthma and allergies. The oldest was born with flat feet and has mobility issues, while the youngest recently suffered a head injury that gave her a concussion.

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. This novel position 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 a majority of the federal courts to address this issue, including the New Jersey District Court, in *Rivera Zumba v. Bondi*, 2025 WL 2753496 (D.N.J. Sept. 26, 2025), as well as in other District Courts, in cases such as *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] Many District Courts have rejected the holding of *Matter of Yajure Hurtado.*

[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.

Some of the more than fifty district courts that have rejected the government's new interpretation are cited in the footnote below, the habeas petition, and below.[2] Multiple District Courts have ordered bond hearings and have held that 1226(a), not 1225(b)(2) authorizes detention for person who were not arrested upon arrival in the United States. 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. Thus, this Court should grant Mr. Macancela Buestan's petition and order Respondents to either immediately release him or hold a bond hearing.

## ARGUMENT

### I. Because § 1225 Only Applies to the Inspection of Recent Arrivals, § 1226 Governs the Detention of Residents Like Mr. Macancela Buestan.

The text, structure, and purpose of the INA all support Mr. Macancela Buestan's argument that § 1226(a) governs his detention, and not § 1225(b)(2)(A). *See Lopez-Campos, supra.* 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

[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).

such that there are no gaps for the agency to fill. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025).

Many District Courts have rejected the holding of *Matter of Yajure Hurtado*. *See, e.g., Oliveira Gomes v. Hyde*, 2025 WL 1868299 (D.Mass. July 7, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D.Mass. July 24, 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D.Mass. Aug. 14, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D.Mass., Sept. 5, 2025); *Encarnacion v. Moniz*, No. 25-12237 (D.Mass., Sept. 5, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D.Mass., Sept. 9, 2025); *Hilario Rodriguez v. Moniz*, No. 25-12358 (D.Mass., Sept. 18, 2025); *Chogllo Chafla v. Scott*, 2025 WL 2531027 (D.Me., Sept. 2, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390 (D.N.H., Sept. 8, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y., Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y., Aug. 19, 2025); *Savane v. Francis*, 2025 WL 2774452 (S.D.N.Y., Sept. 28, 2025); *Luna Quispe v. Crawford*, 2025 WL 2783799 (E.D.Va., Sept. 29, 2025); *Rivera Zumba v. Bondi*, 2025 WL 2753496 (D.N.J., Sept. 26, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D.Md., August 24, 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D.Va., Sept. 19, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D.La., Augt. 27, 2025); *Lopez Santos v. Noem*, 2025 WL 2642278 (W.D.La., Sept.11, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2691828 (W.D.Tex., Sept. 22, 2025); *Barrera v. Tindall*, 2025 WL

2690565 (W.D.Ky., Sept.19, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D.Ky., Sept. 22, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Campos Leon v. Forestal*, 2025 WL 2694763 (S.D.Ind., Sept. 22, 2025); *Giron Reyes v. Lyons*, 2025 WL 2712427 (N.D.Iowa, Sept. 23, 2025); *Santiago Helbrum v. Williams,* 4:25-cv-00349 (S.D. Iowa Sept. 30, 2025); *Hernandez Marcelo v. Trump* (S.D. Iowa Sept. 10, 2025); *Brito Barajas v. Noem,* No. 4:25-cv-00322 (S.D. Iowa Sept. 23, 2025); *Belsai D.S. v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Apr. 15, 2025); *O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Apr. 27, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aniscasio v. Kramer*, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Jacinto v. Trump*, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Carmona-Lorenzo v. Trump*, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 251539 (D. Neb. Sept. 3, 2025); *Palma Perez v. Berg*, 2025 WL 2531566 (D. Neb. Sept. 3, 2025); *Lorenzo Perez v. Kramer*, 2025 WL 2624387 (D. Neb. Sept. 11, 2025); *Oruna Carlon v. Kramer*, 2025 WL 2624386 (D. Neb. Sept. 11, 2025); *Genchi Palma v. Trump*, 2025 WL 2624385 (D. Neb. Sept. 11, 2025); *Duenas Arcey v. Trump*, 2025 WL 2676934 (D. Neb. Sept. 18, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379235 (C.D. Cal. Aug. 15, 2025); *Zaragoza*

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### 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 "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. Macancela Buestan, of course, arrived at the border over twenty-five years ago and has been residing in the United States since.

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[3] Respondents are also wrong to claim § 1225(b)(2)(A) somehow takes "priority" over § 1226(a) if they overlap. 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.

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. Macancela Buestan, 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. Macancela Buestan.

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

Respondents first argue that, despite having lived in this country for decades, Mr. Macancela Buestan is an "applicant for admission" and can be detained under § 1225(b)(2)(A) as if he were fictionally at the border attempting entry. [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

[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.*

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. Macancela Buestan—who has resided here for more than twenty-five 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).

2. <u>Section 1225(b)(2)(A) cannot apply to Mr. Macancela Buestan because he is not "seeking admission" to the United States.</u>

Even if Mr. Macancela Buestan 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. Macancela Buestan 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. Macancela Buestan is not presenting himself for admission at the border; he arrived at the border over twenty-five years 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. Macancela Buestan must be seeking admission. But even Respondents' massive presumption does not make their case. Regardless of whether Mr. Macancela Buestan 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 to Mr. Macancela Buestan*

Congress intended for § 1226 to govern the detention of 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 admitted or paroled, 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.* If Congress intended or understood § 1225 to govern the detention of noncitizens like Mr. Macancela Buestan, 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 Memo ICE issued "in coordination with the Department of Justice."

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 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. Macancela Buestan as seeking admission*

Finally, belying Respondents' entire defense are the facts surrounding Mr. Macancela Buestan's initial detention: when he was apprehended, the DHS

deliberately chose not to check the box designating Mr. Macancela Buestan as an "arriving alien." See Notice to Appear. 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.*

## II. Due Process Entitles Mr. Macancela Buestan to a Bond Hearing

Respondents claim that Mr. Macancela Buestan 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. Macancela Buestan, 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. Macancela Buestan 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. Macancela Buestan 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). But because Respondents denied Mr. Macancela Buestan a bond hearing, "there is nothing in the record demonstrating that [Mr. Macancela Buestan] is a flight risk or a danger to the community." *Lopez Benitez,* 2025 WL 2371588 at *12. Therefore, the risk of erroneously depriving Mr. Macancela Buestan of his physical freedom is unbearably high. *See id.* Without the bond hearing that he is entitled to under § 1226(a), Mr. Macancela Buestan will never be able to present the compelling reasons that he is neither a flight risk nor a danger. Due process thus requires that Mr. Macancela Buestan be afforded a bond hearing under § 1226(a). *See Lopez-Campos, supra.*

**CONCLUSION**

Petitioner respectfully request that the Court grant Mr. Macancela Buestan's petition for writ of habeas corpus because he is detained in violation of federal law or the Constitution.

Dated: October 17, 2025

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**Certificate of Service**

I hereby certify that on October 17, 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.

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