



1 Undersigned counsel apologizes for any confusion caused by Federal Respondents'  
2 briefing in response to Petitioner's Motion for a Temporary Restraining Order regarding the Ninth  
3 Circuit's decision in *Cui v. Garland*, 13 F.4<sup>th</sup> 991, 996 (9th Cir. 2021). To clarify, Federal  
4 Respondents assert that *Cui* was wrongly decided for the reasons stated in the brief. Dkt. No. 8,  
5 at 9-11. Federal Respondents do not dispute that *Cui* is a valid decision that is binding on this  
6 Court. Furthermore, Federal Respondents recognize that their jurisdictional arguments may have  
7 appeared to ask this Court to disregard *Cui*'s holding as noted in the Order. Dkt. No., 13, at 5.  
8 This was not the intent and Federal Respondents asserted these arguments, along with the argument  
9 on the merits, to preserve both for appeal,<sup>2</sup> while also recognizing that *Cui* is binding precedent in  
10 the Ninth Circuit.

11 DATED this 21st day of November, 2025.

12 Respectfully submitted,

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21 *I certify that this memorandum contains 284 words,*  
22 *in compliance with the Local Civil Rules*

23  
24 <sup>2</sup> Federal Respondents recognize that the jurisdictional arguments fail if there is no final order of removal.