IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

FERNANDO FABIAN PALACIOS DELGADO,

Petitioner,

v. Case No. 0:25-cv-04455-ECT-ECW

JOEL BROTT, Sheriff, Sherburne County, MN; SAMUEL OLSON, Director St. Paul Field Office, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of Homeland Security; and PAMELA BONDI, Attorney General of the U.S., in their official capacities,

Respondents.

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

On December 10, 2025, Federal Respondents in the instant case filed a brief in opposition to Petitioner's Writ of Habeas Corpus. The Respondents argue that Mr. Palacios Delgado's detention is mandatory under 8 U.S.C. § 1225(b)(2). However, this argument fails for numerous reasons. Respondents argue that because Mr. Palacios Delgado entered and has remained in the U.S. without inspection or admission and is thus deemed an "applicant" for admission, subject to mandatory detention. Further, Respondents argue that this Court does not have jurisdiction over Mr. Palacios Delgado's

claim. Respondents' sweeping interpretations of the law are unpersuasive, and the Court should grant Mr. Palacios Delgado's Petition.

ARGUMENT

I. Respondents' textual arguments fail.

A. Respondents' erroneous interpretation of 8 U.S.C. § 1225 fails to account for § 1226.

The Supreme Court's decision in *Jennings v. Rodriguez* confirms Petitioner's correct interpretation of the statute. 583 U.S. 281 (2018). In *Jennings,* the Supreme Court made it clear that § 1225(b) applies to "aliens seeking admission into the country," while § 1226(a) applies to "certain aliens already in the country." *Jennings,* 583 U.S. at 289. Respondents' primary argument is that the plain text of 8 U.S.C. § 1225(b)(2) mandates Mr. Palacios Delgado's detention. However, statutes "should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant." *Corley v. United States,* 556 U.S. 303, 314 (2009). This erroneous interpretation of § 1225(b)(2) fails to acknowledge the existence of § 1226.

As stated in *Jennings*, § 1226 applies to people "inside the United States" and "present in the country." *Jennings,* 583 U.S. at 288-89. A straightforward reading of § 1226(a) suggests that it applies to a noncitizen like Mr. Palacios Delgado and allows for the arrest of a noncitizen on a warrant "pending a decision on whether the alien is to be removed from the U.S." 8 U.S.C. § 1226(a). It further provides that unless the person falls into the mandatory detention category of § 1226(c), DHS may detain or release the noncitizen on bond or conditional parole. 8 U.S.C. § 1226(a)(1)–(2); *Jennings*, 583 U.S.

at 289 (explaining that § 1226(c) "carves out a statutory category of aliens who may not be released under § 1226(a)"). Notably, "the plain text of Section 1226(c) includes noncitizens who are 'inadmissible' (meaning they have not been admitted to the United States) as well as those who are 'deportable' (meaning they were previously admitted to the United States." *Rodriguez v. Bostock,* 779 F. Supp. 3d 1239, 1256 (W.D. Wash. Apr. 24, 2025). As such, § 1226 accounts for noncitizens who are already present in the U.S., like Mr. Palacios Delgado. This is confirmed by the warrant for Mr. Palacios Delgado's arrest, listing INA § 236, 8 U.S.C. § 1226 as the statute authorizing the officer to serve the warrant. Dkt. 9-2.

Additionally, recent amendments to § 1226(c) resulting from the passage of the Laken Riley Act in 2025 render Respondents' interpretation of § 1225(b)(2) superfluous. The amendments call for mandatory detention of a noncitizen who is *both* charged as inadmissible as an "alien present in the United States without being admitted or paroled" under 8 U.S.C. § 1182(a)(6)(A)(i), *and* "charged with, is arrested for, convicted of, or admits" to committing certain crimes. 8 U.S.C. § 1226(c)(1)(E). This amendment would be wholly unnecessary were Respondents correct that § 1225(b)(2) already mandated the detention of every noncitizen who is present in the U.S. without being admitted. *See Dominguez Sanchez v. Bondi,* No. 25-cv-03682 (D. Minn. Oct. 1, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *6 (D. Mass. July 7, 2025). Only where the criminal conduct criterion is also satisfied has Congress determined that such a noncitizen must be subject to mandatory detention. *See Zadvydas v. Davis*, 533 U.S. 678, 696 (2001); *Gomes*, 2025 WL 1869299, at *6. "That express exception" to Section

1226(a)'s discretionary framework "implies that there are no other circumstances under which" detention is mandated for noncitizens, like Palacios Delgado, who are subject to Section 1226(a). *Jennings*, 583 U.S. at 300 (citing A. Scalia & B. Garner, Reading Law 107 (2012)); *Gomes*, 2025 WL 1869299, at *6.

Canons of statutory interpretation aid in this analysis, especially the principle that statutes should be construed so that "no clause, sentence, or word shall be superfluous, void, or insignificant." *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (quoting *Duncan v. Walker,* 533 U.S. 167, 174 (2001)). Respondents' reading of § 1225(b)(2) fails to account for the statutory framework already established in § 1226. Congress has mandated detention for noncitizens who meet certain criminal criteria, which has recently been confirmed in the 2025 amendments through the Laken Riley Act. Respondents' argument that the plain text of § 1225(b)(2) mandates detention of noncitizens like Mr. Palacios Delgado results in an unharmonious reading of the Immigration and Nationality Act and renders certain sections superfluous. Petitioner's interpretation that he should be classified under § 1226(a) does not.

B. Petitioner is not "seeking admission" as Respondents assert.

The Respondents' interpretation of § 1225(b)(2) does not follow from the plain language of the text, as Respondents argue. Mr. Palacios Delgado is not "seeking admission." 8 U.S.C. § 1225(b)(2). For § 1225(b)(2) to apply, "an examining immigration officer" must determine that 1) the noncitizen is "an applicant for admission"; 2) the noncitizen is "seeking admission"; and 3) the noncitizen "is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). Mr. Palacios

Delgado is not "seeking admission." Courts have found "seeking admission" to mean "presently attempting to gain admission into the United States." *Dominguez Sanchez v. Bondi,* No. 25-cv-03682 (D. Minn. Oct. 1, 2025); *see also Martinez v. Hyde,* 2025 WL 2084238, *6 (D. Mass. July 24, 2025) (discussing the plain meaning of "seeking"); *Lopez Benitez v. Francis*, 2025 WL 2371588, *7 (S.D.N.Y. Aug. 13, 2025) (interpreting "seeking admission" to mean a person who is actively "seeking" "lawful entry"); *Lopez-Campos v. Raycraft*, 2025 WL 2496379, *7 (E.D. Mich. Aug. 29, 2025) ("'[S]eeking admission' . . . implies action–something that is currently occurring, and in this instance, would most logically occur at the border upon inspection.") Here, Mr. Palacios Delgado is not actively "seeking" "lawful entry" because he entered the U.S. years ago. Dkt. 1-1. In fact, Mr. Palacios Delgado's Notice to Appear issued by Respondents confirms that he is not an "arriving alien," but rather "an alien present in the United States who has not been admitted or paroled." *Id.* Petitioner's Notice to Appear "indicates no such action." *Martinez,* 2025 WL 2084238, at *6.

As stated in *Martinez,* "this active construction of 'seeking admission' is in harmony with the Government's treatment of similar language in at least one other context." *Id.* at *7. Under 8 U.S.C. § 1182(a)(9)(B), a noncitizen who is unlawfully present in the U.S., and then departs or is removed is inadmissible for a certain period of time if they again seek admission. Respondents cite *Matter of Lemus-Losa,* 25 I&N Dec. 734 (BIA 2012), to support their position, which analyzes this same provision. Dkt. 8 at p. 21. However, Respondents fail to acknowledge how the U.S. Citizenship and Immigration Service ("USCIS"), the adjudicating entity of unlawful presence waivers,

interprets this provision in practice. The USCIS Policy Manual provides guidance, stating that the clock begins to run on the day of departure or removal. *See* USCIS Policy Manual, vol. 8, pt. O, ch. 6. The guidance continues:

> This statutory period continues to run, without interruption, regardless of whether or how the alien returned to the United States during the 3-year or 10-year period. *Thus, it is immaterial whether the alien has spent the applicable statutory 3-year or 10-year period in or out of the United States. As long as the alien again seeks admission more than 3 or 10 years after the relevant departure or removal, the alien is not inadmissible under [section 1182(a)(9)(B)]* . . . .

Id. (emphasis added). The *Martinez* court found that "in other words, at least in the Government's estimation, a noncitizen's presence in the United States is 'immaterial' to the determination of when he is considered to have 'sought admission' for purposes of section 1182(a)(9)(B), even where the noncitizen's presence might be unlawful." *Martinez,* 2025 WL 2084238, at *7. "Seeking admission" requires a "separate, finite action" to "trigger it." *Id. Matter of Lemus-Losa* fails to acknowledge that one can be an applicant for admission, but not be actively seeking admission. *See* 25 I&N Dec. 734 (BIA 2012). Thus, the USCIS Policy Manual supports Petitioner's position that he is not "seeking admission," and Respondents' arguments are unpersuasive.

Respondents argue that applicants for admission are both those individuals present without admission and those who arrive in the United States, and that both groups are "seeking admission." Dkt. 8 at 21. The term "seeking admission" "limits [8 U.S.C. § 1225(b)(2)'s] application to aliens actively attempting to lawfully enter the United States. That interpretation is supported by Section 1225's repeated reference to 'arriving aliens' and the existence of Section 1226—a separate statute that allows for detention and

removal of noncitizens already present in the country." *Garcia v. Noem*, 2025 U.S. Dist. LEXIS 214695, at *8 (M.D. Fla. Oct. 31, 2025). Further, Respondents' argument that "seeking admission" is synonymous with applying for admission renders the language "seeking admission" superfluous: "If § 1225(b)(2)(A) applied to every 'applicant for admission,' there would be no reason to include the phrase 'seeking admission' in § 1225(b)(2)(A)." *Herrera Avila v. Bondi*, 2025 WL 2976539 (D. Minn. Oct. 21, 2025). Statutes "should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant." *Corley,* 556 U.S. at 314. Respondents' erroneous interpretation of the statute does just that.

C. Petitioner's Notice to Appear issued by the Department of Homeland Security supports his interpretation of §§ 1225 and 1226.

Upon Petitioner's arrest by Immigration and Customs Enforcement ("ICE"), he was re-issued a Notice to Appear placing him in removal proceedings. Dkt. 1-1. On this charging document, the Department of Homeland Security ("DHS") charged Mr. Palacios Delgado as "an alien *present in the United States* who has not been admitted or paroled." *Id.* (emphasis added). Notably, Mr. Palacios Delgado was *not* classified as "an arriving alien." *Id.* A plain reading of 8 U.S.C. § 1226(a) shows that Mr. Palacios Delgado falls under the "default process for the arrest and discretionary detention of aliens who are already present in the United States and may be eligible for removal." *Maldonado,* 2025 WL 2374411, at *11; *see also Herrera Avila,* 2025 WL 2976539. As stated by other courts agreeing with Petitioner's interpretation, "the fact that the Notice to Appear listed 'arriving' and 'present' as two distinct options, and that ICE selected 'present,' reinforces

how novel Respondents' proposed statutory interpretation is." *Reyes,* 2025 WL 2609425 at *8. Further, as discussed above, Mr. Palacios Delgado's Notice to Appear does not indicate any type of action that could be construed as "seeking admission." *Martinez,* 2025 WL 2084238, at *6.

II. The Court has subject matter jurisdiction to adjudicate Petitioner's habeas claim regarding his unlawful detention.

Respondents argue that this Court does not have subject matter jurisdiction to "delve any further into this detention issue" raised by Petitioner, as the claim has not been administratively exhausted and is barred by 8 U.S.C. § 1252(g). Dkt. 8 at p. 12. These arguments fail, as many courts, including the District of Minnesota, have found.

A. Administrative exhaustion is not required to adjudicate Petitioner's claim.

As Respondents assert in their response, there are no statutory exhaustion requirements for a noncitizen challenging immigration detention through a habeas petition. *See Jose J.O.E. v. Bondi*, 2025 LEXIS 366449, at *5 (D. Minn. Aug. 27, 2025). The statute Mr. Palacios Delgado is utilizing is 28 U.S.C. § 2241, the statute authorizing federal courts to review the legality of custody. This Court stated in *Eliseo A.A. v. Olson,* that "any exhaustion obligation under § 2241 is judicially created and applied in the Court's discretion." 2025 LEXIS 201993, at *15 (D. Minn. Oct. 8, 2025). Courts have found that "exhaustion serves no purpose where the administrative body lacks jurisdiction or capacity to resolve the claim." *Id.* Further, "the BIA cannot decide constitutional questions or review the legality of detention under 8 U.S.C. §§ 1225 or 1226." *Id.* Pursuing administrative remedies in immigration court or through the Board of

Immigration Appeals serves no purpose, as these administrative bodies do not have the capacity to resolve the claim. *Id.* Pursuit of administrative remedies in Mr. Palacios Delgado's case "would be futile in light of [*Yajure*] *Hurtado,*" as "immigration judges would be obliged to follow *Hurtado's* ruling on the scope of § 1225(b)(2)(A)." *Adonay v. Noem,* 2025 LEXIS 222247, at *6 (D. Minn. Nov. 12, 2025). Where an agency "has already developed a definitive position, exhaustion serves no purpose." *Eliseo A.A.,* 2025 LEXIS 201993, at *16 (citing *McCarthy v. Madigan,* 503 U.S. 140, 148 (1992)). Finally, "it is clear that delay would result in hardship to Petitioner" if he were forced to pursue administrative exhaustion—Petitioner would have to wait for a bond hearing to be scheduled, have a bond hearing knowing that bond would be denied, appeal to the Board, and wait for a decision from the Board that would almost certainly uphold a denial of bond under its decision in *Yajure Hurtado*. *Oropeza v. Noem*, 2025 LEXIS 229834, at *13-14 (W.D. Mich. Nov. 21, 2025).

Respondents argue that, as there is no statutory exhaustion requirement, that prudential exhaustion should be required. Dkt. 8 at p. 13. However, courts have found that in cases like Mr. Palacios Delgado's presenting a pure question of law whether he is detained under § 1225 or § 1226, "applying the prudential exhaustion requirement is not warranted here. Time is of the essence." *Jose J.O.E.*, 2025 LEXIS 366449, at *16. The fact that Petitioner would be precluded from receiving a bond hearing if he sought further administrative review "constitute[s] good cause to excuse exhaustion." *Quispe v. Rose,* 2025 LEXIS 255209, at *10 (M.D. Pa. Dec. 10, 2025). Further, "even in situations where a court may ordinarily apply prudential exhaustion, the court may still choose to waive

exhaustion." As such, the Court need not—and should not—apply prudential exhaustion to Mr. Palacios Delgado's case. *Coyote v. Unknown Party*, 2025 LEXIS 255915, at *7 (W.D. Mich. Dec. 10, 2025).

B. 8 U.S.C. § 1252(g) does not deprive this Court of jurisdiction.

As stated by Respondents, 8 U.S.C. § 1252(g) deprives courts of jurisdiction to review "any cause or claim by or on behalf of a [noncitizen] arising from the decision or action by the Attorney General to 1) commence proceedings, 2) adjudicate cases, or 3) execute removal orders against any [noncitizen] under this chapter." 8 U.S.C. § 1252(g). Respondents also argue that § 1252(g) bars district courts from hearing challenges to the method by which the U.S. Department of Homeland Security chooses to commence removal proceedings and the decision to detain noncitizens. Dkt. 8 at p. 14-15. This broad interpretation of § 1252(g) is not consistent with established case law.

The U.S. Supreme Court has cautioned that the jurisdictional limits of § 1252(g) are exceedingly narrow. *Dep't of Homeland Sec. v. Regents of the Univ. Of California,* 591 U.S. 1, 19 (2020). The Court in *Reno v. American-Arab Anti-Discrimination Comm.* noted that there was "good reason" for Congress to prohibit judicial review of the commencement of proceedings, adjudication of cases, and execution of removal orders. 525 U.S. 471, 485 (1999). However, the Court also commented that there are "many other decisions or actions that may be part of the deportation process," such as "the decisions to open an investigation, to surveil the suspected violator, to reschedule the deportation hearing, to include various provisions in the final order that is the product of the adjudication, and to refuse reconsideration of that order." *Id.* at 482. The Court

rejected the notion that § 1252(g) "covers the universe of deportation claims," finding it "implausible that the mention of three discrete events along the road to deportation was a shorthand way of referring to all claims arising from deportation proceedings." *Id.* The First Circuit has held that "section 1252(g)'s bar on judicial review of claims arising from the government's decision to execute removal orders does not preclude jurisdiction over the challenges to the legality of the detention at issue here." *Kong v. United States,* 62 F.4th 608, 609 (1st Cir. 2023).

Courts have found that in cases similar to Mr. Palacios Delgado's that the request for an order requiring a bond hearing "asserts no challenge to the decision to commence removal proceedings, adjudicate whether [Petitioner] may be removed from the United States, nor execute a removal order." *Belsai D.S. v. Bondi*, 2025 LEXIS 194262, at *11 (D. Minn. Oct. 1, 2025). Mr. Palacios Delgado does not challenge the fact that he is in removal proceedings, nor requests any order that prevents or interferes with a decision that he is subject to removal. *See Jose J.O.E.*, 2025 LEXIS 166326, at *5 (finding habeas jurisdiction extended to the narrow question of whether a noncitizen is subject to detention under 8 U.S.C. §§ 1225 or 1226). Mr. Palacios Delgado's challenge to the lawfulness of his detention is "independent of, or wholly collateral to, the removal process." *Ozturk v. Hyde,* 136 F.4th 382, 397 (2d Cir. 2025). The lawfulness of Petitioner's detention is not an issue barred by 8 U.S.C. § 1252(g).

In a recent decision from the District of Minnesota, the Court stated the following: "the Court would be remiss not to note that nearly every judge in this District has rejected the Government's invitation to apply Section 1252(g) to analogous claims." *Fuentes v.*

Olson, 2025 LEXIS 254239, at *7 (D. Minn. Dec. 9, 2025) (collecting cases). This Court should follow suit.

C. 8 U.S.C. §§ 1252(a)(5) and 1252(b)(9) do not deprive this Court of jurisdiction.

Respondents further argue that this Court lacks jurisdiction to adjudicate Mr. Palacios Delgado's claim, as "'judicial review of all questions of law . . . including interpretation and application of statutory provisions . . . arising from any action taken . . . to remove [a noncitizen] from the United States' is only proper before the appropriate federal court of appeals in the form of a petition for review of a final removal order." Dkt. 8 at p. 16. Like other jurisdictional arguments Respondents have attempted to make, the vast majority of Courts have not found §§ 1252(a)(5) and 1252(b)(9) to strip this Court of jurisdiction over Petitioner's claim. *See generally Maldonado,* 2025 LEXIS 158321, at *19; *Delcid v. Noem,* 2025 LEXIS 229820, at *6-7 (W.D. Mich. Nov. 21, 2025); *Eliseo A.A.*, 2025 LEXIS 201993, at *13.

Like Respondents mentioned, 8 U.S.C. § 1252(b)(9) is aimed at challenges to removal proceedings and "is a judicial channeling provision, not a claim-barring one." *Aguilar v. U.S. Immigr. & Customs Enf't*, 510 F.3d 1, 11 (1st Cir. 2007). However, as argued above regarding Respondents claim that § 1252(g) bars Petitioner's claim, Petitioner is challenging his detention, not a removal order. Section 1252(b)(9) "cannot insulate unconstitutional detention from judicial review." *Maldonado,* 2025 LEXIS 158321, at *19. In fact, immigration court would not be the proper setting for Petitioner

to raise his challenge to his detention, as the Executive Office for Immigration Review "does not possess jurisdiction to consider a constitutional challenge." *Id.*

Respondents utilize *Jennings* in an attempt to support their argument, but, rather, *Jennings* furthers Petitioner's argument that this Court has jurisdiction to review his claim. Dkt. 8 at p. 18-19. The *Jennings* Court found that § 1252(b)(9) did not bar the Supreme Court's review of "questions of law" regarding whether "certain statutory provisions require detention without a bond hearing." 582 U.S. at 292. Rather, "the applicability of § 1252(b)(9) turns of whether the legal questions [the Supreme Court] must decide arise from the actions taken to remove these [noncitizens]." *Id.* at 293. The Court rejected such an expansive interpretation of § 1252(b)(9), knowing that it would lead to "staggering results." *Id.* at 293. For example, Respondents sweeping interpretation of § 1252(b)(9) would preclude judicial review of inhumane conditions of confinement claims under *Bivens. Id.* Respondents' interpretation "would transform § 1252(b)(9) from a narrow channeling rule into what the Supreme Court has warned it is not—a black hole that swallows every claim tangentially related to removal proceedings." *Eliseo A.A.,* 2025 LEXIS 201993, at *13. For these reasons, federal courts across the country have rejected Respondents argument and found that the Court did have jurisdiction to consider Petitioners' claims regarding their unlawful detentions under § 1225. *See Delcid,* 2025 LEXIS 229820, at *6-7.

III. The Board of Immigration Appeals' decision in *Matter of Yajure Hurtado* is not entitled to deference under *Loper Bright Enterprises.*

Under *Loper Bright Enterprises,* courts are required to exercise their independent judgment and "may not defer to an agency interpretation of the law simply because a statute is ambiguous." *Loper Bright Enters. v. Raimondo,* 603 U.S. 369, 412-13 (2024). In *Matter of Yajure Hurtado,* the Board of Immigration Appeals recently adopted Respondents' broad interpretation of 8 U.S.C. § 1225(b)(2), stating that individuals like Mr. Palacios Delgado who entered the U.S. without inspection are subject to mandatory detention without the possibility of bond. 29 I&N Dec. 216 (BIA 2025). *Yajure Hurtado* upended the previous practice of classifying noncitizens like Mr. Palacios Delgado under 8 U.S.C. § 1226(a) and thus eligible for bond. *See Rodriguez v. Bostock,* 779 F. Supp. 3d 1239, 1244 (W.D. Wash. 2025). Respondents argue that this prior agency practice is no longer entitled to judicial deference under *Loper Bright.* Dkt. 8 at p. 24-25. However, *Loper Bright* states that "the longstanding practice of the government—like any interpretive aid—can inform [a court's] determination of what the law is." *Loper Bright,* 603 U.S. at 386. Other district courts analyzing the Respondents' interpretation of § 1225(b) have agreed with the Petitioner in stating that the new practice of classifying noncitizens as ineligible for bond under § 1225(b) is unlawful and not entitled to agency deference. *See Maldonado,* 2025 WL 2374411, at *11; *Reyes v. Raycraft*, 2025 WL 2609425, at *6–7 (E.D. Mich. Sept. 9, 2024); *Rosado v. Figueroa et al.*, 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025); *Dominguez Sanchez v. Bondi,* No. 25-cv-03682 (D. Minn. Oct. 1, 2025); *Amaya v. Bondi*, 2025 LEXIS 404841 (D.N.J. Oct. 30, 2025). The Court in *Reyes* found it "difficult to square a noncitizen's continued presence with the term 'seeking admission,' when that noncitizen never attempted to obtain lawful

status." *Reyes,* 2025 WL 2609425 at *6. The "decades of consistent agency practice also support [Mr. Palacios Delgado's]" argument and entitlement to a bond redetermination so that he will not continue to be detained unlawfully. *Id.* at *7. The Respondents' argument regarding agency deference is unpersuasive. The Court is not required to adopt the BIA's interpretation of § 1225(b)(2), and past agency practice is a persuasive tool in statutory interpretation.

CONCLUSION

This Petition should be granted, and this Court should "join[] [the] chorus" of courts rejecting Respondents' erroneous interpretation of the law, unlawfully detaining bond-eligible noncitizens like Mr. Palacios Delgado. *See Dominguez Sanchez v. Bondi,* No. 25-cv-03682 (D. Minn. Oct. 1, 2025).

Date: December 15, 2025

Respectfully submitted,

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Petitioner,

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JOEL BROTT; SAMUEL OLSON;
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Respondents.

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this memorandum complies with the type-volume limitation of D. Minn. LR 7.1(f) and the type size limitation of D. Minn. LR 7.1(h). The memorandum has 3,994 words of type, font size 13. The brief was prepared using Microsoft Word, which includes all text, including headings, footnotes, and quotations in the word count.

Respectfully submitted, Dated: December 15, 2025

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