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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Antonio Alejandro GARCIA MORAO,

Petitioner,

v.

Kristi NOEM, in her official capacity as Secretary of the Department of Homeland Security; Todd LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement: Marcos CHARLES, in his official capacity as ICE Field Officer Director; John MATTOS, in his official capacity as the warden of the Nevada Southern Detention Facility, Pamela BONDI, in her official capacity as the United States Attorney General; The Executive Office for Immigration Review; United States Immigration and Customs Enforcement; United States Citizenship and Immigration Services,

Respondents.

Case No. 2:25-cv-02588-MMD-NJK

Federal Respondents' Response to Petition for Writ of Habeas Corpus and Mandamus Action (ECF No. 1)

Federal Respondents hereby file their Response to Petitioner Antonio Alejandro Garcia Morao's Petition for Writ of Habeas Corpus and Mandamus Action. ECF No. 1.

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I. Factual Background

On May 23, 2023, Petitioner Antonio Alejandro Garcia Morao ("Petitioner") was paroled into the United States as a Venezuelan humanitarian parole ("VHP"). *See* I-213 Form attached hereto as Exhibit A. The VHP permitted Petitioner to remain in the U.S. for two years. However, Petitioner remained in the U.S. beyond May 21, 2025, without permission from the Department of Homeland Security. *See* Exhibit A. On September 21, 2025, Petitioner was arrested in South Ogden, Utah for the offenses of assault, criminal mischief, domestic violence in the presence of child, and public intoxication. *See* Exhibit A. Those criminal charges are currently pending. On September 24, 2025, Petitioner was detained by Immigration Customs Enforcement ("ICE") pursuant to Immigration and Nationality Act (INA) 212(a)(7)(A)(i)(I); 8 U.S.C. § 1182(a)(7)(A)(i)(I) as an immigrant who at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under INA 211(a). Petitioner was issued a Notice to Appear for an Immigration Court hearing to take place on October 28, 2025. *See* Notice to Appear attached hereto as Exhibit B. Petitioner is not subject to a final removal order. Petitioner applied to the Immigration Court for asylum-based relief and has an evidentiary hearing on his application scheduled for January 22, 2026. *See* Order of the Immigration Judge dated January 12, 2026, and Notice of Hearing attached hereto as Exhibit C.

Petitioner is seeking an order mandating USCIS to schedule an interview for his adjustment of status application made pursuant to 8 U.S.C. § 1255, Form I-485. Petitioner is also seeking Federal Respondents to produce Petitioner at his adjustment of status interview or, in the alternative, an order to produce an officer at Petitioner's detention facility for his interview. For the reasons set forth in this Response, Federal Respondents' position is that Petitioner's Petition should be denied, because the court lacks subject matter jurisdiction to compel USCIS regarding applications that involve discretion, and

Petitioner is lawfully detained because he has been charged with removal under INA 212(a)(7)(A)(i)(I); 8 U.S.C. 1182(a)(7)(A)(i)(I).

II. Legal Argument

A. Under FRCP Rule 12(b)(1), this Court Lacks Subject Matter Jurisdiction over Petitioner's Mandamus Action.

Petitioner is seeking relief pursuant to the Mandamus Act and Administrative Procedure Act ("APA), to require United States Citizenship and Immigration Services ("USCIS") to adjudicate his Form I-485, Application to Register Permanent Residence or Adjust Status under the Immigration and Nationality Act ("INA"). This Court should deny the Petition for lack of jurisdiction under Fed. R. Civ. P 12(b)(1) because courts lack jurisdiction to compel the adjudication of I-485 adjustment applications under 8 U.S.C. § 1252(a)(2)(B)(ii).

Concerning Federal Rule of Civil Procedure 12(b)(1), Congress and the Constitution have limited the jurisdiction of federal courts. *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). Therefore, under Rule 12(b)(1), a party may move to dismiss a case for lack of jurisdiction. In a facial jurisdictional attack, such as the one here, "the challenger asserts that the allegations contained in a complaint are insufficient on their face to invoke federal jurisdiction." *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In a Rule 12(b)(1) facial challenge, the Court "assume[s] the material facts alleged in the complaint are true." *Savage v. Glendale Union High Sch., Dist. No. 205, Maricopa Cnty.*, 343 F.3d 1036, 1039 (9th Cir. 2003). The burden is on the Petitioner to establish that the Court has subject matter jurisdiction over an action. *See Assoc. of Am. Medical Colleges v. United States*, 217 F.3d 770, 778-79 (9th Cir. 2000). Not all agency actions are subject to judicial review under the APA. *See* 5 U.S.C. § 701(a)(1) ("This chapter applies, according to the provisions thereof, except to the extent that— (1) statutes preclude judicial review or (2) agency action is committed to agency discretion by law."). *See also Block v. Cmty. Nutrition Inst.*, 467 U.S. 340, 345, 351 (1984) (Subsection 701(a)(1) "withdraws the cause of action to the extent the relevant statute 'preclude[s] judicial review.'"). Additionally, under Section 706(1),

Petitioner must show that USCIS failed to take a required "discrete agency action." *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64, 124 S. Ct. 2373, 2379, 159 L. Ed. 2d 137 (2004). For these reasons, this Court lacks jurisdiction.

Petitioner fails to demonstrate that Federal Respondents have a mandatory, non–discretionary duty to decide the adjustment application within any given period of time. Without such a duty, this Court has no jurisdiction over the pace of adjudication under either the Mandamus Act or the APA. Furthermore, Petitioner's arrest for assault in Utah should not impose a duty on USCIS to act on his Form I-485 and to circumvent its vetting processes. Moreover, while Petitioner asserts that he has no convictions that disqualify him from adjustment of status under 8 U.S.C. § 1255, as noted above, the discretionary nature of the application necessarily makes the Petitioner's criminal history relevant to USCIS's decision on the application. This highlights importance of the agency's independence in making discretionary determinations on applications for adjustment of status.

Moreover, Petitioner's Form I-485 is subject to an adjudicatory hold imposed by the USCIS's Director. This hold applies to Petitioner because he is a citizen and national of Venezuela. *See* Policy Memorandum (PM-602-0192) December 2, 2025 and Presidential Proclamation 10949 dated June 4, 2025 listing high risk countries attached hereto as Exhibit D. The directive notes that Presidential Executive Order 14161, *Protecting the United States from Foreign Terrorist and Other National Security and Public Safety Threats*, "aims to safeguard U.S. citizens from aliens who may seek to commit terrorist acts, pose threats to national security, promote hateful ideologies, or exploit immigration laws for malicious purposes." *Id.* Citing the shooting of the National Guard soldiers, the Edlow directive states that "USCIS has determined that a comprehensive re-review, potential interview, and re-interview of all aliens from high-risk countries of concern who entered the United States on or after January 20, 2021 is necessary." *Id.* The directive notes that "USCIS has considered that this direction may result in delay to the adjudication of some pending applications and has weighed that consequence against the urgent need for the agency to ensure that applicants are vetted and screened to the maximum degree possible. Ultimately, USCIS has

determined that the burden of processing delays that will fall on some applicants is necessary and appropriate in this instance, when weighed against the agency's obligation to protect and preserve national security." *Id.* Therefore, this hold is a result of a national security determination by the Director of USCIS, and courts should defer to the agency's expertise and ongoing review. *See, e.g., Department of the Navy v. Egan*, 484 U.S. 518, 529–30 (1988) (national security clearance decisions are entrusted to the Executive Branch and not subject to judicial review); *Ameziane v. Obama*, 699 F.3d 488, 494 (D.C. Cir. 2012) ("[i]t is not within the role of the courts to second-guess executive judgments made in furtherance of" acquiring and exercising expertise of protecting national security by the executive"); *Orlov v. Howard*, 523 F.Supp.2d 30, 36 (D.D.C. 2007) ("the general rule [is] that courts should refrain from interfering with matters of immigration and national security"). Secretary of Homeland Security and the Director of USCIS are statutorily charged with administering and enforcing immigration laws and have broad discretion to issue instructions and take actions necessary to protect national security. *See* 6 U.S.C. §§ 111(b), 112; 8 U.S.C. §§ 1103(a)(1), (3); DHS Delegation No. 0150.1 (Jun. 5, 2003); 6 U.S.C. § 271. The Policy Memorandum of December 2, 2025, was issued in response to a national security incident and reflects a determination by the Director of USCIS that additional vetting and review are necessary to protect national security and public safety. Courts must give deference to the Director's determination on such matters. See *Department of the Navy v. Egan*, 484 U.S. 518, 529–30 (1988); *Ameziane v. Obama*, 699 F.3d 488, 494 (D.C. Cir. 2012); *Trump v. Hawaii*, 585 U.S. 667, 686 (2018). Management of the immigration system and protection of national security are committed to the political branches, not the judiciary. See *Mathews v. Diaz*, 426 U.S. 67, 81–82 (1976); *Dep't of State v. Munoz*, 602 U.S. 899, 911 (2024); *Orlov v. Howard*, 523 F. Supp. 2d 30, 36 (D.D.C. 2007); *Beshir v. Holder*, 10 F.Supp.3d 165, 173 (D.D.C. 2014) ("the plain language of the relevant federal statutes, the absence of a congressionally mandated timeline, and the national security considerations implicated by the adjudication process all support the conclusion that the pace of adjudicating Beshir's adjustment application is discretionary"). Also see

above: regarding memo was issued in response to a national security incident and reflects a determination by the Director of USCIS that additional vetting and review are necessary to protect national security and public safety.

"Mandamus is an extraordinary remedy." *Grondal v. United States*, 37 F.4th 610, 620 (9th Cir. 2022) (citation omitted). It is available only if "(1) the individual's claim is clear and certain; (2) the official's duty is nondiscretionary, ministerial, and so plainly prescribed as to be free from doubt; and (3) no other adequate remedy is available." *Id.*

Similarly, and as mentioned above, under the APA a claim alleging that an agency has unlawfully withheld action requires that "a plaintiff assert[] that an agency failed to take a *discrete* agency action that it is *required to take*." *Norton*, 542 U.S. at 64 (emphasis in original). As such, "court[s] can compel agency action . . . only if there is 'a specific, unequivocal command' placed on the agency to take a 'discrete agency action,' and the agency has failed to take that action." *Viet. Veterans of Am. v. Cent. Intel. Agency*, 811 F.3d 1068, 1075 (9th Cir. 2016) (*quoting id.* at 63–64). Accordingly, "for a claim of unreasonable delay to survive, the agency must have a statutory duty in the first place." *San Francisco BayKeeper v. Whitman*, 297 F.3d 877, 885 (9th Cir. 2002).

Petitioner points to only one potential source of such a discrete statutory nondiscretionary duty, the APA, which is insufficient to confer jurisdiction. Specifically, the Petitioner locates the alleged duty at 5 U.S.C. §706(1). ECF No. 1, at ¶ 31. These provisions have similar language. Section 706(1) states that "[t]he reviewing court shall . . . compel agency action unlawfully withheld or unreasonably delayed." *Id.*

However, nothing about the phrase "unreasonably delayed" is discrete, which means "individually *distinct*."[1] To the contrary, these phrases are vague and open-ended, even subjective. The D.C. Circuit recently addressed this problem. It declined to hold "that Section 555(b) contained a 'specific, unequivocal command' to act that would justify mandamus or Section 706(1) relief every time someone complained of delay." *Karimova v.*

[1] *See* Merriam Webster dictionary, available at https://www.merriam-webster.com/dictionary/discrete (emphasis added).

Abate, No. 23 5178, 2024 WL 3517852, at *4 (D.C. Cir. July 24, 2024). Courts in this circuit agree. *See Khachutorov, et al. v. Britten, et al.*, No. CV 25-1140 PA, 2025 WL 2111662, at * 3 (C.D. Cal. July 23, 2025) (Section 555(b) does not "confer, by itself, a nondiscretionary duty on the government to take any specific agency action …"). That critique applies with full force here, to Petitioner's application to adjust. And as mentioned above, this Court interprets the Mandamus Act and the APA in sync with each other for cases alleging delay. *R.T. Vanderbilt Co.*, 113 F.3d at 1065. Petitioner cannot establish standing because the Court cannot redress the alleged injury. The current hold on adjudications is a discretionary agency action, and the Court lacks jurisdiction to compel USCIS to act under these circumstances. See *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992); *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

Therefore, this Court should deny the Petition.

B. The Immigration and Nationality Act strips this Court's jurisdiction over discretionary agency decisions, including the pacing of the adjustment applications.

There is no jurisdiction over Petitioner's adjustment application. This is because the jurisdiction-stripping provision of the INA relevant to this case is 8 U.S.C. § 1252(a)(2)(B)(ii). Section 1252(a)(2)(B)(ii) provides that "no court shall have jurisdiction to review . . . any other decision or action of the Attorney General or the Secretary of Homeland Security the authority for which is specified under this subchapter to be in the discretion of the Attorney General or the Secretary of Homeland Security." Section 1255's text makes plain that decision making under this statute is discretionary:

> The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification as a VAWA self-petitioner *may* be adjusted by the Attorney General, *in his discretion and under such regulations as he may prescribe*, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.

By stating that defendant, in its "discretion," "may" adjust status and "may" prescribe regulations, Congress in § 1255(a) set out the discretionary authority necessary to trigger § 1252(a)(2)(B)(ii)'s jurisdictional bar. *Cf. Bouarfa v. Mayorkas*, 604 U.S. 6, 14–15 (2024) (the word "may" "*clearly* connotes discretion").

Therefore, the INA strips federal courts of jurisdiction to review a host of discretionary decisions, including the denial of adjustment of status under 8 U.S.C. § 1255, and "any other decision or action of the . . . Secretary of Homeland Security the authority for which is *specified under this subchapter to be in the discretion* of . . . the Secretary." *See* 8 U.S.C. § 1252(a)(2)(B)(i), (ii) (emphasis added). The Ninth Circuit reads "'any other decision or action' expansively to cover all determinations made in support of a grant of discretionary relief under subsection (ii)." *Zia v. Garland*, 112 F.4th 1194, 1200 (9th Cir. 2024) (*citing Patel v. Garland*, 596 U.S. 328 (2022). The Ninth Circuit concurs with other circuits that "the plain and unequivocal language in § 1252(a)(2)(B)(i) is clear and convincing evidence of Congress's intent to strictly circumscribe the jurisdiction of federal courts over cases involving adjustment of immigration status". *Garcia v. United States Citizenship & Immigr. Servs.*, 146 F.4th 743, 754 (9th Cir. 2025), citing *Abuzeid v. Mayorkas*, 62 F.4th 578, 585 (D.C. Cir. 2023). Further, the Ninth Circuit in *Garcia* held that the statutory language of § 1252(a)(2)(B)(i) "demonstrates clear congressional intent to strip district court jurisdiction to review claims like this one" and that the statute overcomes "the presumption of reviewability" by § 1252(a)(2)(B)(i)'s plain language. *Id.* citing *Britkovyy v. Mayorkas*, 60 F.4th 1024, 1030 (7th Cir. 2023) (cleaned up).

While the Ninth Circuit has not directly addressed it, every circuit to consider the topic has held that subsection (B)(ii) bars jurisdiction over USCIS's pace of adjudication of adjustment of status applications. As the Third Circuit states, "Section 1255(a)[2] is a classic grant of discretion because it provides the Secretary discretion over not only the final

[2] § 1159(a), which outlines the requirement for adjust of status for asylees contains the same discretionary language as Section 1255(a).

decision but *the entire process for reaching that decision*." *Geda v. Dir. United States Citizenship & Immigr. Servs.*, 126 F.4th 835, 843 (3d Cir. 2025) (emphasis added).[3]

Courts broadly agree that the decision to delay adjudication of an adjustment of status application – or the pace at which adjudication occurs – is discretionary. *See Kanapuram v. Dir. of USCIS*, 131 F.4th 1302, 1306–07 (11th Cir. 2025) ("Our sister circuits have held, in nearly identical cases, that § 1252(a)(2)(B)(ii) precludes jurisdiction over challenges to USCIS delays in adjudicating Form I-485 adjustment of status applications. We agree with them." (internal citations omitted)). Multiple courts in this circuit agree. *See e.g., Khachutorov v. Britten*, No. CV 25-1140 PA (ADSX), 2025 WL 2111662, at *4 (C.D. Cal. July 23, 2025) ("government decisions regarding the pace of review of an application are generally discretionary and therefore insulated from judicial review"; *Chiriac v. Holder*, No. CV 12-6545 DSF, 2012 WL 12903620, at *2 (C.D. Cal. Aug. 17, 2012) (concluding that "the pace at which applications [for adjustment of status] are adjudicated—not merely the ultimate decision itself—is discretionary"); *Paz v. United States Citizenship & Immigr. Servs.*, No. CV 12-1807 DSF (CWX), 2012 WL 12896200 (C.D. Cal. Mar. 22, 2012) (same holding).[4] This Court should do the same.[5]

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[3] *See also Kale v. Alfonso-Royals*, No. 23-1799, 2025 WL 1561700 (4th Cir. June 3, 2025); *Cheejati v. Blinken*, 106 F.4th 388, 394 (5th Cir. 2024); *Thigulla v. Jaddou*, 94 F.4th 770, 775 (8th Cir. 2024); *Kanapuram v. Dir., U.S. Citizenship & Immigr. Servs.*, 131 F.4th 1302, 1307 (11th Cir. 2025) ("Taken together, §§ 1252(a)(2)(B)(ii) and 1255(a) overcome the presumption in favor of judicial review").

[4] *See also Zheng Fan v. Upchurch*, No. CV082392DSFAJWX, 2008 WL 11339971 (C.D. Cal. May 7, 2008); *Na Li v. Chertoff*, No. CV075634JFWAJWX, 2008 WL 11342782 (C.D. Cal. Jan. 31, 2008).

[5] Not every district court in the Ninth Circuit has reached the same conclusion. *See, e.g., Khan v. Johnson*, 65 F. Supp. 3d 918, 924 (C.D. Cal. 2014) (recognizing jurisdiction over pacing). The *Khan* court reasoned that there was a nondiscretionary duty to adjudicate adjustment applications within a reasonable time, and therefore claimed jurisdiction. *Id.* But more recently, the Ninth Circuit in *Zia* noted that the Supreme Court in *Patel* held that courts lack jurisdiction over "all aspects of the [agency's] decision regardless of whether the underlying determinations are characterized as discretionary," and then applied that same reasoning to § 1252(a)(2)(B)(ii). *Zia*, 112 F.4th at 1200. *Khan*'s reasoning is superseded. See also *Garcia v. U.S. Citizenship and Immig. Services*, 146 F.4th 743, 748 (9th Cir. 2025) ("the language of § 1252(a)(2)(B)(i) is broad, with the Supreme Court observing that it covers any

C. The Court Lacks Jurisdiction Over Petitioner's APA Claim Because the pacing of the adjustment applications is Committed to Agency Discretion by Law and Because INA Precludes Judicial Review

Even if this Court concludes that 8 U.S.C. § 1252(a)(2)(B)(ii) does not strip its jurisdiction over the instant Petition, this Court still lacks jurisdiction over Petitioner's APA claim. The APA provides that "[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof." 5 U.S.C. § 702. The APA defines "agency action" to include "failure to act." 5 U.S.C. § 551(13). Where agency action is "unlawfully withheld or unreasonably delayed," the court "shall compel agency action." 5 U.S.C. § 706(1). However, to the extent that "statutes preclude judicial review" or "agency action is committed to agency discretion by law," the APA does not apply. 5 U.S.C. §§ 701(a)(1), (2). In this case, the Court lacks jurisdiction over Petitioner's claims because (1) the agency action at issue is committed to agency discretion by law, and (2) the INA precludes judicial review.

To establish this Court's jurisdiction over his APA claim, Petitioner bears the burden to demonstrate that there exists some action that USCIS must take within a required time. *See Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004). But Petitioner has not pointed to any statute, regulation, or agency practice that sets forth an enforceable timeline to process and adjudicate the Form I-485, especially considering that there is a national security determination hold by the Director of USCIS because Petitioner is a citizen and national of Venezuela which has been determined to be a high-risk country and Petitioner was arrested and charged with assault, criminal mischief, domestic violence in the presence of child, and public intoxication. Therefore, Petitioner's APA claim should be denied.

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judgment of whatever kind, and, through the term regarding, not just the 'granting of relief[,] but also any judgment relating to the granting of relief.") (internal quotation and citations omitted)

D. There is No Violation of Fifth Amendment Right to Due Process

The VHP permitted Petitioner to remain in the U.S. for two years from May 23, 2023, to May 21, 2025. Under 8 C.F.R. 212.5(e)(2)(i), the VHP automatically terminated without written notice, at the expiration of the time for which parole was authorized which was on May 21, 2025. After May 21, 2025, under 212(a)(7)(A)(i)(I); 8 U.S.C. 1182(a)(7)(A)(i)(I) Petitioner became an inadmissible alien because as an immigrant who at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under INA 211(a). Furthermore, the issuance of the Notice to Appear also terminates parole as a matter of law. 8 C.F.R. 212.5(e)(2)(i); *Hassan v. Chertoff*, 593 F.3d 785, 789-90 (9th Cir. 2010). Since Petitioner has been detained, he has been afforded with adequate notice and an opportunity to be heard. First, he was presented with the Notice to Appear and provided with an Immigration Court hearing. See Exhibit B. Second, Petitioner has filed for asylum-based relief and has an evidentiary hearing on his application scheduled for January 22, 2026. See Exhibit C. Given the past and upcoming proceedings that are taking place in this matter, Petitioner has been afforded with due process and therefore his Petition should be denied.

E. There is No Violation of the Administrative Procedure Act

The Ninth Circuit identified three reasons to require exhaustion before entertaining a habeas petition. *See Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007). First, the agency's "expertise" makes its "consideration necessary to generate a proper record and reach a proper decision." *Id.* (quoting *Noriega–Lopez v. Ashcroft*, 335 F.3d 874, 881 (9th Cir. 2003)). Second, excusing exhaustion encourages "the deliberate bypass of the administrative scheme." *Id.* (quoting *Noriega–Lopez*, 335 F.3d at 881). And third, "administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review." *Id.* (quoting *Noriega–Lopez*, 335 F.3d at 881). Each reason applies here. *See Puga*,

488 F.3d at 815. The Court should dismiss the Petition. "Exhaustion is generally required as a matter of preventing premature interference with agency processes, so that the agency may function efficiently and so that it may have an opportunity to correct its own errors, to afford the parties and the courts the benefit of its experience and expertise, and to compile a record which is adequate for judicial review." *Global Rescue Jets, LLC v. Kaiser Foundation Health Plan, Inc.*, 30 F.4th 905, 913 (9th Cir. 2022) (quoting *Weinberger v. Salfi*, 422 U.S. 749, 765 (1975)). Indeed, "agencies, not the courts, ought to have primary responsibility for the programs that Congress has charged them to administer." *McCarthy*, 503 U.S. at 145. Petitioner also asserts an APA claim. Civil APA claims are not cognizable in the habeas context *See, e.g.*, *Mesina v. Wiley*, 352 F. App'x 240, 241-42 (10th Cir. 2009) (holding that petition asserting APA claim "does not state a habeas claim").

In this case, Petitioner's APA claim fails as a matter of law since his Petition involves an immigration habeas corpus claim. Furthermore, there are no judicially manageable standards for the Court to apply in this context, and the action is committed to agency discretion by law. See 5 U.S.C. § 701(a)(2); *Ass'n of Businesses Advocating Tariff Equity v. Hanzlik*, 779 F.2d 697, 701 (D.C. Cir. 1985); *Nader v. F.C.C.*, 520 F.2d 182, 195 (D.C. Cir. 1975). Therefore, Petitioner's Petition should be dismissed.

III. Conclusion

Based on the above, this Court should deny Petitioner's Petition.

Respectfully submitted this 16th day of January 2026.

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