U.S. Department of Justice
Civil Division
Washington, D.C. 20530

February 4, 2026

Judge John R. Tunheim ***VIA ECF***
U.S. District Court, District of Minnesota
300 South Fourth Street
Minneapolis, MN 55415

Re: *U.H.A. v. Bondi*, 26-cv-417-JRT-DLM

Dear Judge Tunheim,

I write in rebuttal to Petitioners' argument at the February 4, 2026, motion hearing.

First, Petitioners are wrong to suggest that the standard is not met for dissolution of the TRO. The Court issued the TRO before Respondents had the opportunity to provide full briefing on the legal and factual issues presented. If the Court concludes, as it should, with the benefit of that briefing, that the current TRO impermissibly intrudes on Respondents' statutory authority, then the Court should either dissolve or modify the TRO in the light of the irreparable harm to Respondents. *See, e.g.*, *Trump v. CASA, Inc.*, 606 U.S. 831, 861 (2025) ("Any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury." (alteration adopted) (quoting *Maryland v. King,* 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers) (citation omitted))). Petitioners provide no authority to the contrary.

Second, Petitioners' absolutist reading of 8 U.S.C. § 1159 is not a reasonable one. According to Petitioners, § 1159 *never* allows for arrest or detention. Even when a refugee refuses to appear, Respondents have no recourse. This reading, as we explain in our motion, is contrary to the "cardinal rule of statutory construction that significance and effect shall, if possible, be accorded to every word," *Wash. Mkt. Co. v. Hoffman*, 101 U.S. 112, 115 (1879), and it also yields absurd results. Petitioners' alternative reading—that "custody" means "responsibility or control"—does not help them either, because the only way for refugees to "return" to "custody" is if their custodial status somehow changes, and that is the case only if they go from being free to being detained. Therefore, the best reading of 8 U.S.C. § 1159(a)(1)—and its use of "custody"—is that Respondents have the authority to arrest and detain refugees for purposes of inspection and examination. And even if Petitioners favor a different way of implementing that authority, or believe that Respondents' actions are unnecessary, Article II reserves to the Executive Branch decisions about how to enforce federal law. *See United States v. Texas*, 599 U.S. 670, 678-79 (2023); *see also Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 17 (2020).

Third, Petitioners err in arguing that there is a need for class-wide relief on constitutional grounds (which, beyond a footnote, were not the grounds the Court analyzed in the TRO order). Regarding substantive due process, the duration of the short detention that 8 U.S.C. § 1159(a) requires "bear[s] some reasonable relation to the purpose" of the detention: the inspection and examination of the refugee for admission as a lawful permanent resident. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). Petitioners' procedural due process argument does not fare any better. "Plaintiffs who assert a right to a hearing under the Due Process Clause must show that the facts they seek to establish in that hearing are relevant under the statutory scheme." *Conn. Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 8 (2003). Petitioners cannot make that showing here; nothing that they could seek to establish in a pre-arrest hearing would be relevant to limited detention under § 1159. Finally, with respect to the Fourth Amendment, a court's "job is to assess reasonableness case by case," *United States v. Sherrod*, 966 F.3d 748, 753 (8th Cir. 2020), not to afford class-wide relief untethered to specific circumstances.

For these reasons, along with the others in our motion, Respondents ask that the Court dissolve the TRO. At the least, given the fact-intensive nature of each and every case and the Court's apparent recognition that some duration of detention is permissible, *see* ECF No. 41 at 15, 17-18, Respondents ask the Court to narrow the TRO to only the named Petitioners. *Cf. Tincher v. Noem*, No. 26-1105, 2026 WL 194768 (8th Cir. Jan. 26, 2026). Operation PARRIS is on firm statutory footing and has already seen over twenty refugees admitted as lawful permanent residents. Rather than putting this facially lawful program on hold through a plainly overbroad injunction, the Court should allow any implementation issues to be adjudicated on a case-by-case basis.[1]

Sincerely,

/s/ Brantley T. Mayers

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[1] If the Court is neither inclined to dissolve the TRO or modify its scope, Respondents renew their request that the Court stay the TRO pending appeal. *See* ECF No. 56 at 19. In Respondents' view, the TRO operates as an injunction and is therefore appealable. If the Court intends to consider Petitioners' request for expedited discovery, *see* ECF No. 64 at 29-30, Respondents request an opportunity to respond.