

1 WILLIAM BAKER, SBN 157 906  
Moreno & Associates Law Firm, APC  
2 2082 Otay Lakes Road, Ste. 102  
Chula Vista, CA 91913  
3 619-422-4885  
william.baker@morenoandassociates.com


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5 Attorney for petitioner  
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7 UNITED STATES DISTRICT COURT  
8 Southern District of California  
9

10 JAIRON ROBERTO SERRANO BENITEZ, ) Case Number: '26CV543 LL DEB  
11 ) Petitioner, ) **VERIFIED PETITION FOR WRIT OF**  
12 v. ) **HABEAS CORPUS**  
13 ) )  
14 CHRISTOPHER J. LaROSE, Senior Warden ) Oral Argument Requested  
15 Otay Mesa Detention Center; PAMELA BONDI, )  
16 United States Attorney General; KRISTI NOEM, )  
Secretary of the Department of Homeland )  
17 Security; PATRICK DIVVER, ICE San Diego )  
Field Office Director, in their official capacities, )  
18 Respondents. )  
19 )

20 Petitioner alleges:

21 INTRODUCTION

22 1. Petitioner JAIRON ROBERTO SERRANO BENITEZ  is subjected  
23 to unlawful detention by Respondents at the Otay Mesa Detention Center. Respondents recently  
24 detained petitioner without any explanation. The immigration judges at Otay Mesa conclude there is  
25 no jurisdiction to even consider setting a bond based on the case *Matter of Yajure Hurtado*, 29 I &  
26 N Dec. 216 (BIA 2025). Petitioner seeks an order compelling respondents to immediately release  
27 him from custody or for the immigration judge to accept jurisdiction and afford him a bond decision  
28 under 8 U.S.C. § 1226(a).

1 **JURISDICTION**

2 2. This action arises under the Constitution of the United States; the Immigration and  
3 Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq*; and the Administrative Procedures Act (“APA”),  
4 5 U.S.C. § 500, *et seq*.

5 3. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus; 28  
6 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (All Writs Act); 5 U.S.C. § 701 *et seq*. (APA);  
7 and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

8 4. The court may grant relief under the habeas corpus statutes, the Declaratory  
9 Judgment Act, and the All-Writs Act, 28 U.S.C. § 1651.

10 **VENUE**

11 5. Venue is proper because Petitioner is detained at the Otay Mesa Detention Facility,  
12 in San Diego, California, which is within the jurisdiction of this District.

13 6. Venue is also proper in this judicial district pursuant to 28 USC §1391(e) because at  
14 least one federal respondent is in this District; and a substantial part of the events or omissions  
15 giving rise to the claims in this action took place in this District. No real property is involved.

16 **REQUIREMENTS OF 28 U.S.C. § 2243**

17 7. The Court must grant the habeas corpus petition or issue an order to show cause  
18 (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. §  
19 2243. If an order to show cause is issued, the Court must require respondents to file a return “within  
20 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id*.

21 8. Courts have long recognized the significance of the habeas statute in protecting  
22 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most  
23 important writ known to the constitutional law of England, affording as it does a swift and  
24 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400  
25 (1963) (emphasis added).

26 **PARTIES**

27 9. Petitioner JAIRON ROBERTO SERRANO BENITEZ (“Petitioner”) is a 33-year-old  
28 citizen of Honduras. He is detained by the Respondents at the Otay Mesa Detention Center.

1 10. Respondent CHRISTOPHER J. LaROSE is sued in his official capacity as the Senior  
2 Warden of the (Otay Mesa Detention Center). Defendant LaRose has custody of petitioner.

3 11. Respondent PAMELA BONDI is being sued in her official capacity as the Attorney  
4 General of the United States. She is the official generally charged with supervisory authority over  
5 all operations of the Department of Justice. In this capacity, she is responsible for the administration  
6 of the immigration laws pursuant to 8 U.S.C. § 1103 and oversees the Executive Office for  
7 Immigration Review (“EOIR”), a component of the DOJ, which includes the immigration courts  
8 and the Board of Immigration Appeals (“BIA” or “Board”). She is empowered to oversee the  
9 adjudication of removal and bond hearings and by regulation has delegated that power to the  
10 nation’s Immigration Judges and the BIA.

11 12. Respondent KRISTI NOEM is being sued in her official capacity as the Secretary of  
12 the United States Department of Homeland Security. She is the executive officer who has been  
13 given authority to manage and control U.S. Immigration and Customs Enforcement (“ICE”). As  
14 such, she is the ultimate legal custodian of petitioner.

15 13. Respondent PATRICK DIVVER is being sued in his official capacity as the Field  
16 Office Director for the San Diego Field Office of Immigration and Customs Enforcement (ICE), a  
17 component of DHS with responsibility over persons in immigration custody at the Otay Mesa  
18 Detention Center. Director Divver has custody of petitioner.

### 19 LEGAL FRAMEWORK

20 14. This petition presents the legal question of whether an alien with long term residence  
21 in the United States is subject to detention pursuant to 8 U.S.C. § 1226 or 8 U.S.C. § 1225.

22 15. As a threshold matter, the United States Supreme Court has re-affirmed that aliens are  
23 entitled to due process of law in deportation proceedings and must be given notice and an opportunity to  
24 be heard commensurate with the nature of the case. *Trump v. J. G. G.*, 604 U.S. \_\_\_, 145 S. Ct. 1003,  
25 1006 (2025).

26 16. The “usual removal process” involves an evidentiary hearing before an immigration  
27 judge. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108 (2020). Proceedings are initiated  
28 under 8 U.S.C. § 1229(a), also known as “full removal,” by filing a Notice to Appear with the

1 Immigration Court. *Matter of E-R-M- & L-R-M-*, 25 I. & N. Dec. 520, 520 (BIA 2011). Section § 1226  
2 provides that while removal proceedings are pending, a noncitizen “may be arrested and detained” and  
3 that the government “may release the alien on ... conditional parole.” § 1226(a)(2); *accord*  
4 *Thuraissigiam*, 591 U.S. at 108 (during removal proceedings, applicant may either be “detained” or  
5 “allowed to reside in this country”).

6 17. When a person is apprehended under § 1226(a), an ICE officer makes the initial  
7 custody determination. *Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022) (citing 8 C.F.R. §  
8 236.1(c)(8)). A noncitizen will be released if he or she “demonstrate[s] to the satisfaction of the  
9 officer that such release would not pose a danger to property or persons, and that the alien is likely  
10 to appear for any future proceeding.” *Id.* (citing 8 C.F.R. § 236.1(c)(8)). “Federal regulations  
11 provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.”  
12 *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 CFR §§ 236.1(d)(1)). If, at this hearing,  
13 the detainee demonstrates by the preponderance of the evidence that he or she is not “a threat to  
14 national security, a danger to the community at large, likely to abscond, or otherwise a poor bail  
15 risk,” the IJ will order his or her release. *Diaz*, 53 F.4th at 1197 (citing *Matter of Guerra*, 24 I. & N.  
16 Dec. 37, 40 (B.I.A. 2006)).

17 18. While “§ 1226 applies to *aliens already present in the United States*,” U.S.  
18 immigration law also “authorizes the Government to detain certain *aliens seeking admission into the*  
19 *country* under §§ 1225(b)(1) and (b)(2),” a process that provides for expedited removal. *Jennings*,  
20 583 U.S. at 303 (2018) (emphasis added). Under § 1225, a noncitizen “who has not been admitted  
21 or who arrives in the United States” is considered “an applicant for admission.” 8 U.S.C. §  
22 1225(a)(1). For certain applicants for admission, 8 U.S.C. § 1225 authorizes “expedited removal.” §  
23 1225(b)(1).

24 19. In July 2025, the current administration in Washington decided to try and change the  
25 detention rules that have been applied for decades in immigration court. Ignoring the plain meaning  
26 of the statutes as well as the decades of legal precedent, respondents began to say that the expedited  
27 removal mandatory detention rules apply to *all* noncitizens who entered the United States  
28 unlawfully. Respondents’ central argument is that petitioner is subject to mandatory detention

1 pending removal proceedings under 8 U.S.C. § 1225(a)(1), 1225(b)(2)(A). Respondents rely on the  
2 BIA's recent decision in *Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025), which affirmed the  
3 government's new interpretation of § 1225.

4 20. As a threshold matter, the BIA decision *Yajure Hurtado* is entitled to little or no  
5 deference by the District Court. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024)  
6 (observing that while "agencies have no special competence in resolving statutory ambiguities,"  
7 "[c]ourts do").

8 21. Multiple District Courts across the entire United States have concluded that the  
9 government's proposed interpretation of the statute (a) disregards the plain meaning of section  
10 1225(b)(2)(A); (b) disregards the relationship between sections 1225 and 1226; (c) would render a  
11 recent amendment to section 1226(c) superfluous; and (d) is inconsistent with decades of prior  
12 statutory interpretation and practice. The following quote is a representative example:

13 "The Court follows other decisions in this Circuit finding that "seeking admission  
14 requires an affirmative act such as entering the United States or applying for status,  
15 and that it does not apply to individuals who, like [Petitioner], have been residing in  
16 the United States and did not apply for admission or a change of status." *Mosqueda*  
17 *v. Noem*, No. 25-CV-2304 CAS (BFM), 2025 WL 2591530, at \*5 (C.D. Cal. Sept. 8,  
18 2025); *see, e.g., Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL  
19 2676082, at \*11–16 (D. Nev. Sept. 17, 2025); *Rodriguez*, 2025 WL 2782499, at \*1  
20 ("Every district court to address this question has concluded that the government's  
21 position belies the statutory text of the INA, canons of statutory interpretation,  
22 legislative history, and longstanding agency practice."); *Guzman v. Andrews*, No. 25-  
23 CV-1015-KES-SKO (HC), 2025 WL 2617256, at \*4–5 (E.D. Cal. Sept. 9, 2025)  
24 (finding that petitioner who was released on bond and rearrested was entitled to a  
25 bond hearing under § 1226); *Garcia*, 2025 WL 2549431, at \*8 (providing petitioner  
26 with an individualized bond hearing under § 1226(a)); *Valdovinos v. Noem*, No. 25-  
27 CV-2439 TWR (KSC), slip op. at 9 (S.D. Cal. Sept. 25, 2025) (same)."

28 *Esquivel-Pina v. LaRose*, No. 25-CV-2672, 2025 WL 2998361 at 8 (S.D. Cal. Oct. 24,

1 2025).

2 22. For some reason, the litigation of this issue still continues across the nation.  
3 In late November 2025, another District Court judge included a survey of cases that reached  
4 the same conclusion: “This is not the first time the administration’s change of heart has been  
5 challenged in court. By a recent count, the central issue in this case – the administration’s  
6 new position that *all* noncitizens who came into the United States illegally, but since have  
7 been living in the United States, *must be detained* until their removal proceedings are  
8 completed – has been challenged in at least 362 cases in federal district courts. The  
9 challengers have prevailed, either on a preliminary or final basis, in 350 of those cases  
10 decided by over 160 different judges sitting in about fifty different courts spread across the  
11 United States. Thus, the overwhelming, lopsided majority have held that the law still means  
12 what it always has meant.” *Barco Mercado v. Francis*, No. 25-cv-1234, 25 WL 3295903  
13 (S.D. New York November 26, 2025). (footnotes 22 and 23 omitted but attached to this  
14 petition as Appendix A and Appendix B). The judge clarified that none of these citations  
15 were binding precedent on the court, as each judge must make an independent assessment of  
16 whether the 1225 or 1226 rules apply to the individual petitioner.

17 23. Once released, the noncitizen’s bond is subject to revocation. Under 8 U.S.C. §  
18 1226(b), “the DHS has authority to revoke a noncitizen’s bond or parole ‘at any time,’ even if that  
19 individual has previously been released.” *Ortega v. Bonmar*, 415 F. Supp. 3d 963, 968 (N.D. Cal.  
20 2019). However, if an immigration judge has determined the noncitizen should be released, the  
21 DHS may not re-arrest that noncitizen absent a change in circumstance. *See Panosyan v. Mayorkas*,  
22 854 F. App’x 787, 788 (9th Cir. 2021) Where the release decision was made by a DHS officer, not  
23 an immigration judge, the Government’s practice has been to require a showing of changed  
24 circumstances before re-arrest. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.  
25 2017).

#### 26 **FACTUAL ALLEGATIONS**

27 24. Petitioner Jairon Roberto Serrano Benitez is a citizen of Honduras. He used to be  
28 part of the military in Honduras. He fled Honduras to seek asylum in the United States after the

1 criminal cartels there started threatening members of the military. Jairon entered the United States  
2 in October 2021 by crossing through a river in Texas. He was not apprehended upon his arrival to  
3 the United States. Upon his entry into the USA, he moved to Columbia, Maryland.

4 25. Jairon is not married. He has no children. Jairon has no criminal record. He used to  
5 work for a construction company in Maryland.

6 26. Around October 6, 2025, Jairon was in a motor vehicle going to work in Maryland.  
7 Government agents stopped the vehicle for an unknown reason and detained Jairon. For some  
8 reason, the DHS transferred Jairon 2,600 miles away to the Otay Mesa Detention Center, where he  
9 remains today. Jairon had never been detained before in his life. His lengthy detention (114 days) at  
10 the immigration jail and distant isolation from his home causes him emotional and physical distress.

11 27. The DHS started a removal case against Jairon by filing a Notice to Appear (NTA) at  
12 the Otay Mesa Immigration Court. Jairon filed an asylum application.

13 28. Petitioner filed a motion for bond redetermination with the Otay Mesa Immigration  
14 Court. The immigration judges at the Otay Mesa Detention Center have once again begun to  
15 conclude that the immigration court does not have jurisdiction to consider a bond according to the  
16 BIA case of *Yajure-Hurtado*. Moreover, the immigration judge now also that the recent case of  
17 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL  
18 3288403 (C.D. Cal. Nov. 25, 2025) is not good law and does not apply in immigration court.

19 **CAUSES OF ACTION**

20 **COUNT 1**

21 (Violation of the Immigration and Nationality Act)

22 29. Petitioner incorporates by reference the allegations set forth in paragraphs 1 to 28.

23 30. The DHS detains petitioner pursuant to 8 U.S.C. § 1226, not 8 U.S.C. § 1225;  
24 therefore she is entitled to a bond redetermination hearing before an immigration judge.

25 31. Petitioner's continued detention under Section 1226(a) in the absence of a bond  
26 hearing and decision on the merits violates the INA.

27 **COUNT 2**

28 (Violation of the Due Process Clause)

1 32. Petitioner incorporates by reference the allegations set forth in paragraphs 1 to 31.

2 33. In October 2025, DHS agents detained petitioner in Maryland under mysterious  
3 circumstances. Petitioner was then transferred to the Otay Mesa Detention Center.

4 34. The detention of petitioner without the opportunity to apply for a bond violates Ninth  
5 Circuit case law and the Due Process Clause of the Fifth Amendment to the United States Constitution

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioner respectfully requests this Court to grant the following:

8 (1) Assume jurisdiction over this matter;

9 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition  
10 should not be granted within three days;

11 (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth  
12 Amendment, the INA, and the APA;

13 (4) Issue a Writ of Habeas Corpus ordering Respondents to either (a) release Petitioner  
14 immediately or (b) schedule a bond hearing pursuant to 8 U.S.C. § 1226(a);

15 (5) Issue an order prohibiting respondents from re-detaining petitioner without a material  
16 change in circumstances and a pre-deprivation hearing where respondents must prove by clear and  
17 convincing evidence that petitioner is either a flight risk or danger to the community;

18 (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (28  
19 U.S.C. § 2412), and any other applicable statute or regulation; and

20 (7) Grant any further relief this Court deems just and proper.

21 DATED: 28 January 2026

22 Respectfully submitted,

23 */s/ William Baker*

24  
25 \_\_\_\_\_  
26 William Baker (157 906)  
27 MORENO & ASSOCIATES  
28 2082 Otay Lakes Road, Suites 102  
Chula Vista, California 91913  
Telephone: (619) 422-4885  
william.baker@morenoandassociates  
Attorney for petitioner

**VERIFICATION**

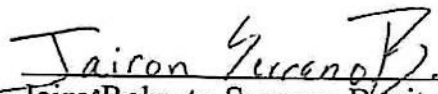
**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury under the laws of the United States that I am the petitioner; I have read the petition or had it read to me in a language I understand, and the information in the petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

**VERIFICATION**

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\_\_\_\_\_  
Jairo Roberto Serrano-Benitez  
Petitioner

From: *Barco Mercado v. Francis*, No. 25-cv-1234, 25 WL 3295903 (S.D. New York November 26, 2025).

## Appendix A

*Martinez v. Hyde*, 792 F.Supp.3d 211 (D. Mass. 2025); *Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 2670875 (C.D. Cal. July 28, 2025); *Gonzalez v. Noem*, No. 25-cv-02054, 2025 WL 2633187 (C.D. Cal. Aug. 13, 2025); *Lopez Benitez v. Francis*, 795 F.Supp.3d 475 (S.D.N.Y. 2025); *Dos Santos v. Noem*, No. 25-cv-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Arrazola-Gonzalez v. Noem*, No. 25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Maldonado v. Olson*, 795 F.Supp.3d 1134 (D. Minn. 2025); *Romero v. Hyde*, 795 F.Supp.3d 271 (D. Mass. 2025); *Samb v. Joyce*, No. 25 Civ. 6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-cv-06248, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Quinonez Mercado v. Dep't Homeland Sec.*, No. 25-cv-12066, 2025 WL 2430423 (D. Mass. Aug. 22, 2025); *Leal-Hernandez v. Noem*, No. 25-cv-02428, --- F.Supp.3d —, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Diaz Diaz v. Mattivelo*, No. 25-cv-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 25-cv-12486, — F.Supp.3d —, 797 F.Supp.3d 771, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Francisco T. v Bondi*, No. 25-CV-03219, — F.Supp.3d —, 797 F.Supp.3d 970, 2025 WL 2629839 (D. Minn. Aug. 29, 2025); *Chogllo Chafila v. Scott*, No. 25-cv-00437, 2025 WL 2531027 (D. Me. Sept. 2, 2025); *Salvador v. Bondi*, No. 25-cv-07946, 2025 WL 2995055 (C.D. Cal. Sept. 2, 2025); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Garcia v. Noem*, No. 25-cv-02180, --- F.Supp.3d —, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Doe v. Moniz*, No. 25-cv-12094, --- F.Supp.3d —, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Mosqueda v. Noem*, No. 25-cv-02304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326, --- F.Supp.3d —,

2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Guzman v. Andrews*, No. 25-cv-01015, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, --- F.Supp.3d —, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Hernandez Marcelo v. Trump*, No. 25-cv-00094, --- F.Supp.3d —, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); *Lopez Santos v. Noem*, No. 25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Salcedo Aceros v. Kaiser*, No. 25-cv-06924, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Munoz Materano v. Arteta*, No. 25 Civ. 6137, --- F.Supp.3d —, 2025 WL 2630826 (S.D.N.Y. Sept. 12, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, --- F.Supp.3d —, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); *Garcia Cortes v. Noem*, No. 25-cv-02677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Vazquez v. Feeley*, No. 25-cv-01542, --- F.Supp.3d —, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Salazar v. Dedos*, No. 25-cv-00835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Castellanos v. Kaiser*, No. 25-cv-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Barrera v. Tindall*, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Chiliquina Yumbillo v. Stamper*, No. 25-cv-00479, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Hasan v. Crawford*, No. 25-cv-1408, --- F.Supp.3d —, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Singh v. Lewis*, No. 25-cv-96, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Chogllo Chafra v. Scott*, No. 25-cv-00437, --- F.Supp.3d —, 2025 WL 2688541 (D. Me. Sept. 22, 2025); *Lepe v. Andrews*, No. 25-cv-01163, --- F.Supp.3d —, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Barrajas v. Noem*, No. 25-cv-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025); *Roman v. Noem*, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Roa v. Albarran*, No. 25-cv-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025); *Valencia Zapata v. Kaiser*, No. 25-cv-07492, --- F.Supp.3d —, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Inlago Tocagon v. Moniz*, No. 25-cv-12453, --- F.Supp.3d —, 2025 WL 2778023 (D. Mass. Sept. 29, 2025);

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## Appendix B

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