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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **Zurab Khuria and Roila Zumratshoeva,**

13 **Petitioners,**

14 **vs.**

15 **Christopher LaRose, Gregory**
16 **Archambeault, Todd Lyons, Kristi**
17 **Noem, and Pamela J. Bondi,**

18 **Respondents.**

19 **Case No. '26CV1743 JLS BJW**

20 **PETITION FOR WRIT OF**
21 **HABEAS CORPUS**

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I. INTRODUCTION

1. Petitioners Zurab Khuria (“Mr. Khuria”) and Roila Zumratshoeva (“Mrs. Zumrastshoeva”) hereby file this Petition for Writ of Habeas Corpus and for an Order to Show Cause seeking their immediate release from immigration detention. Petitioners’ continued detention under 8 U.S.C. § 1225(b)(1) has become unreasonably prolonged and violates the Due Process Clause of the Fifth Amendment. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

2. Mr. Khuria is a 36-year-old Russian national. Mrs. Zumratshoeva is a 32-year old national of Tajikistan, and Mr. Khuria’s wife. Petitioners have been detained at Otay Mesa Detention Center since August 14, 2025, after presenting themselves at the Otay Mesa Port of Entry to seek asylum.

3. Despite over seven months of detention, there is no evidence that either Petitioner poses a danger to the community or constitutes a flight risk. Nevertheless, Mr. Khuria and Mrs. Zumratshoeva are categorically barred from seeking a bond hearing due to their classification as arriving aliens under 8 U.S.C. § 1225(b)(1).

4. Furthermore, Petitioners do not qualify for the certified class established in *Bautista v. Santacruz*, 2025 U.S. Dist. LEXIS 231977, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), which applies to certain noncitizens who entered without inspection.¹

5. Unreasonably prolonged detention without opportunity to seek a bond hearing violates the 5th Amendment’s Due Process Clause. *See Zadvydas*, 533 U.S. at 690.

6. Mr. Khuria and Mrs. Zumratshoeva seek a writ of habeas corpus directing their immediate release.

¹ *See also Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 262265, Docket No.94 (C.D. Cal. Dec. 18, 2025). The court in *Bautista* certified a nationwide class of noncitizens in the United States without lawful status who had entered or will enter the United States without inspection and who were not or will not be apprehended upon arrival, and found them bond-eligible, vacating DHS’s guidance to the contrary.

1 **II. JURISDICTION AND VENUE**

2 7. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
3 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution
4 (Suspension Clause).

5 8. Petitioners are in custody under federal authority and challenge their
6 detention as unconstitutional and unlawful.

7 9. The federal district courts have jurisdiction under Section 2241 to hear
8 habeas claims by individuals challenging the lawfulness of their detention by
9 Immigration and Customs Enforcement (“ICE”). *See Jennings v. Rodriguez*, 583 U.S.
10 281, 290-92 (2018).

11 10. The aid of this Court is further invoked under 28 U.S.C. §§ 2201-2,
12 authorizing a declaratory judgment and any further necessary and proper relief.

13 11. Venue is proper because Mr. Khuria and Mrs. Zumratshoeva are detained
14 in the Otay Mesa Detention Center, which is located within the Southern District of
15 California, and Respondent LaRose is their immediate custodian. *See* 28 U.S.C. §§
16 2241(d), 1391(e).

17 **III. PARTIES**

18 12. Petitioners Zurab Khuria and Roila Zumratshoeva are a married couple
19 who hereby file this Petition for Writ of Habeas Corpus and Order to Show Cause to
20 compel their immediate release from the immigration detention facility where they
21 have been held by the U.S. Department of Homeland Security (“DHS”) since being
22 detained on August 14, 2025, at the Otay Mesa Port of Entry.

23 13. Petitioner Zurab Khuria is a 36-year-old Russian national who has an
24 upcoming Master Calendar Hearing scheduled for March 18, 2026.

25 14. Petitioner Roila Zumratshoeva is a 32-year old national of Tajikistan, who
26 filed her Application for Asylum and Withholding of Removal defensively on October
27 10, 2025. Mrs. Zumratshoeva has an Individual Calendar Hearing scheduled for April
28 28, 2026.

1 15. Respondent Christopher J. LaRose is the Warden of Otay Mesa Detention
2 Center. Respondent LaRose is responsible for the operation of the Detention Center
3 where respondents are detained. As such, Respondent LaRose has immediate physical
4 custody of the petitioners. He is being sued in his official capacity.

5 16. Respondent Gregory J. Archambeault is the San Diego Field Office
6 Director (“FOD”) for ICE Enforcement and Removal Operations. Respondent
7 Archambeault is responsible for the oversight of ICE operations at the Otay Mesa
8 Detention Center. Respondent Archambeault is being sued in his official capacity.

9 17. Respondent Todd Lyons is the Acting Director of ICE. Respondent
10 Lyons is responsible for the administration of ICE and the implementation and
11 enforcement of the immigration laws, including immigrant detention. As such,
12 Respondent Lyons is a legal custodian of petitioners and is being sued in his official
13 capacity.

14 18. Respondent Kristi Noem is the Secretary of the Department of Homeland
15 Security (“DHS”)². As Secretary of DHS, Secretary Noem is responsible for the
16 general administration and enforcement of the immigration laws of the United States.
17 Respondent Secretary Noem is being sued in her official capacity.

18 19. Respondent Pam Bondi is the Attorney General of the United States and
19 the most senior official in the U.S. Department of Justice (DOJ) and is named in her
20 official capacity. She has the authority to interpret the immigration laws and adjudicate
21 removal cases. The Attorney General delegates their responsibility to the Executive
22 Office for Immigration Review (EOIR), which administers the immigration courts and
23 the Board of Immigration Appeals (BIA).

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28 ² Kristi Noem is the outgoing Secretary of DHS who will serve through March 2026.
Sen. Markwayne Mullin is the nominee Secretary of DHS.

1 **IV. EXHAUSTION OF REMEDIES**

2 20. With regard to habeas claims, exhaustion of administrative remedies is
3 prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017).
4 A court may waive the prudential exhaustion requirement if “administrative remedies
5 are inadequate or not efficacious, pursuit of administrative remedies would be a futile
6 gesture, irreparable injury will result, or the administrative proceedings would be
7 void.” *Id.* (quoting *Liang v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Petitioners
8 assert that exhaustion should be waived because administrative remedies are (1) futile
9 and (2) their continued detention results in irreparable harm.

10 21. No statutory exhaustion requirements apply to Petitioners’ claim of
11 unlawful custody in violation of their due process rights, and there are no
12 administrative remedies that they need to exhaust. *See American-Arab Anti-*
13 *Discrimination Comm v Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion
14 to be a “futile exercise because the agency does not have jurisdiction to review
15 constitutional claims”)); *In re Indefinite Det. Cases*, 83 F. Supp. 2d 1098, 1099
16 (C.D.Cal 2000) (same).

17 22. Mr. Khuria and Mrs. Zumratshoeva have been detained since August 14,
18 2025, and are not eligible to request a bond hearing.³ Petitioners presented themselves
19 at a port of entry, where they each stated their intent to seek asylum, and were
20 subsequently admitted into the United States as “arriving aliens.” As arriving aliens,
21 Mr. Khuria and Mrs. Zumratshoeva are subject to “mandatory detention” under 8
22 U.S.C. § 1225(b)(1).

23 23. On February 18, 2026, the district court in *Bautista v. Santacruz* ordered
24 the government to cease denying bond hearings to certain immigrants. *See Bautista v.*
25 *Santacruz*, 2025 U.S. Dist. LEXIS 231977, 2025 WL 3288403 (C.D. Cal. Nov. 25,

26 _____
27 ³ As discussed above, *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S.
28 Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025), applies only to certain noncitizens who
entered without inspection, which is not true of petitioners.

1 2025). That decision, however, protects only immigrants who entered the United States
2 without inspection and who are not otherwise subject to mandatory detention.
3 Petitioners do not fall within the certified class.

4 24. Consequently, Mr. Khuria and Mrs. Zumratshoeva are unable to request
5 a bond hearing, and any further pursuit of administrative remedies would be futile.
6 Petitioners have therefore exhausted their administrative remedies to the extent
7 required by law, and their only remedy lies with this Court.

8 V. STATEMENT OF FACTS

9 25. Mr. Khuria is a Russian national born on [REDACTED] He first
10 entered the United States in 2009, at approximately 20 years of age, on a J-1 visa. He
11 remained in the United States from May through July 2009 before returning to Russia.
12 Mr. Khuria returned to the United States the following year on another J-1 visa,
13 remaining from May through August 2010. His most recent entry into the United States
14 occurred on August 14, 2025, at the Otay Mesa Port of Entry.

15 26. Prior to fleeing Russia, Mr. Khuria was employed full-time as a Director
16 of Imports and Exports for Aqualine, a water company. Mr. Khuria traveled through
17 Cuba and Mexico before entering the United States. He is now an asylum applicant
18 whose case is pending adjudication in removal proceedings.

19 27. Mrs. Zumratshoeva is a Tajik national born on [REDACTED] She never
20 entered the United States prior to claiming asylum at the Otay Mesa Port of Entry on
21 August 14, 2025.

22 28. Mrs. Zumratshoeva fled Tajikistan for Russia in 2019. She lived in Russia
23 for roughly three years, working at a company to support immigrant students, prior to
24 fleeing for the United States. She obtained Russian citizenship in 2021.

25 29. Petitioners met one another in Tijuana, Mexico, while waiting for their
26 CBP One appointments. They were married in a mosque in Tijuana, Mexico, on
27 November 15, 2024. To ensure their marriage would be recognized in the United
28 States, they were also officially married online in the State of Utah on that same date.

1 See Exhibit 1, Marriage Certificate.

2 30. On or about August 14, 2025, Respondents presented themselves at the
3 San Ysidro Port of Entry where they claimed asylum.

4 31. Petitioners were placed in removal proceedings. See Exhibit 2, Notices
5 to Appear.

6 32. Mr. Khuria's prior attorney filed Form I-589, Application for Asylum and
7 Withholding of Removal, on his behalf on November 14, 2025. Mr. Khuria has since
8 obtained new counsel of record for his removal proceedings.

9 33. Mrs. Zumratshoeva's attorney filed Form I-589, Application for Asylum
10 and Withholding of Removal, on her behalf on October 10, 2025.

11 34. Both Mr. Khuria and Mrs. Zumratshoeva remain detained because the
12 automatic-stay regulation prevents them from requesting a bond hearing, despite the
13 fact that bond could be posted and neither Petitioner constitutes a flight risk nor poses
14 a danger to the community.

15 35. The conditions at Otay Mesa Detention Center are poor. Petitioners and
16 other detainees have noted substandard quality of food, including not having any fresh
17 fruit or vegetables during the duration of their detention.

18 36. During their detention, Petitioners' family visitation privileges have been
19 revoked on two occasions, each deprivation lasting approximately three weeks.

20 37. Mr. Khuria has filed multiple grievances with detention facility staff
21 regarding lost recreation time, lost access to the law library, and repeated inability to
22 obtain medical attention. See Exhibit 3, grievances.

23 38. In retaliation for filing these grievances, deportation officers have placed
24 Mr. Khuria in segregation. This retaliatory treatment further demonstrates the arbitrary
25 and punitive nature of Petitioners' continued detention.

26 39. Petitioners now seek habeas relief because their detention under INA §
27 1225(b)(1) has become unreasonably prolonged, thus triggering the need for additional
28 process.

1 **VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT**

2 40. Immigration detention is a form of civil confinement that “constitutes a
3 significant deprivation of liberty that requires due process protection.” *Addington v.*
4 *Texas*, 441 U.S. 418, 423 (1979).

5 41. Immigration detention should not be used as a punishment and should
6 only be used when, under an individualized determination, a noncitizen is a flight risk
7 because they are unlikely to appear for immigration court or a danger to the
8 community. *Zadvydas*, 533 U.S. at 690.

9 42. Noncitizens in immigration proceedings are entitled to Due Process under
10 the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306
11 (1993).

12 43. The Immigration and Nationality Act (“INA”) establishes various
13 procedures through which individuals may be detained pending a decision on whether
14 or not the noncitizen is to be removed. 8 U.S.C. § 1226(a).

15 44. Removal proceedings described in section 240 of the INA are used to
16 determine whether individuals, such as petitioners, should be removed from the United
17 States. *See* 8 U.S.C. § 1229a.

18 45. Custody determinations for individuals in 1229(a) removal proceedings
19 are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he
20 does not present a danger to persons or property and is not a flight risk. *Zadvydas*, 533
21 U.S. at 690; *Matter of Guera*, 24 I&N Dec. 37 (BIA 2006).

22 46. Custody determinations under § 1226(a) are individualized and based on
23 the facts presented. Unlike § 1226(c), which can provide for categorical determinations
24 for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case
25 review of the facts and circumstances.

26 47. However, individuals detained under INA § 235(b)—unlike those
27 detained under INA § 236(a)—like Petitioners here, do not have a statutory or
28 regulatory right to a bond hearing before an immigration judge. Nor are they eligible

1 for an administrative bond from DHS under INA § 236(a). Petitioners fall within this
2 category.

3 48. Habeas corpus relief extends to a person “in custody under or by color of
4 the authority of the United States” if the person can show he is “in custody in violation
5 of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241 (c)(1),
6 (c)(3); *see also Antonelli v. Warden, US P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir.
7 2008) (holding a petitioner’s claims are proper under 28 U.S.C. section 2241 if they
8 concern the continuation or execution of confinement).

9 49. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513
10 U.S. 298, 319 (1995), that “[t]he court shall ... dispose of [] as law and justice require,”
11 28 U.S.C. § 2243. “[T]he court’s role was most extensive in cases of pretrial and
12 noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008). Moreover,
13 “when the judicial power to issue habeas corpus properly is invoked the judicial officer
14 must have adequate authority to make a determination in light of the relevant law and
15 facts and to formulate and issue appropriate orders for relief, including, if necessary,
16 an order directing the prisoner’s release.” *Id.* at 787.

17 VII. CAUSES OF ACTION

18 COUNT ONE

19 Violation of the Administrative Procedure Act—5 U.S.C. § 706(2)(A), 20 Abuse of Discretion

21 Violation of 8 U.S.C. § 1226(b), 8 CFR § 1236.1(c)(9)

22 50. Petitioners incorporate the allegations in the paragraphs above as though
23 fully set forth here.

24 51. Under the Administrative Procedure Act (APA), a court shall “hold
25 unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. §
26 706(2)(A).

27 52. An action is an abuse of discretion if the agency “entirely failed to
28 consider an important aspect of the problem, offered an explanation for its decision
that runs counter to the evidence before the agency, or is so implausible that it could

1 not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n*
2 *of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
3 *Mfrs. Ass’n of U.S. Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983)).

4 53. To survive an APA challenge, the agency must articulate “a satisfactory
5 explanation for its action,” “including a rational connection between the facts found
6 and the choice made.” *Dept of Com. v. New York*, 139 S.Ct. 2551, 2569 (2019)
7 (citation omitted).

8 54. By preventing Petitioners from requesting bond without any consideration
9 of their individualized facts and circumstances, Respondents have violated the APA.

10 55. By detaining Mr. Khuria and Mrs. Zumratshoeva categorically,
11 Respondents have further abused their discretion because no evidence has been
12 presented demonstrating that Petitioners pose a danger to the community or constitute
13 a flight risk.

14 **COUNT TWO**

15 **Violation of the Administrative Procedure Act—5 U.S.C. § 706(2)(A)**
16 **Not in Accordance with Law and in Excess of Statutory Authority**
17 **Violation of 8 U.S.C. § 1226(b), 8 CFR § 1236.1(c)(9)**

18 56. Petitioners incorporate the allegations in the paragraphs above as though
19 fully set forth here.

20 57. Under the APA, a court “shall [...] hold unlawful [...] agency action” that
21 is “not in accordance with law;” “contrary to constitutional right;” “in excess of
22 statutory jurisdiction, authority, or limitations;” or “without observance of procedure
23 required by law.” 5 U.S.C. § 706(2)(A-D).

24 58. It is a well-established administrative principle that “agency action taken
25 without lawful authority is at least voidable if not void ab initio.” *L.M -M v. Cuccinelli*,
26 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67,
27 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d
28 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by an

1 unauthorized official).

2 59. Because Petitioners have been categorically prevented from requesting a
3 bond hearing, Respondents' detention of both Mr. Khuria and Mrs. Zumratshoeva is
4 not in accordance with law and is in excess of statutory authority.

5 60. Respondents' prolonged detention of Petitioners serves no lawful
6 purpose, because as the length of detention grows, the likelihood that civil confinement
7 is serving a lawful purpose must necessarily decrease. *See Zadvydas*, 533 U.S. 678,
8 701 (2001).

9 **COUNT THREE**

10 **Violation of 5th Amendment Right to Due Process- Procedural Due Process**

11 61. Petitioners incorporate the allegations in the paragraphs above as though
12 fully set forth here.

13 62. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
14 prohibits the federal government from depriving any person of "life, liberty, or
15 property, without due process of law." U.S. Const. Amend. V. Due process protects
16 "all 'persons' within the United States, including [noncitizens] whether their presence
17 here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693 (2001);
18 accord *Flores*, 507 U.S. at 306.

19 63. Due process requires that government action be rational and non-
20 arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

21 64. While the government has discretion to detain individuals under 8 U.S.C.
22 § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), This discretion is
23 not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533
24 U.S. at 698.

25 65. By detaining Mr. Khuria and Mrs. Zumratshoeva for over seven months
26 without any individualized determination of flight risk or danger to the community,
27 Respondents have violated their procedural due process rights.

28

COUNT FOUR

Violation of Fifth Amendment Right to Due Process- Substantive Due Process

66. Petitioners incorporate the allegations in the paragraphs above as though fully set out herein.

67. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

68. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONST. Amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

69. Under the civil-detention framework set out in *Zadvydas* and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

70. Mr. Khuria and Mrs. Zumratshoeva’s continued detention, absent any showing of flight risk or danger, is excessive in relation to the government’s interest and bears no reasonable, non-punitive relationship to any legitimate governmental aim.

71. The lack of meaningful review or opportunity for release renders their detention unconstitutionally arbitrary.

72. Although INA § 235(b) states that an individual “shall” be detained throughout proceedings, which is read to preclude release on bond, the INA also establishes a mechanism for release: parole under § 212(d)(5). All noncitizens who are applicants for admission are eligible for parole under the statute. INA § 212(d)(5)(A).

73. However, in contrast to § 236(a) bond procedures that include the chance for a hearing before an Immigration Judge, the parole process available to individuals detained under § 235(b) consists merely of a custody review conducted by ICE. The

1 parole process generally includes no hearing before a neutral decision maker, no formal
2 record, and no possibility for appeal.

3 74. Respondents' newly formulated definition of "applicant for admission,"
4 which would include any noncitizen who has not been formally admitted regardless of
5 years of residence in the United States, directly contradicts both the plain text of the
6 statute and controlling Ninth Circuit precedent.

7 75. As the Ninth Circuit explained in interpreting the phrase "applicant for
8 admission" under § 1225(b)(1), "an immigrant submits an 'application for admission'
9 at a distinct point in time," and stretching that phrase to apply "potentially for years or
10 decades ... would push the statutory text beyond its breaking point." *United States v.*
11 *Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir. 2024) (citing *Torres v. Barr*, 976 F.3d
12 918, 922–26 (9th Cir. 2020) (en banc)).

13 76. Absent intervention by this Court, Petitioners have no means of securing
14 release pending the adjudication of their asylum applications. *See Jennings v.*
15 *Rodriguez*, 583 U.S. 281, 297–303 (2018); *see also id.* at 302 (holding that § 235(b)'s
16 detention provisions apply "throughout the completion of applicable proceedings and
17 not just until the moment those proceedings begin").

18
19 **PRAYER FOR RELIEF**

20 WHEREFORE, petitioners pray that this Court grant the following relief:

- 21 1) Assume jurisdiction over this matter;
- 22 2) Grant Petitioners a writ of habeas corpus directing the Respondents to
23 immediately release them from custody, under reasonable conditions of supervision;
- 24 3) Order Respondents to refrain from transferring petitioners out of the
25 jurisdiction of this court during the pendency of these proceedings and while the
26 petitioners remain in Respondents' custody;
- 27 4) Order Respondents to file a response within three (3) business days of the
28 filing of this petition; and

1 5) Grant any other and further relief which this Court deems just and proper.

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DATED: March 19, 2026

/s/ Katherine L. Parker
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U.S.C § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioners because I am one of the petitioners' attorneys in their immigration proceedings. I have discussed with the petitioners the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

Dated: March 19, 2026

/s/ Francesca Nevil