UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Jostin NAHUM BLANDON,

Petitioner,

v.

Raul MALDONADO JR., Warden, Metropolitan Detention Center; Judith ALMODOVAR, New York Field Office Director for U.S. Immigration and Customs Enforcement; Todd BLANCHE, Acting Attorney General of the United States; Markwayne MULLIN, Secretary of Homeland Security; and Todd M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement,

Respondents.

No. 2:26-cv-01669

PETITIONER JOSTIN NAHUM BLANDON'S BRIEF IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS

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Dated: April 22, 2026

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PRELIMINARY STATEMENT

Petitioner Jostin Nahum Blandon was a recipient of Special Immigrant Juvenile Status ("SIJS") and deferred action, forms of tangible immigration relief that afforded him deprioritization for immigration enforcement, an opportunity to receive work authorization, and a path to adjust status to lawful permanent residence. But after a case of mistaken identity that led to Mr. Nahum Blandon's unlawful arrest and detention by Immigration and Customs Enforcement ("ICE"), U.S. Citizenship and Immigration Services ("USCIS") terminated his deferred action without prior notice, explanation, or opportunity to be heard. This Court has already recognized that Mr. Nahum Blandon's arrest and detention were unlawful. *See* Dkt. No. 7. So too was USCIS's arbitrary and capricious decision to terminate his deferred action, as has been recognized several times by courts in this District and around the country. *See Sanchez Alfaro v. Mullin*, 2026 WL 734348, at *6 (E.D.N.Y. Mar. 16, 2026); *Garcia Lanza v. Noem*, 2026 WL 585130, at *7-9 (E.D.N.Y. Mar. 3, 2026); *see also A.R. v. Noem*, 2026 WL 194850, at *7 (C.D. Cal. Jan. 26, 2026), *Lopez Sarmiento v. Perry*, 2026 WL 131917, at *7-8 (E.D. Va. Jan. 19, 2026). Mr. Nahum Blandon asked this Court to order him released from detention and restored to deferred action status, thereby returning him to the position he was in before the government's unlawful actions. The Court has already granted the first half of that request.

The government now contends that this Court cannot grant the second half of that request and restore Mr. Nahum Blandon's deferred action, moving to dismiss on the grounds that provisions of the Immigration and Nationality Act ("INA") and the Administrative Procedure Act ("APA") preclude this Court's exercise of jurisdiction over these claims. The government is wrong. The provisions of the INA cited by the government only strip this Court of jurisdiction in narrow circumstances not applicable here. And the provision of the APA cited by the government

only applies to bar review of purely discretionary determinations by government agencies, not the termination of SIJS deferred action at issue here, which occurred in defiance of a complex and well-defined administrative framework. This Court should therefore deny the motion to dismiss and order the government to restore Mr. Nahum Blandon's deferred action.

BACKGROUND

Mr. Nahum Blandon fled his home in Nicaragua at the age of 16 after his friend was murdered by government security forces. Dkt. No. 1 ¶ 23. In 2019, he entered the United States without inspection, was arrested by Border Patrol, and placed in removal proceedings. *Id.* ¶ 24. After a brief detention, he was released on his own recognizance under 8 U.S.C. § 1226 and reunited with his mother and two US-born siblings in Freeport, New York, where he resided until the events giving rise to the instant litigation. *Id.* ¶¶ 24-25.

In 2020, Mr. Nahum Blandon was awarded SIJS. *Id.* ¶ 26. Recipients of SIJS are eligible for lawful permanent resident status, but can only adjust their status to that of a lawful permanent resident if the relevant category of immigrant visa is available at the time of filing; a visa backlog means that SIJS recipients often must wait several years to adjust their status. *A.C.R. v. Noem*, 809 F.Supp.3d 103, 110 (E.D.N.Y. 2025) (citing 8 U.S.C. §§ 1153(b)(4); 1255(a)). To address this lacuna in the law, the government has created a deferred action program for SIJS recipients. *Id.* at 110-11 (citing 8 C.F.R. §§ 236.21(c)(1); 274a.12(c)(14)). Under this program, recipients of SIJS deferred action are deprioritized for immigration enforcement and afforded the opportunity to apply for work authorization. *Id.* Mr. Nahum Blandon was granted SIJS deferred action under this program on April 18, 2023. Dkt. No. 9-1, Ex. B. Mr. Nahum Blandon's removal proceedings were also dismissed at the request of the government in 2023. Dkt. No. 6-1, Ex. C.

On January 1, 2026, Mr. Nahum Blandon was abruptly arrested by ICE agents. By the government's own admission, the government did not have a warrant for Mr. Nahum Blandon's arrest at the time he was detained by ICE agents, Dkt. No. 6-1 ¶ 29, and had no reason to arrest him. Rather, ICE agents were conducting a "targeted enforcement action" for a *different* individual who looked like Mr. Nahum Blandon. *Id.* ¶¶ 20-24. After a brief investigation, the ICE agents who detained Mr. Nahum Blandon determined that he was "not the primary target of [ICE's] enforcement action" and that he was not subject to an active Notice to Appear. *Id.* ¶¶ 17-26. Nevertheless, they chose to arrest him, "issu[ing] a[n administrative warrant] . . . while in the field" and serving a Notice to Appear only after they had already mistakenly detained Mr. Nahum Blandon.[1] *Id.* ¶¶ 29-34. Based solely on this case of mistaken identity, Mr. Nahum Blandon was detained without bond, and the government then reopened the removal proceedings that had been dismissed at its request in 2023. *Id.* ¶¶ 34-41, 51.

Less than a week after Mr. Nahum Blandon's arrest, with no prior notice or opportunity to be heard, USCIS terminated Mr. Nahum Blandon's deferred action status. Dkt. No. 6-1, Ex. B. The boilerplate termination notice provides no reasoning to justify USCIS's decision to terminate Mr. Nahum Blandon's deferred action, stating only that USCIS "ha[d] individually reviewed [Mr. Nahum Blandon's] case and exercised discretion to terminate [his] period of deferred action." *Id.*

On March 20, 2026, Mr. Nahum Blandon petitioned this Court for a writ of habeas corpus. Dkt. No. 1. In his petition, he sought both release from detention and restoration of the deferred action status that had been revoked, which he alleged had been revoked in violation of the Due

[1] In other words, Mr. Nahum Blandon was arrested pursuant to ICE's practice of "detaining individuals, figuring out the reasons later, and papering over their failures afterwards," which has been described by judges of this Court and other courts as "fundamentally at odds with and offensive to lawful, constitutional behavior in this country." *Parada Cruz v. Mullin*, 2026 WL 1027441, at *5 (E.D.N.Y. Apr. 16, 2026); *Garcia Lanza*, 2026 WL 585130, at *5; *Castanon Nava v. Department of Homeland Security*, 806 F.Supp.3d 823, 853-854 (N.D. Ill. 2025).

Process Clause of the Fifth Amendment and the APA. *See id.* ¶ 74 (due process claim), ¶ 86 (APA claim). After ordering the government to show cause and receiving a response to its show cause order, the Court granted Mr. Nahum Blandon's petition in part. Dkt. No. 7. The Court ordered Mr. Nahum Blandon released from detention but held the request for restoration of deferred action in abeyance pending a scheduled show cause hearing. *Id.* at 16.

At the show cause hearing, the Court requested further briefing on the request for restoration of deferred action. Tr. of Mar. 24, 2026 Hearing, Dkt. No. 9-1, Ex. A, at 8:3-16. The parties and the Court agreed that the issue should be briefed in the form of a government motion to dismiss the petition's request for restoration of deferred action. *Id.* at 13:21-25. The parties and the Court further agreed that the issue of whether the Court can grant Mr. Nahum Blandon's restoration of deferred action can be resolved as a "pure question of law" without need for further fact-finding by the Court. *Id.* at 8:12-25. The government filed its motion to dismiss on April 9. Dkt. No. 9.

ARGUMENT

The government has moved to dismiss Mr. Nahum Blandon's request for restoration of his deferred action on two jurisdictional grounds: (1) that 8 U.S.C. § 1252(g) ("Section 1252(g)") bars this Court from exercising jurisdiction over Mr. Nahum Blandon's deferred action termination claims, and (2) that this Court may not review those claims because the termination of his deferred action was a matter "committed to agency discretion by law" under the APA, 5 U.S.C. § 701(a)(2) ("Section 701(a)(2)"). For the following reasons, the government is wrong on both counts. The Court should deny the motion to dismiss.

1. Section 1252(g) Does Not Strip This Court of Jurisdiction Over Petitioner's Claims

Section 1252(g) is inapplicable to Mr. Nahum Blandon's claims. That provision is not "a sort of 'zipper' clause that says 'no judicial review in deportation cases unless this section provides judicial review.'" *Reno v. American-Arab Anti-Discrimination Committee* ("*AADC*"), 525 U.S. 471, 482 (1999). Rather, the exclusive function of Section 1252(g) is to deprive courts of jurisdiction in cases challenging "three discrete actions that the Attorney General may take"—whether to "commence proceedings, adjudicate cases, and execute removal orders." *Id.* As the Supreme Court has recognized, there are "many other decisions or actions that may be part of the deportation process," *id.*, but Section 1252(g) does not deprive courts of jurisdiction to review those government actions.

In this case, Mr. Nahum Blandon does not challenge a government action falling within the three enumerated categories excluded from judicial review by Section 1252(g). There is no removal order against Mr. Nahum Blandon for the government to execute, and Mr. Nahum Blandon does not challenge the government's decision to commence removal proceedings against him. Nor does he challenge any decisions that the government made during the "adjudicat[ion]" of those proceedings. In fact, his deferred action was precipitously and arbitrarily terminated outside the context of his removal proceedings entirely, by an agency (USCIS) not directly involved in the adjudication of his removal proceedings. This necessarily means that his claim *does not* arise from the adjudication of his case. See *Adjudicate*, Black's Law Dictionary (12th ed. 2024) ("To rule on judicially"). Nor does Mr. Nahum Blandon argue that, if the government ultimately pursues his removal case through the proper channels, it must ultimately come to any particular conclusion in that proceeding. Rather, he only challenges USCIS's termination of his

deferred action in a way that violated the APA and failed to provide the due process required by the Fifth Amendment.

The government contends that the discussion of deferred action in *AADC* necessarily implies that Section 1252(g) bars all judicial review of decisions to grant or terminate deferred action. Dkt. No. 9-1 at 11. Not so. It is true that the *AADC* court understood Section 1252(g) to bar review of "instances where the [government] chose not to exercise" its discretion to grant deferred action. 525 U.S. at 484. But Mr. Nahum Blandon does not challenge the government's decision not to grant him deferred action in the first instance. He is challenging the government's arbitrary and unexplained decision to take away deferred action it had already granted. The Supreme Court has made clear that the three enumerated exceptions to jurisdictions set forth in Section 1252(g) are to be given a "narrow reading." *AADC*, 525 U.S. at 487; *see also Dep't of Homeland Security v. Regents of the Univ. of Calif.*, 1140 S.Ct. 1891, 1907 (2020) (Section 1252(g) is a "narrow" jurisdiction-stripping provision). By conflating a decision not to exercise its discretion to grant deferred action with a decision to take away deferred action that it has already granted, the government stretches the three narrow enumerated exceptions to jurisdiction set forth in Section 1252(g) beyond what they will bear.

The Second Circuit and its district courts have confirmed the Supreme Court's holding in *AADC* that Section 1252(g) does not preclude jurisdiction in immigration-related cases outside of the three specific discretionary actions covered by the statute. *See, e.g., Mahdawi v. Trump*, 136 F.4th 443, 450 (2d Cir. 2025) (confirming that Section 1252(g) is "narrow" and does not bar judicial review of "many other [government] decisions or actions" that fall outside of the "three discrete exercises of prosecutorial discretion covered by" the statute (cleaned up)); *Ozturk v. Hyde*, 136 F.4th 382, 397-398 (2d Cir. 2025) (same, and emphasizing that only claims addressing

"whether a removal action should be abandoned or whether the formal adjudicatory process should proceed" are prohibited challenges to the government's discretionary authority to "adjudicate cases" (cleaned up)); *Mata Velasquez v. Kurzdorfer*, 794 F.Supp.3d 128, 140 (W.D.N.Y. 2025) (holding that Section 1252(g) deprives courts of the "power to second-guess the wisdom of the executive branch's exercise of its discretion," but permits them to "review how the respondents exercise their discretion" to ensure it "accords with the Constitution and the laws of this country."). Consistent with that principle, courts have routinely held that one category of claims falling outside of Section 1252(g)'s jurisdictional bar are claims asserting that the government provided inadequate *process* before undertaking one of the three discretionary acts enumerated in the statute. *See, e.g. Mata Vasquez*, 794 F.Supp.3d at 140 ("[D]istrict courts can—and do—entertain challenges to the procedural processes that the executive branch follows during the removal process"); *Munoz Materano v. Artera*, 804 F.Supp.3d 395, 412 (S.D.N.Y. 2025) (holding that Section 1252(g) did not bar a claim that alleged the government acted "[un]lawfully in the manner that [it] exercised [its] discretion"); *Torres-Jurado v. Biden*, 2023 WL 7130898, at *2 (S.D.N.Y. Oct. 29, 2023) (similar); *Calderon v. Sessions*, 330 F.Supp.3d 944, 956 (S.D.N.Y. 2018) (holding that Section 1252(g) did not preclude review when a petitioner asserted that the government deprived him of his right to a "legitimate and authorized pursuit of an existing process *before* the government exercises its right to remove"). Review of process, not outcome, is exactly what Mr. Nahum Blandon seeks here.

Given this authority, it is perhaps unsurprising that courts reviewing similar challenges asserting that the government provided inadequate process before terminating a noncitizen's deferred action have also found that Section 1252(g) presents no barrier to review. Most notably, the Supreme Court held in *Department of Homeland Security v. Regents of the University of*

California that review of the government's decision to eliminate the DACA program—which, like the deferred action status awarded to Petitioner, was "a deferred action program with associated benefits"—was not barred by Section 1252(g) because the government's decision was "not a decision to 'commence proceedings,' much less to 'adjudicate' a case or 'execute' a removal order." 1140 S.Ct. at 1907. And in *A.C.R. v. Noem*, 809 F.Supp.3d 103, 117 (E.D.N.Y. 2025), a judge of this Court reached a similar conclusion, holding that Section 1252(g) did not bar the court from exercising jurisdiction in a case challenging elimination of the SIJS deferred action program in which Mr. Nahum Blandon was enrolled.

While *Regents* and *A.C.R.* were cases challenging the complete termination of a deferred action program, not cases involving the termination of a specific individual's deferred action status, courts have similarly held that Section 1252(g) does not bar review of the termination of an individual's deferred action. *See, e.g.*, *Lopez Sarmiento*, 2026 WL 131917, at *4; *Nevarez Jurado v. Freden*, 813 F.Supp.3d 376, 388 n.9 (W.D.N.Y. 2025) (reasoning that the government's decision to "tak[e] away a [deferred action] benefit it provided . . . without any process whatsoever . . . implicates due process concerns that are outside the scope of section 1252(g)'s bar"); *Inland Empire-Immigrant Youth Collective v. Nielsen*, 2018 WL 4998230, at *12 (C.D. Cal. Apr. 19, 2018) (in class action on behalf of DACA recipients, holding that claims challenging automatic revocation of DACA upon commencement of removal proceedings violated the APA and due process could proceed despite Section 1252(g) because the claims were "independent of the decision to commence or adjudicate removal proceedings" and Section 1252(g) "does not bar review of legal questions relating to those discretionary decisions" even if answers "form[] the backdrop against which the Attorney General later will exercise discretionary authority" (cleaned up)).

In sum, "Section 1252(g) prohibits claims based on the exercise of prosecutorial discretion . . . but it is not within the discretion of the Executive to exceed the scope of its authority or otherwise violate the law." *Rodriguez Romero v. Ladwig*, 2026 WL 685131, at *2 (M.D. La. Mar. 10, 2026) (cleaned up). Put another way, deferred action "is an action wholly within the discretion of the Executive Branch of the United States Government," Dkt. No. 9-1 at 6, but that does not mean deferred action can be terminated in violation of the APA or without constitutionally required due process. Accordingly, Section 1252(g) presents no barrier to Mr. Nahum Blandon's claims alleging unlawful termination of his deferred action.

2. Section 701(a)(2) of the APA Does Not Bar Judicial Review

The government is also incorrect when it asserts that this Court may not review the termination of Mr. Nahum Blandon's deferred action because it is a matter "committed to agency discretion by law" under Section 701(a)(2) of the APA. Dkt. No. 9-1, at 17-18. As an initial matter, even if the government were correct on this point, that would only bar judicial review of Mr. Nahum Blandon's claim that the termination of his deferred action violated the APA. But Mr. Nahum Blandon also asserts that the termination of his deferred action violated his constitutional due process rights, Dkt. No. 1 ¶ 74, and the Court may grant him relief on constitutional grounds regardless of how it rules on this APA jurisdictional issue. *See Wong v. Warden, FCI Raybrook*, 171 F.3d 148, 149 (2d Cir. 1999) ("It is well-established that judicial review exists over allegations of constitutional violations even when the agency decisions underlying the allegations are discretionary") (citing *Webster v. Doe*, 486 U.S. 592, 603-05 (1988)). In any event, the government's Section 701(a)(2) argument fails.

The Section 701(a)(2) exception to judicial review is "very narrow" and applies only "in those rare instances where statutes are drawn in such broad terms that in a given case there is no

law to apply," or "no meaningful standard against which to judge the agency's exercise of discretion." *Heckler v. Chaney*, 470 U.S. 821, 830, 832 (1985). This is not one of those rare instances. The SIJS deferred action adjudication process, as established by agency policy, involves clear standards against which to assess the agency's discretion. Indeed, as another court in this District recently held in the course of rejecting the government's argument that Section 701(a)(2) barred a challenge to government's rescission of the SIJS deferred action policy as a whole, SIJS deferred action is not a purely discretionary "nonenforcement policy," but "a standardized process" for "conferring affirmative immigration relief," requiring applicants "to meet certain enumerated criteria." *A.C.R.*, 809 F.Supp.3d at 116-117; *see also Regents*, 591 U.S. at 18-19 (rejecting the position that Section 701(a)(2) barred an APA challenge to termination of the DACA program). Under the SIJS deferred action policy, to be granted SIJS deferred action, noncitizens like Mr. Nahum Blandon had to qualify for SIJS, which, among other criteria, requires the petitioner to meet an age requirement and obtain a state-court order with certain specified findings. *See A.C.R.*, 809 F.Supp.3d at 109 (citing 8 C.F.R. § 204.11). USCIS then had to "weigh all relevant positive and negative factors in the person's case," with "[o]ne particularly strong positive factor" being that the individual "has an approved [SIJS petition] and will be eligible to apply for adjustment of status."[2] Eppler Decl. Ex. 1 (USCIS Policy Manual as of April 18, 2025, vol. 6, pt. J, ch.4). Inter-agency guidance further explained that "[i]f background and security checks indicate that an SIJ-classified individual may be subject to an inadmissibility ground … that would make them ineligible for SIJ-based adjustment of status, this would generally be a strong negative factor weighing against the favorable exercise of discretion," as would "serious unresolved criminal charge(s)." Eppler Decl. Ex. 2 (June 26, 2023 USCIS Memorandum re: SIJ Deferred Action).

[2] This is the version of the USCIS Policy Manual in effect before the government attempted to rescind the SIJS deferred action policy on June 6, 2025. That rescission has now been stayed. *See A.C.R.*, 809 F.Supp.3d at 128.

Once SIJS beneficiaries meet these criteria and are granted deferred action, agency policy also dictates that the deferred action "remains valid for the authorization period." Eppler Decl. Ex. 3 (USCIS Policy Manual as of April 21, 2026).[3] Only USCIS may terminate a SIJS beneficiary's deferred action before that point, and only if the agency engages in an individualized review and determines, for example, that a favorable exercise of discretion is no longer warranted; the individual's SIJS petition was approved in error and is revoked; or the prior deferred action was granted in error. *Id.*; *see also* Eppler Decl. Ex. 2 (June 26, 2023 USCIS Memorandum re: SIJ Deferred Action) (confirming that "USCIS has the sole authority to grant and terminate deferred action for noncitizens with SIJ classification" and that "USCIS may terminate deferred action if the SIJ-classified individual was not eligible at the time of the initial grant of deferred action, the SIJ Form I-360 is revoked, or if they are no longer eligible based on new information, including new information about criminal activity that impacts the discretionary determination to grant SIJ deferred action"). These are all clear standards against which this Court can assess how the agency exercises its discretion, and the existence of these standards is fatal to the government's Section 701(a)(2) argument.

3. The Government Has Forfeited All Other Arguments Against Relief

The government has chosen to raise only two jurisdictional arguments in support of its motion to dismiss Mr. Nahum Blandon's request for restoration of his deferred action. Notably, it does not contest that, on the merits, USCIS's arbitrary, unexplained, and precipitous termination of Mr. Nahum Blandon's deferred action in the wake of his unlawful arrest and detention violated

[3] On April 10, 2026, USCIS again rescinded the prior SIJS deferred action program. This new policy does not apply to Mr. Nahum Blandon, however, as it is entirely prospective.

the APA and Mr. Nahum Blandon's due process rights.[4] Nor does the government contest that, should the Court have jurisdiction to consider Mr. Nahum Blandon's claims related to termination of deferred action, Mr. Nahum Blandon's habeas petition is an appropriate vehicle by which he can seek restoration of his deferred action.[5] Accordingly, and in light of the parties' agreement that the government's motion to dismiss was the appropriate vehicle to consider the questions of law arising out of Mr. Nahum Blandon's request for restoration of his deferred action, this Court should deem those arguments forfeited and grant Mr. Nahum Blandon's request for restoration of deferred action without need for further proceedings.[6]

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[4] If the Court nonetheless addresses the merits, it should conclude that USCIS's termination of Mr. Nahum Blandon's deferred action violated the APA and his due process rights. While deferred action may be an exercise of executive discretion, the unexplained, precipitous decision to terminate Mr. Nahum Blandon's deferred action after his arrest, in violation of an established administrative framework governing the review of SIJS deferred action, was arbitrary and capricious in violation of the APA. *See Bennett v. Spear*, 520 U.S. 154, 172 (1997) ("It is rudimentary administrative law that discretion as to the substance of the ultimate decision does not confer discretion to ignore the required procedures of decisionmaking"); *Garcia Lanza*, 2026 WL 585130, at *9 (holding that, "where the agency's *only* proffered justification for [revoking deferred action] is that is has discretion to do so, the conclusion that its action is arbitrary and capricious becomes inescapable"); *Inland Empire—Immigrant Youth Collective v. Duke*, 2017 WL 5900061 (C.D. Cal. Nov. 20, 2017) (holding that "automatic[] termina[tion]" of an individual's deferred action based on the issuance of a Notice to Appear "fails the requirements of the APA"). The termination also violated Mr. Nahum Blandon's due process rights given strong "private interest" in his deferred action, "the risk of erroneous deprivation of such interest" resulting from USCIS's decision to terminate his deferred action without notice or opportunity to be heard, and the minimal burden on the government that would result from additional procedural protection. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

[5] Mr. Nahum Blandon's habeas petition was the proper means to seek restoration of his deferred action. Habeas is an "equitable and flexible" remedy that "gives the reviewing court considerable latitude to correct errors that occurred during the prior proceedings." *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020) (quoting *Boumediene v. Bush*, 553 U.S. 723, 786 (2008)) (cleaned up). As this Court has recognized, habeas relief should be tailored to "release [the petitioner] from unlawful restrictions on his liberty" and "restor[e] . . . the status quo ante." *Cadena-Gallegos v. Bondi*, 2026 WL 413673, at *5 (E.D.N.Y. Feb. 14, 2026). The termination of Mr. Nahum Blandon's deferred action flowed directly from his unlawful arrest and detention and carries with it continued restrictions on his liberty. For example, there are new limits on his ability to legally work in the United States because the termination of his deferred action means that he no longer has the right to apply for work authorization. These restrictions have not been remedied even thoughs he has been released from detention. Habeas is an appropriate means by which Mr. Nahum Blandon can seek freedom from these restrictions and restoration to the status quo that prevailed prior to his unlawful arrest and detention.

[6] Should the Court deny the Government's motion to dismiss but conclude that further proceedings are necessary to address the merits of Mr. Nahum Blandon's claim that termination of his deferred action was arbitrary and capricious and violated his due process rights, it should order USCIS to produce the full administrative record related to the termination of Mr. Nahum Blandon's deferred action. *See* 5 U.S.C. § 706 (judicial review of agency action requires a court to "review the whole record" of agency action).

CONCLUSION

For the foregoing reasons, the government's motion to dismiss should be denied and the Court should grant Mr. Nahum Blandon's petition for a writ of habeas corpus to the extent that it requests restoration of deferred action.

Dated: April 22, 2026
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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(c), I hereby certify that the accompanying Brief of Petitioner Jostin Nahum Blandon in Opposition to Respondents' Motion to Dismiss contains 4,264 words, excluding the parts of the document exempted by Local Rule 7.1(c). This certificate was prepared in reliance on the word-count function of the word processing program (Microsoft Word) used to prepare the document.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 22, 2026
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