Chief District Judge David G. Estudillo

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANCISCO PEREZ BENITEZ,

Petitioner,

v.

BRUCE SCOTT, *et al.*,[1]

Respondents.

Case No. 2:26-cv-01113-DGE

FEDERAL RESPONDENT'S[2] RETURN MEMORANDUM

Noted for Consideration:
April 21, 2026

I. INTRODUCTION

This Court should deny Petitioner Francisco Perez Benitez's Petition for Writ of Habeas Corpus. *See* Dkt. 1 ("Pet."). Petitioner challenges his post-order detention at the Northwest ICE Processing Center ("NWIPC") while he awaits removal from the United States. Importantly, Petitioner's case is not in a typical post-order procedural posture – on November 18, 2025, the U.S. Department of Homeland Security ("DHS") reinstated Petitioner's prior removal order in a

[1] Pursuant to Fed. R. Civ. P. 25(d), Federal Respondents substitute Department of Homeland Security Secretary Markwayne Mullin for Kristi Noem.

[2] Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

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summary removal procedure under 8 U.S.C. § 1231(a)(5) for noncitizens who illegally re-enter after having been previously removed.

Petitioner asserts several overlapping claims to habeas relief. First, he argues his removal is indefinite and, consequently, that detention is no longer authorized under 8 U.S.C. § 1231(a). Pet., §VI (A)-(B). Second, Petitioner argues that his detention violates due process under *Mathews* because it has been imposed without any individualized determination as to dangerousness or flight risk. *Id.*, §§VI (C), (E). Petitioner also claims that the pursuit of administrative remedies would be futile and inefficacious and requests that the Court waive the exhaustion requirement.[3] *Id.*, §VI (D). For the reasons set forth below, Immigration and Customs Enforcement ("ICE") lawfully detains Petitioner pursuant to 8 U.S.C. § 1231(a)(6) following the reinstatement of his prior order of removal, and his detention does not violate due process.

Accordingly, Federal Respondent respectfully requests that the Court deny the Petition.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Detention Authorities and Removal Procedures

The Immigration and Nationality Act ("INA") governs the detention and release of noncitizens during and following their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). This includes an expedited process for noncitizens who reenter the United States without authorization after having already been removed. *See* 8 U.S.C. § 1231(a)(5) (reinstatement of removal orders).

> "If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply

[3] Petitioner fails to cite any legal authority to demonstrate that the "humanitarian and equitable factors" in his case "confirm that detention is excessive," nor does he provide any evidence in support of his assertions. Pet., §VI (F). Therefore, this claim does not merit further response. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

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> for any relief under this Act, and the alien shall be removed under the prior order at any time after the reentry."

Id.; *see also* 8 C.F.R. §§ 241.8, 1241.8 (procedures for reinstating removal order).

Reinstatement only requires proof of: (1) status as a foreign national, (2) existence of a prior removal order, and (3) illegal reentry into the United States. *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 495 (9th Cir. 2007) (en banc) "Reinstatement of a prior removal order – regardless of the process afforded in the underlying order – does not offend due process because reinstatement of a prior order does not change the [noncitizen's] rights or remedies." *Id.* at 497. The regulation governing this process "provides significant procedural safeguards against erroneous reinstatements." *Id.* at 495.

While a noncitizen may not seek most discretionary relief from the terms of the reinstated order, if they express fear of persecution or torture in their country of removal, they are placed in reasonable fear screening proceedings. *Bartolome v. Sessions*, 904 F.3d 803, 808-09 (9th Cir. 2018) (describing the reasonable fear screening and referral process and concluding that Bartolome's due process allegations lacked merit). The noncitizen is first referred to an asylum officer, who determines whether they have a reasonable fear of persecution or torture.[4] *Id.* at 808. "A noncitizen who receives an adverse determination from the asylum officer is entitled to seek *de novo* review of that determination before an immigration judge, and an adverse decision by the immigration judge is subject to an additional layer of review in the court of appeals." *Alvarado-Herrera v. Garland*, 993 F.3d 1187, 1197 (9th Cir. 2021) (citations omitted). These procedures reduce the risk of erroneous denials of meritorious claims at the screening stage. *Id.*

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[4] Reasonable Fear Screenings, U.S. Citizenship & Immigr. Servs., https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/reasonable-fear-screenings (last visited Apr. 16, 2026) ("Those who are found to have a reasonable fear of persecution or torture are then given an opportunity to seek withholding of removal or deferral of removal before an Immigration Judge.").

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A reinstated order of removal cannot be executed during the pendency of reasonable fear or withholding-only proceedings. *See Padilla-Ramirez v. Bible*, 882 F.3d 826, 832 (9th Cir. 2017) (citations omitted). Detention during this process is pursuant to 8 U.S.C. § 1231(a). *Id.*

B. Petitioner Francisco Perez-Benitez

Petitioner is a native and citizen of Mexico who first applied for admission to the United States at the Paso Del Norte Port of Entry near El Paso, Texas, on or about April 3, 2000, by presenting a I-586 "Border Crossing Card" that had not been issued to him. *See* Declaration of Barbara Andrade ("Andrade Decl."), Ex. A (Apr. 2000, Form I-213); Ex. B at 2 (Apr. 2000, Notice and Order of Expedited Removal). Petitioner was referred to secondary inspection and interviewed by the former Immigration and Nationality Service ("INS") regarding his unlawful attempted entry and fear of persecution upon return to Mexico. Andrade Decl., Ex. A.

During secondary inspection, Petitioner admitted that the border crossing card had not been issued to him and claimed that he was to meet a "coyote" at the El Paso Airport to pay him for the use of the card. *Id.* Petitioner also denied having any fear of returning to Mexico. *Id.* Consequently, INS determined that Petitioner did not possess proper documentation to legally enter the United States and issued him a Notice and Order of Expedited Removal; Petitioner was charged with inadmissibility under 8 U.S.C. § 1182(a)(6)(C)(i). Andrade Decl., Ex. B at 2. Petitioner was then transferred to the El Paso County Detention Facility to await criminal prosecution. Andrade Decl., Ex. A.

On April 6, 2000, Petitioner pleaded guilty to knowingly possessing an identification document not issued to him with the intent to use such document to defraud the United States, in violation of 18 U.S.C. § 1028(a)(4). Andrade Decl., Ex. C (Criminal Judgment). On April 7, 2000, Petitioner was removed from the United States. *See* Declaration of Deportation Officer Ian Bloom

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("Bloom Decl.") ¶ 6; Andrade Decl., Ex. B at 1. Petitioner was subject to a 5-year ban prohibiting his re-entry. Bloom Decl., ¶ 6; Andrade Decl., Ex. B at 1.

On February 8, 2003, Petitioner attempted to re-enter the United States by hiding in the trunk of a car to evade inspection. Andrade Decl., Ex. D (Feb. 8, 2003, Form I-213). Bloom Decl., ¶ 7. INS referred Petitioner to secondary inspection where he was interviewed regarding his attempted entry and fear of return to Mexico. Andrade Decl., Ex. D; Bloom Decl., ¶ 7. Petitioner admitted that he did not possess the proper documentation to enter the United States. Andrade Decl., Ex. D; Bloom Decl., ¶ 7. Petitioner was found to be inadmissible under 8 U.S.C. §§ 1182(a)(6)(C)(i) and 1182(a)(7)(A)(i) and issued a Notice and Order of Expedited Removal. Andrade Decl., Ex. E at 2 (Notice and Order of Expedited Removal, Feb. 8, 2003). Petitioner was then removed from the United States; he was subject to a 20-year ban prohibiting his re-entry. Andrade Decl., Ex. E at 1; Bloom Decl., ¶ 7.

On February 11, 2003, Petitioner attempted to re-enter the United States by once again concealing himself inside of a car. Andrade Decl., Ex. F at 1 (Feb. 11, 2003, Form I-213); Bloom Decl., ¶ 8. Echoing his experience three days prior, Petitioner was detected, subjected to detention, interviewed, and processed for expedited removal. Andrade Decl., Ex. F; Bloom Decl., ¶ 8. Petitioner was subject to a 20-year ban prohibiting his re-entry. Andrade Decl., Ex. F at 2.

Following his removal, Petitioner re-entered the United States on an unknown date at an unknown location.[5] Andrade Decl., Ex. H (Notice of Intent/Decision to Reinstate Prior Order, Nov. 2025). On November 18, 2025, Petitioner was arrested following a vehicle enforcement stop in Vancouver, Oregon. Andrade Decl., Ex. I (Nov. 18, 2025, Form I-213); Bloom Decl., ¶ 9.

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[5] Petitioner's most recent Form I-213 indicates that he attempted to unlawfully re-enter the United States on February 27, 2003, and was removed that same day. Andrade Decl., Ex. I at 3. Federal Respondent was unable to locate documents relating to this encounter in Petitioner's A-File.

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Petitioner was served with a Notice of Intent/Decision to Reinstate his February 8, 2003, order of removal the day of his arrest. Andrade Decl., Ex. H; Bloom Decl., ¶ 9. ICE then transferred Petitioner to the NWIPC. Bloom Decl., ¶ 9.

On December 5, 2025, ICE referred Petitioner to U.S. Citizenship and Immigration Services ("USCIS") for a reasonable fear screening. Bloom Decl., ¶ 10. On December 9, 2025, the asylum officer determined that Petitioner did not have a reasonable fear of return to Mexico and issued a record of negative reasonable fear finding. *Id.* Petitioner requested to have an immigration judge ("IJ") review this determination. *Id.*, ¶ 10. On December 18, 2025, Petitioner appeared with counsel before an IJ, who affirmed the determination of the asylum officer with respect to his fear of removal to Mexico. Andrade Decl., Ex. J (Order of the Immigration Judge); Bloom Decl., ¶ 11.

On December 19, 2025, Petitioner, filed a Petition for Review ("PFR") of the IJ's decision with the U.S. Court of Appeals for the Ninth Circuit ("Ninth Circuit"), along with a motion to stay his removal. Bloom Decl., ¶ 12. On December 22, 2025, the Ninth Circuit entered a temporary stay of removal under General Order 6.4. *See Perez Benitez v. Blanche*, No. 25-7987 (9th Cir. Dec. 22, 2025), Dkt. No. 4.

III. LEGAL STANDARD

"The district courts of the United States … are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute." *Exxon Mobil Corp. v. Allopath Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). "[T]he scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 125 n.20 (2020). Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws,

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or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

IV. ARGUMENT

A. Petitioner's Detention is Lawful Under 8 U.S.C. § 1231(a)(6) and *Zadvydas.*

Petitioner's detention is governed by 8 U.S.C. § 1231(a)(6) following the reinstatement of his prior order of removal. *Padilla-Ramirez*, 882 F.3d at 830-33 (ruling that detention following the reinstatement of a prior removal order is governed by § 1231 and not § 1226); *see also Guzman Chavez*, 594 U.S. at 526 (holding that 28 U.S.C. § 1231, not 28 U.S.C. § 1226, applies to detention during the expedited removal process); *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575–76 (2022).

Petitioner's November 18, 2025, reinstated order of removal became final as of the date of its issuance. Andrade Decl., Ex. H; *Padilla-Ramirez*, 882 F.3d at 833 (explaining a reinstated order of removal is administratively final); *see also Rodriguez-Garcia v. Warden, FCI-Herlong*, No. 2:23-CV-0849-TLN-SCR (HC), 2025 WL 3089355, at *4 (E.D. Cal. Nov. 5, 2025) (applying *Riley v. Bondi*, 606 U.S. 259 (2025), to find "that a reinstated order of removal ... becomes final immediately upon issuance"). Accordingly, Petitioner's "presumptively reasonable" six-month period of post-order detention runs through May 18, 2026.

Even if Petitioner's detention had surpassed the presumptively reasonable six-month threshold, the Supreme Court has stated the six-month presumption does not mean that every noncitizen not removed within that period "*must* be released after six months." *Zadvydas*, 533 U.S. 678 at 701 (emphasis added). As the Court explained, a noncitizen "may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* The *Zadvydas* framework requires Petitioner to first provide

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"good reason" to believe removal is unlikely. *Id.* Only then does the burden shift to the Government to demonstrate that removal remains reasonably foreseeable.

Petitioner argues his detention is now indefinite in light of his appeal of his negative reasonable fear determination and the Ninth Circuit's temporary stay of removal. Pet., at 6-9. But a temporary stay of removal is inherently fleeting; it does not render Petitioner's detention impermissibly "indefinite" as defined by *Zadvydas* because it only lasts until the Ninth Circuit rules on his stay motion or dismisses his petition, whichever comes first. *Zadvydas*, 533 U.S. at 699 (observing that a statute authorizing "indefinite, *perhaps permanent*, detention," posed a "serious constitutional threat") (emphasis added). "The filing of a motion for stay or a request for a stay contained in a petition for review will stay a petitioner's deportation temporarily until the court rules on the stay motion." *De Leon v. INS*, 115 F.3d 643, 644 (9th Cir. 1997); *see also Rivera v. Mukasey*, 508 F.3d 1271, 1277-78 (9th Cir. 2007); Ninth Circuit General Order 6.4(c) (setting forth procedures for stays of deportation or removal).

In this regard, Petitioner's reliance on *Diouf v. Napolitano*, 634 F.3d 1081, 1191 (9th Cir. 2011) is misplaced. Pet., at 8. Setting aside that the Ninth Circuit recognized *Diouf's* abrogation following subsequent Supreme Court rulings, Petitioner fails to account for the material distinctions between that case and his own. *Rodriguez-Diaz*, 53 F.4th 1189, 1202 (9th Cir. 2022). *Diouf* arose in the context of a noncitizen who had been subject to prolonged post-order detention and who sought collateral review of the validity of his removal order, a process which often involves protracted litigation. *Diouf*, 634 F.3d at 1086. Conversely, Petitioner, whose detention has not yet become prolonged, is seeking judicial review of his negative reasonable fear determination. "[R]easonable fear review proceedings are intended to be expedited and efficient." *Bartolome*, 904 F.3d at 813. While collateral review typically entails a lengthy legal battle, reasonable fear proceedings are by design "streamlined" and conclude far more rapidly, as they

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are "abbreviated proceedings" to ensure that a noncitizen "does not have a reasonable fear of returning to his or her country of origin." *Id.* at 812, 814 (citations omitted).

Apart from *Diouf*, which is inapposite, Petitioner fails to cite any authority, legal or otherwise, to support the contention that the pending PFR of his reasonable fear proceedings makes his post-order detention impermissibly indefinite. Furthermore, ICE regularly executes removal orders to Mexico and there is no reason to believe Petitioner's removal order will not be expeditiously executed in the event his PFR is unsuccessful before the Ninth Circuit. Bloom Decl., ¶ 14. Here, Petitioner is not stuck in a removable-but-unremovable limbo, as the petitioners in *Zadvydas* were. After his pending appeal runs its course, nothing impedes his removal. *Id.*

Petitioner's challenge to his continued post-order detention is thus premature; his detention remains within the presumptively reasonable six-month period, and he has failed to establish that his removal is not reasonably foreseeable. *Zadvydas*, 533 U.S. at 701. Accordingly, Petitioner's detention is lawful under 8 U.S.C. § 1231(a)(6).

B. Petitioner's Detention Does Not Violate Due Process.

Petitioner argues that his current detention under 8 U.S.C. § 1231 is "arbitrary and constitutionally impermissible." Pet. at 9. He is wrong. In *Arteaga-Martinez,* the Supreme Court held that "there is no plausible construction of the text of 8 U.S.C. § 1231(a)(6) that requires the Government to provide bond hearings before immigration judges after six months of detention," and that the statute "does not address or even hint at the requirements imposed below." *Arteaga-Martinez*, 596 U.S. at 581-82. While the Court declined to resolve in the first instance any constitutional challenges involving prolonged detention, *id.* at 583, here, Petitioner's detention of under six months remains constitutionally permissible.

Assuming, without conceding, that the *Mathews* framework applies, Petitioner's claims fail to raise due process concerns. *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976). With

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respect to the first *Mathews* factor, Federal Respondent acknowledges that the freedom from physical restraint is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (citation omitted). However, the Supreme Court has been clear that in the immigration context, the Constitution permits "rules that would be unacceptable if applied to citizens." *Rodriguez Diaz*, 53 F.4th at 1207 (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)). The Ninth Circuit has also recognized that it is a noncitizen's private interest in "freedom from *prolonged* detention" that is "unquestionably substantial," *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011) (emphasis added), *abrogation recognized by Rodriguez Diaz*, 53 F.4th at 1202, not detention itself.

Generally, a noncitizen detained pursuant to § 1231(a) can only challenge his detention once he has been detained for longer than six months *and* he has demonstrated "good reason" to believe there is no likelihood that he will be removed in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701. As stated above and reiterated here, Petitioner fails to satisfy either condition. Moreover, Petitioner's claims regarding the hardships his family faces during his detention do not inform the "private interest" prong of the *Mathews* test. *Rodriguez Diaz*, 53 F.4th at 1208 (confirming that the focus of the first prong of the test is on the *detained* individual's "strong private liberty interest").

Petitioner's private interests are "further diminished" by the fact that he is subject to a final order of removal. *Id.* Federal Respondent acknowledges that Petitioner has lived freely, albeit unlawfully, in the United States a substantial period and, during that time, he has cared for his U.S. citizen children[6] and developed strong ties to the community. Pet., at 4. However, granting the instant petition would require the Court to overlook Petitioner's documented history

[6] While Petitioner's filing references a U.S. citizen "child" and "children," the exact number remains unclear as no supporting evidence has been submitted to the record. Pet,. at 1-2, 6.

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of willfully ignoring removal orders and repeatedly re-entering the country without legal authorization. *See Tomczyk v. Garland*, 25 F.4th 638, 648 (9th Cir. 2022) (concluding the "lawful denial of immigration relief does not violate any of a noncitizen's or a noncitizen's family's substantive rights protected by the Due Process Clause.").

Regarding the second *Mathews* factor, risk of erroneous deprivation is minimal in the reinstatement context, as a reinstated order is not subject to reopening or review. 8 U.S.C. § 1231(a)(5). "Although previously removed [noncitizens] in the United States are entitled to due process protections, they are not entitled to all of the same protections granted to [those] not previously removed." *Bartolome*, 904 F.3d at 812; *see also Alvarado-Herrera*, 993 F.3d at 1193. The fact that Petitioner has a pending PFR also does not weigh in his favor because his appeal is a challenge to his negative reasonable fear determination, not the Government's authority to detain and remove him. *Guzman Chavez*, 594 U.S. at 535-36 (explaining that a grant of withholding of removal or protection under the Convention Against Torture would only prohibit DHS from removing a noncitizen to that specific country, not from the United States). *Id.*

Since Petitioner is not challenging the validity of his reinstated removal order, his detention under § 1231(a)(6) is not "erroneous" in the sense that the legal authority to remove him is already established, and he is not statutorily entitled to a bond hearing even after six months of detention. *Arteaga-Martinez*, 596 U.S. at 581-82. Thus, the "probable value" of a bond hearing is minimal because his removability has been established, his reasonable fear claim has been twice adjudicated, and it is currently undergoing a final layer of judicial review. Finally, Petitioner's pending appeal before the Ninth Circuit is reviewed under the "substantial evidence" standard. *Bartolome*, 904 F.3d at 811. Because this is a high bar for Petitioner to clear, the likelihood of him prevailing is low. As a result, the existing procedures governing Petitioner's detention adequately protect his liberty interest.

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Turning to the third *Mathews* factor, "the government clearly has a strong interest" in preventing noncitizens from "'remain[ing] in the United States in violation of our law.'" *Rodriguez Diaz*, 53 F.4th at 1208 (quoting *Demore*, 538 U.S. at 518). "Through detention, the government likewise seeks to 'increas[e] the chance that, if ordered removed'" the noncitizen "will be successfully removed." *Id.* (quoting *Demore*, 538 U.S. at 528). Furthermore, "[t]he risk of a detainee absconding also inevitably escalates as the time for removal becomes more imminent." *Rodriguez Diaz*, 53 F.4th at 1208. Thus, the Government's interests in effectuating final removal orders are substantial and heightened where, as here, Petitioner has unlawfully reentered the country multiple times after removal, demonstrating both disregard for prior orders and a concrete risk of flight. *Id.* Given the Government's considerable interest in effecting removal orders, deterring repeated unlawful re-entries, and efficient immigration enforcement, the third *Mathews* factor weighs heavily in Federal Respondent's favor. *See Perez-Guzman v. Lynch*, 835 F.3d 1066, 1079 n.8 (9th Cir. 2016) (observing that the regulation governing reasonable fear proceedings "balance[es] the fair resolution of claims for relief from removal against Congress' desire to provide for streamlined removal of certain classes of individuals, including those subject to reinstated removal orders.").

In sum, because Petitioner remains within the presumptively reasonable six-month period of post-order removal, the Government's compelling interest in enforcing his reinstated removal order outweighs his "diminished" private liberty interest. *Rodriguez Diaz*, 53 F.4th at 1208. Moreover, because additional procedural safeguards would add minimal value, Petitioner's current detention does not violate due process.

C. Administrative Exhaustion.

Courts may require prudential exhaustion if "(1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of

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the requirement would encourage the deliberate bypass of the administrative scheme; and (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review." *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007). A petitioner may nevertheless avoid the requirement by demonstrating one of the *Laing* factors applies in their case. *Laing v. Ashcroft*, 370 F.3d 994, 1000–01 (9th Cir. 2004).

Petitioner is not yet entitled to additional administrative remedies because his detention has not become prolonged. 8 C.F.R. §§ 241.4(k)(1), (2) (requiring ICE to conduct a custody review at the end of the statutory removal period (*i.e.*, ninety days), a further review by a review panel at ICE headquarters after six months, and additional reviews by the review panel annually thereafter). Even assuming Petitioner were entitled to any administrative remedies, he has not established that his administrative remedies would be inadequate or inefficacious. *See Martinez v. Scott*, No. 2:25-CV-01538-TSZ-GJL, 2025 WL 2689844, at *6 (W.D. Wash. Aug. 27, 2025) (setting forth the standards for applying the prudential exhaustion doctrine), *report and recommendation adopted,* No. C25-1538 TSZ, 2025 WL 2689066 (W.D. Wash. Sept. 19, 2025).

Petitioner fails to provide any legal or evidentiary foundation to support his complaints regarding the adequacy of bond hearings at the Tacoma Immigration Court. Pet., at 10. *See Aden v. Nielsen*, No. 2:18-cv-1441-RSL, 2019 WL 5802013, at *3 (W.D. Wash. Nov. 7, 2019) (explaining "exhaustion is futile where the administrative agency's procedures guarantee a particular result and the agency is unlikely to change them on appeal."). Because Petitioner does not invoke the other *Laing* factors, he has failed to demonstrate that the administrative exhaustion requirement should be waived in this case. *Martinez*, 2025 WL 2689844, at *7.

Accordingly, even if Petitioner were entitled to any administrative remedies, he has not shown that any of the *Laing* factors warrant excusing prudential exhaustion requirements.

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V. CONCLUSION

For the foregoing reasons, Federal Respondent respectfully requests that this Court deny the Petition.

DATED this 16th day of April, 2026.

Respectfully submitted,

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I certify that this memorandum contains 3,811 words, in compliance with Local Civil Rules