IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

O.E.E.M.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 1:26-cv-1676 (AJT-IDD)
	)	
TODD BLANCHE, *et al.*,	)	
	)	
Respondents.	)	

NOTICE

Federal Respondents, through their undersigned counsel, hereby respectfully submit the instant notice to this Court's order dated June 25, 2026, Dkt. No. 11, in the above-captioned habeas case.

In its recent order, this Court directed the Federal Respondents to "notify the Court within five (5) days of the final adjudication of Petitioner's claims for immigration relief in re[gards to] Dkt. 9 Consent Motion to Stay." On June 26, 2026, Petitioner filed a Motion to Reconsider with the Immigration Court. The Petitioner asked for the Court to reconsider its December 19, 2025, denial of asylum, considering the ruling in *East Bay Sanctuary Covenant v. Trump*, 4:18-cv-06810-JST (N.D. Cal. June 3, 2026) where the Court vacated the Circumvention of Lawful Pathways (CLP) Rule as a violation of the Administrative Procedures Act. On August 11, 2026, the Immigration Judge (IJ) denied the Petitioners Motion for Reconsideration. *See* FREX 1.

The IJ found that the Courts final decision in 2025 based on the CLP Rule was not an error of law and that vacatur of the CLP Rule on May 7, 2026, was not an extraordinary circumstance warranting sua sponte reopening of the matter. Lacking any express decision to

retroactively apply the vacatur of the CLP Rule, the IJ found that the ruling did not apply to cases that were administratively final prior to May 7, 2026. The Petitioner asked the court to reconsider/reopen his case because the law changed several months after his case was finalized. The IJ correctly stated that "the Court applied the law extant at the time of the Court's ruling and, [], the decision was not appealed by either party." *See* FREX 1.

For the reasons stated above, the IJ denied Petitioner's Motion to Reopen and the ruling denying the Petitioner's asylum claim is final.

Dated: August 14, 2026

Respectfully submitted,

TODD W. BLANCHE
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/s/

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