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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 Susan Kettlewell o/b/o 108 minor children,

10 Plaintiff,

11 v.

12 Markwayne Mullin, Secretary of the
13 Department of Homeland Security, in his
14 official capacity; David Venturella, Acting
15 Director of U.S. Immigration and Customs
16 Enforcement, in his official capacity; Robert
17 F. Kennedy Jr., Secretary of the Department
18 of Health and Human Services, in his
19 official capacity; Angie Salazar, Acting
20 Director of the Office of Refugee
21 Resettlement, in her official capacity; Alex
J. Adams, Acting Assistant Secretary for the
Administration for Children and Families, in
his official capacity,

Defendants.

CV-26-00340-RM

**RETURN AND ANSWER
TO PETITION FOR A WRIT
OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241**

22 The Department of Health and Human Services, sued as Robert F. Kennedy Jr.,
23 Secretary of the Department of Health and Human Services, Angie Salazar, Acting
24 Director of the Office of Refugee Resettlement and Alex J. Adams, Acting Assistant
25 Secretary for the Administration for Children and Families (“Respondent or HHS”),
26 improperly sued as Markwayne Mullin, Secretary of the Department of Homeland
27 Security, and David Venturella, Acting Director of U.S. Immigration and Customs
28 Enforcement, returns and answers Susan Kettlewell’s (“Petitioner”) *Verified Petition for*

1 *Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and*
 2 *Injunctive Relief* (“Petition”).¹

3 MEMORANDUM OF POINTS AND AUTHORITIES

4 I. INTRODUCTION

5 The Petition alleges that 108 UACs are at threat to be transferred to Texas or
 6 Louisiana as an antecedent step in the government’s purported accelerated effort to remove
 7 UACs. The Petition further alleges that if the UACs are transferred, their access to their
 8 chosen and trusted legal counsel would be unconstitutionally inhibited. *See* Dkt. 1 at 11-
 9 20, ¶¶ 24-38. But Petitioner submitted no competent evidence that any of the 108 UACs
 10 have been identified for transfer, or that Respondent has taken any action towards transfer
 11 with respect to them. Instead, Petitioner relies on speculation regarding a removal that was
 12 to occur on June 30 (which clearly did not occur) (Dkt. 1 at 14, ¶ 28) and reports from
 13 different news outlets about a purported plan to transfer UACs. *See* Dkt. 1 at 14, ¶¶ 28-29;
 14 Dkt. 1 at 18-19, ¶ 36.

15 Regulations governing the transfer of UACs provide numerous procedural
 16 protections. Importantly, with few exceptions, 45 C.F.R. § 410.1601(a)(3) requires notice
 17 to “all appropriate interested parties of the transfer, including the child’s attorney of record
 18 or DOJ Accredited Representative, legal service provider, or child advocate, as applicable”
 19 within 48 hours *prior* to a UAC’s physical transfer. 45 C.F.R. § 410.1601(a)(3). Petitioner
 20 has presented no competent evidence – or even allegation – that any of the UACs have
 21 been formally notified that they are being transferred. Petitioner has presented no evidence
 22 that there has been a recommendation that *any* of the 108 UACs be transferred or that they

23
 24 ¹ “The only proper respondent in a federal habeas corpus petition is the petitioner’s
 25 ‘immediate custodian.’” *Brittingham v. United States*, 982 F.2d 378, 379 (9th Cir. 1992)
 26 (quoting *Demjanjuk v. Meese*, 784 F.2d 1114, 1115 (D.C. Cir. 1986)). The care and
 27 custody of all unaccompanied alien children is the responsibility of Department of Health
 28 and Human Services (“HHS”). *See* 8 U.S.C. § 1232(b)(1). All 108 UACs subject of this
 Petition are “in federal custody of the Office of Refugee Resettlement (“ORR”) in the state
 of Arizona.” Dkt. 1 at 4, ¶7. The Administration for Children and Families is the
 component of HHS that includes ORR.

1 have been medically cleared for a transfer. Indeed, as ORR affirmed, as of the filing of
 2 this Return and Answer, there are *no* plans to transfer the 108 UACs absent exceptional
 3 circumstances outlined in the regulations (e.g. medical emergency).

4 As more fully explained below and supported by the Declaration of Assistant
 5 Deputy Director for Policy for the Unaccompanied Alien Children Bureau Toby Biswas,
 6 attached as Exhibit A, this Petition should be denied for the following reasons:

- 7 • Petitioner failed to make a clear showing that the 108 UACs have sustained or are
 8 imminently in danger of sustaining direct injury at the behest of Respondent as
 9 required to confer Article III standing.
 - 10 • Petitioner's notional concerns of a potential transfer out of Arizona are not
 11 appropriately brought in a habeas action.
 - 12 • Notwithstanding Petitioner's speculative allegations, regulatory mechanisms are in
 13 place that govern the transfer of UACs which would place the UACs or Petitioner
 14 on notice of a transfer.
 - 15 • Petitioner failed to verify the Petition, which accordingly must be dismissed for
 16 lack of competent evidence.
 - 17 • Petitioner cited no other authority that affords her any grounds for relief.
- 18 The Court should deny the Petition and relief requested therein.²

19 **II. ARGUMENT**

20 **A. Petitioner lacks Article III standing**

21 **1. Legal Standard**

22 "It goes without saying that those who seek to invoke the jurisdiction of the federal
 23 courts must satisfy the threshold requirement imposed by Article III of the Constitution by
 24 alleging an actual case or controversy." *City of Los Angeles v. Lyons*, 461 U.S. 95, 101
 25 (1983). "[S]etting apart the 'Case' and 'Controversies' that are of the justiciable sort
 26

27 ² Respondent respectfully reserves the right to respond more fully under Fed. R. Civ. P.
 28 12(a)(4), if necessary, after the Court's ruling on the instant pleading.

1 referred to in Article III...is the doctrine of standing.” *Lujan v. Defenders of Wildlife*, 504
2 U.S. 555, 560 (1992).

3 In order to establish standing, a plaintiff must meet three elements: (1) “an injury in
4 fact—an invasion of a legally protected interest which is (a) concrete and particularized
5 and (b) actual or imminent, not conjectural or hypothetical”; (2) a “causal nexus between
6 the injury and the conduct complained of”; and, (3) “it must be likely, as opposed to merely
7 speculative, that the injury will be redressed by a favorable decision.” *Id.* at 560–61
8 (internal quotation marks and citations omitted).

9 With respect to the first element, “[a]bstract injury is not enough.” *Lyons*, 461 U.S.
10 at 101. “The plaintiff must show that he has sustained or is immediately in danger of
11 sustaining some direct injury as the result of the challenged official conduct and the injury
12 or threat of injury must be both real and immediate, not conjectural or hypothetical.” *Id.* at
13 101–02 (internal quotation marks omitted). The “threatened injury must be *certainly*
14 *impending* to constitute injury in fact.” *Clapper v. Amnesty International USA*, 568 U.S.
15 398, 409 (2013) (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990)) (emphasis
16 added in *Clapper*). “[A]llegations of *possible* future injury’ are not sufficient.” *Id.* (quoting
17 *Whitmore*, 495 U.S. at 158) (emphasis added in *Clapper*). To that end, a “theory of
18 standing, which relies on a highly attenuated chain of possibilities, does not satisfy the
19 requirement that threatened injury must be *certainly impending*.” *Id.* at 410. In addition,
20 “[p]ast exposure to illegal conduct does not in itself show a present case or controversy
21 regarding injunctive relief...if unaccompanied by any continuing, present adverse effects.”
22 *O’Shea v. Littleton*, 414 U.S. 488, 496 (1974). Instead, “when a plaintiff seeks prospective
23 relief such as an injunction, the plaintiff must establish a sufficient likelihood of future
24 injury.” *Food and Drug Admin. V. Alliance for Hippocratic Medicine*, 602 U.S. 367, 381
25 (2024).

26 Petitioner bears the burden of establishing standing “as of the time [s]he brought th[e]
27 lawsuit and maintaining it thereafter.” *Murthy v. Missouri*, 603 U.S. 43, 58 (2024) (quoting
28 *Carney v. Adams*, 592 U.S. 53, 59 (2020) (alterations in *Murphy*). In addition, she must

1 support each element of standing “with the manner and degree of evidence required at the
 2 successive stages of the litigation.” *Id.* (quoting *Lujan*, 504 U.S. at 561). At this preliminary
 3 stage of the proceedings, although Petitioner “may rely on the allegations in [her]
 4 Complaint and whatever evidence [she] submitted,” *Washington v. Trump*, 847 F.3d 1151,
 5 1159 (9th Cir. 2017), Petitioner “must make a ‘clear showing’ that [she is] ‘likely’ to
 6 establish each element of standing.” *Murphy*, 603 U.S. at 58. *See Washington*, 847 F.3d at
 7 1159 n.3 (noting the standards applicable to TROs and preliminary injunctions are
 8 substantially the same).

9 **2. Petitioner fails to articulate any threat of injury that is not**
 10 **conjectural or merely hypothetical**

11 Here, Petitioner has failed to make a clear showing that the 108 UACs have
 12 sustained or are in imminent danger of sustaining direct injury because of official conduct.
 13 Nowhere does the Petition allege with sufficient specificity—much less present any
 14 evidence—that Respondent intends to “to move Petitioners to Texas or Louisiana, where
 15 they would not have access to the attorneys currently representing them.” Dkt 1 at 2, ¶ 4.

16 Instead, Petitioner alleges that the government has started a policy of accelerated
 17 removal for unaccompanied alien children (“UAC”) (Dkt 1 at 11–13, ¶¶ 24–26) and some
 18 UACs throughout the country were potentially identified for removal by June 30. *See* Dkt.
 19 1 at 14, ¶ 28.³ But Petitioner has submitted no evidence that the 108 UAC’s have been
 20 identified or that any transfer or removal action *was taken with respect to them*. *See* Dkt. 1
 21 at 14–15, ¶ 29; 18, ¶ 35 (Respondent has taken steps to increase legal services for UACs
 22 in Texas), Dkt. 1 at 14–15, ¶ 29 (shelters detaining immigrant children in states such as
 23 New York have been closed); Dkt. 1 at 15, ¶ 30 (Respondent is planning to open a 528-bed
 24 holding facility for migrant families and UACs in Louisiana)⁴; Dkt. 1 at 16, ¶ 31 (HHS
 25 attempted to terminate the Unaccompanied Children Program (UCP) in March 2025 but
 26 was enjoined from doing so); Dkt. 1 at 16–17, ¶¶ 32–34 (ORR is withholding payment from

27 ³ “I believe the Department is racing to act before June 30, 2026.”

28 ⁴ The article does not specify when the facility will be opened.

1 the prime contract holder for the UCP contract); Dkt. 1 at 8, ¶¶ 19–20; 18–20, ¶¶ 36–38)
 2 (previous efforts by Respondent to repatriate Petitioners were harmful and future attempts
 3 would also be harmful).⁵ None of the allegations describe a certainly impending plan to
 4 transfer the 108 UACs at issue to Texas or Louisiana.

5 Crucially, although Petitioner has alleged that “three news outlets” reported a plan
 6 by Respondent to transfer the 108 UACs at issue, none of the articles cited by Petitioner
 7 constitute admissible evidence nor support this claim. The three news outlets cite to a letter
 8 by Senator Ron Wyden from June 24, 2026 to allege that “ORR [has] identified more than
 9 500 unaccompanied migrant children in federal custody for possible removal from the
 10 United States, reportedly focusing on children held for at least 180 days and categorized as
 11 lacking a viable sponsor.” Dkt. 1 at 14, ¶ 28 (CNN article), ¶ 29 (Texas Tribune article);
 12 Dkt. 1 at 18–19, ¶ 36 (Associated Press article). The letter from Senator Wyden states his
 13 mistaken belief that “the Department [was] racing to act *before June 30, 2026*, the explicit
 14 deadline by which immigration courts have been instructed to conclude these case
 15 proceedings.” Letter from Sen. Ron Wyden, Ranking Member, Sen. Comm. on Fin., to
 16 Robert F. Kennedy, Jr., Sec’y, U.S. Dep’t of Health & Hum. Servs., at 2 (June 24, 2026).
 17 Petitioner filed the instant petition on July 6, 2026, a week after the supposed date for
 18 removal, but she fails to specify any attempts by Respondent to move or transfer the 108
 19 UACs on whose behalf the lawsuit is filed.

20 Moreover, the letter in question does not identify any of the 108 UACs as those
 21 listed for removal; it only describes speculation that “over 500 unaccompanied children
 22 currently in the care and custody of [ORR] as targets for expedited removal under an
 23 unprecedented legal framework.” *Id.* at 1. According to ORR’s website, the average
 24 number of UACs in care for the month of June was 1,796. *Average Monthly Data*, Office
 25 of Refugee Resettlement, *available at* <https://acf.gov/orr/about/ucs/facts-and-data> (last

26 ⁵ Petitioner claims, “Florence Project staff reported that children in ORR care in Arizona
 27 cried all day on Friday, July 3, and could not sleep over the weekend after being informed
 28 of a potential plan to transfer them out of Arizona.” Dkt. 1, at 19, ¶ 37. Petitioner does not
 specify who informed them of this “potential plan,” whether it was counsel or ORR staff.

1 visited July 13, 2026). Petitioner has not explained how they came to believe that *the 108*
2 *UACs* were allegedly targeted for transfer and removal. Although the Petition contains
3 general grievances and speculative concerns, Petitioner has failed to make a clear showing
4 that the 108 UACs face a “threat of injury . . . both real and immediate, not conjectural or
5 hypothetical.” *Lyons*, 461 U.S. at 101–02 (internal quotation marks omitted).

6 **3. There are no current plans to transfer any individual from the**
7 **group of 108 UACs**

8 Indeed, as the Declaration of Assistant Deputy Director for Policy Toby Biswas
9 makes clear, “ORR has no current plans to transfer the group of 108 petitioners from
10 Arizona to facilities in Texas, Louisiana, or any other state unless otherwise warranted by
11 specific circumstances, such as a medical emergency or security concern, consistent with
12 45 C.F.R. § 410.1601 and UACB Policy Guide § 1.4.” Ex. A, p. 4, ¶11. Petitioner, instead,
13 principally relies on past actions to insinuate Respondent will act nefariously in the future.
14 Petitioner highlights Respondent’s attempt over Labor Day weekend 2025 to repatriate
15 UACs, which this Court enjoined. Dkt. 1, at 8, ¶¶ 19–20; *see Kettlewell v. Noem*, No. CV-
16 25-00491-TUC-RM, 2025 WL 2733309 (D. Ariz. Sept. 25, 2025). However, as noted
17 above, “past wrongs do not in themselves amount to that real and immediate threat of injury
18 necessary to make out a case or controversy.” *Lyons*, 461 U.S. at 103.

19 **4. Governing regulations afford the 108 UACs the protections**
20 **Petitioner seeks**

21 As noted above, the Petition contains notional concerns that 108 UACs will be
22 transferred and prevented access to counsel as a result. However, Petitioner’s theory is
23 premised on speculative contingencies that the Respondent will violate the law, which is
24 insufficient to confer standing. “[A] claim of standing which is not only speculative, but is
25 predicated upon the violation of an unchallenged law is insufficient.” *Nelsen v. King Cnty.*,
26 895 F.2d 1248, 1253 (9th Cir. 1990).

1 Governing regulations provide a number of procedural protections for UACs prior
 2 to their transfer. Section 410.1601 of the Foundational Rule⁶ requires notice to “all
 3 appropriate interested parties of the transfer, including the child’s attorney of record or
 4 DOJ Accredited Representative, legal service provider, or child advocate, as applicable”
 5 within 48 hours prior to a UAC’s physical transfer. 45 C.F.R. § 410.1601(a)(3). *See also*
 6 ORR Unaccompanied Alien Child Bureau Policy Guide (“UAC Policy Guide”), § 1.4,
 7 Transfers within the ORR Care Provider Network, *available at*
 8 <https://tinyurl.com/b225ysvw> (last visited July 13, 2026). Only under unusual or
 9 compelling circumstances—such as where the safety of the UAC or others is threatened,
 10 where the UAC has been determined to be a runaway risk, or where the interested party
 11 has waived notice—must notice be provided within 24 hours *following* transfer. *See* 45
 12 C.F.R. § 410.1601(a)(3); UAC Policy Guide, § 1.4. Further, other provisions of the
 13 Foundational Rule could place the UACs and/or Petitioner on notice of a possible transfer.
 14 Notably, a care provider facility must make a transfer recommendation if an alternate
 15 placement within three business days of identifying a need to transfer them (45 C.F.R.
 16 § 410.1601(a)(1)) and, unless waived, a care provider facility must ensure the UAC is
 17 medically cleared for transfer. *See* 45 C.F.R. § 410.1601(a)(2).

18 Pursuant to 8 U.S.C. § 1232(c)(5), the Secretary of Health and Human Services must
 19 ensure that all UACs in custody (excluding certain UACs from continuous countries) “have
 20 counsel to represent them in legal proceedings or matters and protect them from
 21 mistreatment, exploitation, and trafficking.” 45 C.F.R. § 410.1309, sets forth ORR’s
 22 responsibilities in relation to legal services for unaccompanied children consistent with 8
 23 U.S.C. § 1232(c)(5). *See* 45 C.F.R. § 410.1309(a)(1). Upon transfer to a new ORR care
 24 provider facility (excluding a long-term home care or transitional housing), a UAC should
 25 be provided a “presentation concerning the rights and responsibilities of undocumented
 26

27 ⁶ In April 2024, ORR promulgated the Unaccompanied Children Program Foundational
 28 Rule (hereinafter, “Foundational Rule”), codified at 45 C.F.R. part 410, to establish
 comprehensive regulations governing its UAC program.

1 children in the immigration system” and a “confidential legal consultation with a qualified
2 attorney (or paralegal working under the direction of an attorney, or DOJ Accredited
3 Representative) to determine possible forms of relief from removal in relation to the
4 unaccompanied child's immigration case . . .” 45 C.F.R. § 410.1309(a)(2)(i) and (v).
5 Direct immigration legal representation services are also available, subject to
6 appropriations and ORR discretion, for certain UACs. *See* 45 C.F.R. § 410.1309(a)(4).
7 Additionally, certain non-immigration related legal representation is available, subject to
8 appropriations and ORR discretion, for certain UACs. *See* 45 C.F.R. § 410.1309(b). 45
9 C.F.R. § 410.1309, lays out general standards for the legal services offered under the
10 regulation. *See* 45 C.F.R. § 410.1309(c).

11 No one disputes that the Respondent has a duty to follow the law—which includes
12 compliance with regulations governing the transfer of UACs and certain legal services they
13 may receive. While Petitioner has not alleged any real or immediate possibility of injury
14 to confer standing, the Foundational Rule regulations and ORR guidance—particularly
15 notice prior to transfer sans some emergency or compelling circumstance, 45 C.F.R. §
16 410.1601(a)(3)—afford Petitioner and the 108 UACs genuine grounds to later raise any
17 issue as to whether a transfer unconstitutionally interferes with their access to legal services
18 or counsel.

19 For these reasons, Petitioner lacks standing, and this Court lacks subject matter
20 jurisdiction over this habeas petition.

21 **B. A habeas petition is not the appropriate procedural vehicle for Petitioner's**
22 **requested relief**

23 The Constitution guarantees the availability of the writ of habeas corpus “to every
24 individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525
25 (2004) (*citing* U.S. Const., Art I, § 9, cl. 2). “The essence of habeas corpus is an attack by
26 a person in custody upon the legality of that custody, and . . . the traditional function of the
27 writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484
28 (1973). This court may only grant a petition for writ of habeas corpus if the federal

petitioner can demonstrate that he “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(a), (c)(3). “Release is the only available remedy—and thus a claim is at the core of habeas—if a successful petition demonstrates that the *detention itself* is without legal authorization,” *Pinson v. Carvajal*, 69 F.4th 1059, 1070 (9th Cir. 2023) (emphasis in original).

Here, Petitioner is not challenging the underlying legal basis or authority for ORR’s custody of the UACs. Petitioner is, instead, challenging the conditions of confinement by seeking to enjoin transfer from one care provider to another. Because Petitioner has not challenged confinement or its duration, Petitioner is not entitled to habeas relief.

C. Notwithstanding a habeas petition being improper, the Petition must be dismissed because it is not verified

The federal habeas statute provides that the “[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.” 28 U.S.C. § 2242 (emphasis added). Here, the Petition is not signed or verified by *Petitioner* as required by 28 U.S.C. § 2242. The failure to verify the petition requires the Petition to be dismissed since there is no competent evidence supporting it. *See Gardaloev v. Lyons*, No. 5:26-CV-00800-JGB-KES, 2026 WL 1047040, at *2 (C.D. Cal. Mar. 10, 2026), *report and recommendation adopted*, No. 5:26-CV-00800-JGB-KES, 2026 WL 1189696 (C.D. Cal. Apr. 30, 2026) (dismissing habeas petition where the “facts are not properly ‘verified’ such that they can be considered competent evidence” where it was signed by petitioner’s counsel only). *See also Wilson v. Dixon*, 256 F.2d 536, 537 (9th Cir. 1958) (concluding the district court lacked habeas jurisdiction where the petition did not explain “why the detained person [did] not sign and verify the complaint” (citation modified)).

For this independent reason, the Petition must be dismissed.

D. Petitioner is not entitled to any other relief in this habeas action

Aside from habeas authority, Petitioner claims relief pursuant to the Declaratory Judgment Act as well as the All Writs Act. *See* Dkt. 1 at 6, ¶13. Petitioner also says this

1 Court has jurisdiction over the Petition pursuant to the Trafficking Victims Protection
 2 Reauthorization Act of 2008 (“TVPRA”). All relief and or claim of jurisdiction under these
 3 bases are unfounded as a matter of law.

4 **1. Petitioner cannot obtain a declaratory judgment in a habeas action**

5 Petitioner does not specify what declaration she seeks from the Court in any specific
 6 claim other than to say in the Prayer for Relief that she seeks a declaration that “transfer
 7 outside the state of Arizona outside of the circumstances and considerations in paragraph
 8 (b) violates the TVPRA, the Due Process Clause of the Fifth Amendment, ORR’s own
 9 regulations on point, and the First Amendment.” Dkt. 1 at 37, ¶ d. Paragraph (b) references
 10 conditions Petitioner would request this Court place on the Respondent in transferring
 11 UACs from Arizona. Dkt. 1 at 37, ¶ b. Thus, Petitioner’s claim for a declaration is just the
 12 habeas relief sought by the Petition. Nonetheless, Petitioner cannot obtain a declaratory
 13 judgment in a habeas action. *See Herrera v. Noem*, 825 F. Supp. 3d 1025, 1038 (D. Ariz.
 14 2026) (“[D]eclaratory judgments must yield to the exclusive remedies that must be pursued
 15 in habeas.”); *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025). And Petitioner must have
 16 standing to pursue a declaration, which she does not (see above). The federal court’s “role
 17 is neither to issue advisory opinions nor to declare rights in hypothetical cases, but to
 18 adjudicate live cases or controversies consistent with the powers granted to the judiciary.”
 19 *Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1138 (9th Cir. 2000) (en
 20 banc).

21 **2. The All Writs Act does not apply to this habeas action**

22 It is unclear why Petitioner asserts the All Writs Act confers jurisdiction. It does
 23 not. As the Supreme Court has explained, “[w]hile the All Writs Act authorizes
 24 employment of extraordinary writs, it confines the authority to the issuance of process ‘in
 25 aid of’ the issuing court’s jurisdiction.” *Clinton v. Goldsmith*, 526 U.S. 529, 534 (1999)
 26 (quoting 28 U.S.C. § 1651(a)). In that way, the All Writs Act empowers this court to issue
 27 writs in the service of otherwise-existing jurisdiction, but “does not enlarge that
 28 jurisdiction.” *Id.* at 535; *see also United States v. Denedo*, 556 U.S. 904, 914 (2009) (“The

1 authority to issue a writ under the All Writs Act is not a font of jurisdiction.”). Accordingly,
 2 Petitioner’s assertion of All Writs Act jurisdiction is not truly an alternative basis for
 3 jurisdiction or relief but dependent on habeas jurisdiction. Because habeas jurisdiction does
 4 not exist, any reliance on the All Writs Act must be rejected. *See e.g. Wang v. United States*
 5 *Dep’t of Homeland Sec.*, No. CV 26-00009 MWJS-KJM, 2026 WL 452343, at *5 (D. Haw.
 6 Feb. 17, 2026).

7 **3. Petitioner cannot claim relief under the TVPRA**

8 The TVPRA does not provide a private right of action for Petitioner’s claim. The
 9 TVPRA provides both criminal and civil penalties for sex trafficking. *See* 18 U.S.C.
 10 §§ 1591, 1595. Section 1595(a) creates civil liability for two—and only two—categories
 11 of defendants: those who have themselves committed a criminal offense under § 1591 of
 12 the TVPRA, and (2) those who are not themselves subject to criminal liability but who
 13 knowingly benefitted from participation in a venture that they knew or should have known
 14 was committing an offense under § 1591 of the TVPRA. *See A.D. v. Wyndham Hotels &*
 15 *Resorts, Inc.*, 2020 U.S. Dist. LEXIS 250759 (E.D. Va. July 22, 2020). However, the
 16 TVPRA does *not* provide a standalone claim to be brought against the government for a
 17 violation of the Act and any relief thereunder.

18 **III. Conclusion**

19 For the foregoing reasons, Respondent respectfully requests that this Court deny
 20 Petitioner’s § 2241 Petition and dismiss this case.

21 Respectfully submitted this 14th day of July, 2026.

22
 23 TIMOTHY COURCHAIINE
 United States Attorney
 District of Arizona

24
 25 s/Alex Beeman
 ALEX BEEMAN
 Assistant United States Attorney
 Attorneys for Respondent
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