

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

ABDIKHALAQ MOHAMED ALI	)	CIVIL ACTION NO. 25-cv-00419
	)	SEC. P
	)	
VERSUS	)	JUDGE DOUGHTY
	)	
JUSTIN WILLIAMS, ET AL	)	MAGISTRATE JUDGE PEREZ-
	)	MONTES

**FEDERAL RESPONDENTS' SUPPLEMENTAL RESPONSE TO
PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

Petitioner, Abdikhalaq Mohamed Ali (Ali) filed a habeas petition on March 31, 2024 (ECF 1) and an amended petition on April 11, 2025 (ECF 3) seeking his release pending his removal from the United States. On July 12, 2025, Federal Respondents responded advising the Court that Ali's removal was imminent; therefore, Ali is not entitled to release under *Zadvydas*. ECF 11-1 at 7-8. Two days after Federal Respondents filed their response to his petition, and two days before his removal, Ali filed a second application for temporary protected status (TPS) for Somalia, which remains pending. On the day of his scheduled removal, Ali filed the instant motion for a temporary restraining order (TRO) asking this Court to halt his imminent removal. ECF 14. Due to the filing of the TRO, Ali was removed from his scheduled flight for removal on July 16, 2025. ECF 17 at 2.

Ali's motion for TRO seeks to have the Court enjoin Federal Respondents from removing him during the pendency of his application for TPS and from removing Ali

to Ethiopia without an opportunity to challenge removal based on a fear of being removed to Ethiopia. ECF 14-1 at 2.

Unfortunately, Ali is in a situation of his own making. As indicated in Federal Respondents' initial memorandum and supported by Ali's admission, Ali arrived in the United States with Ethiopian documents, claiming to be a native and citizen of Ethiopia. *See* ECF 14-25 (Ex. T) and 14-26 (Ex. U); *see also*, Declaration of Deportation Officer Charles O. Woodruff, III, attached hereto as Ex. A (A-1). However, Ali later claimed to be a native and citizen of Somalia. Although Ali was charged as removable as a native and citizen of Somalia, the documents provided by Ali indicate that there was indeed suspicion that documents purportedly provided by *Somalia* were fraudulent. *See* ECF 14-18 (Ex. M); *see also*, Woodruff Decl., Ex. A-3. Inconsistencies in Ali's story continued as Ali claimed to live in Ethiopia for only eight months (ECF 14-17 at 9 [Ex. D]), he later indicated that he lived and worked in Ethiopia for almost two years (ECF 14-20 at 4 [Ex. O]). Additionally, in his credible fear interview, Ali indicated a fear of returning to Somalia because he was allegedly threatened after his brother killed someone of another family, and a fear of returning to Ethiopia because of pressure to extradite him from Ethiopia to Somalia. ECF 14-20 at 12. Despite his claimed fear of returning to Somalia, Ali withdrew his applications for asylum and withholding of removal to Somalia at the time he was ordered removed to Somalia.¹ ECF 14-6.

¹ Federal Respondents concede that Petitioner was ordered removed to Somalia. Information regarding Petitioner's removal was obtained from ICE based upon electronic records.

Although Ali claims to be a native and citizen of Somalia, Somalia has not issued a travel document for his return. Conversely, Ali traveled to the United States with an Ethiopian passport and claimed to be native and citizen of Ethiopia. ECF 14-25 (Ex. T) and 14-26 (Ex. U); *see also*, Woodruff Decl., Ex. A-1. Moreover, Ethiopia has issued travel documents for Ali on three separate occasions. ECF 12 at 2-3; *see also*, Woodruff Decl., Ex. A-2. Now that his removal to Ethiopia is imminent, Ali claims a fear of removal to Ethiopia, rather than Somalia, where he alleges his life was threatened on three occasions. ECF 14-17 (Ex. L).

STANDARD OF REVIEW

A TRO or preliminary injunction is an “*extraordinary remedy never awarded as of right.*” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (emphasis added). A party seeking a TRO must show: (1) a “substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted; and (4) that the grant of the injunction will not disserve the public interest.” *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011) (quoting *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)). “[A] movant must demonstrate ‘at least some injury’ for a preliminary injunction to issue.” *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006)). When the government is a party, the balance of equities and the public interest factors merge.” *Nken v. Holder*, 556 U.S. 418, 435, 129 S.Ct. 1749, 1762, 173 L.Ed.2d 550 (2009).

ARGUMENT

A. Ali is unlikely to succeed on the merits.

1. Ali is under a final order of removal and ICE is permitted to remove him to Ethiopia.

At the outset, Congress has specifically limited the availability of injunctive relief related to final orders of removal. 8 U.S.C.A. § 1252 (West). “[N]o court shall enjoin the removal of any alien pursuant to a final order...unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law.” 8 U.S.C.A. § 1252(f)(2) (West). In this case, Ali was ordered removed from the United States to Somalia. ECF 14-6 at 3 (Ex. A). However, despite the application for travel documents to Somalia, Somalia has not issued any travel documents confirming that Ali is a native and citizen of Somalia. In comparison, Ethiopia has issued a travel document, evidencing Ali’s status as a native and citizen of Ethiopia, on three occasions. ECF 12 at 2-3. Even if this Court were to find that Ali was not a native or citizen of Ethiopia, ICE is permitted to remove Ali to Ethiopia, a country which has issued travel documents for his removal and in which Ali has admittedly resided and worked for years immediately prior to traveling to the United States. ECF 14-20 at 4 (Ex. O); *see* 8 U.S.C. § 1231(b)(1) (West); *see also*, *Bejet-Viali Al-Jojo v. Gonzales*, 424 F.3d 823, 828 (8th Cir. 2005).

Contrary to Ali’s assertion, his claim does not rise to the level of the plaintiffs in *D.V.D. v. U.S. Dep’t of Homeland Sec.*², where the court found a likelihood of

² *D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1142968, at *1 (D. Mass. Apr. 18, 2025), opinion clarified, No. CV 25-10676-BEM, 2025 WL 1323697 (D. Mass. May 7, 2025), and opinion clarified, No. CV 25-10676-BEM, 2025 WL 1453640 (D. Mass. May 21, 2025),

success on the merits of their claim for relief due to their life or freedom being threatened under 8 U.S.C. § 1231.

2. Ali cannot establish a prima facie claim for protected status under Somalia.

Ali attempts to hamper his removal to Ethiopia for the third time by filing a second application for temporary protected status under Somalia two days before his removal. The Immigration and Naturalization Act provides for a temporary protected status for an alien who is a national of a designated foreign state and meets the following statutory requirements for eligibility:

- (i) the alien has been continuously physically present in the United States since the effective date of the most recent designation of that state;
- (ii) the alien has continuously resided in the United States since such date as the Attorney General may designate;
- (iii) the alien is admissible as an immigrant, except as otherwise provided under paragraph (2)(A), and is not ineligible for temporary protected status under paragraph (2)(B); and
- (iv) to the extent and in a manner which the Attorney General establishes, the alien registers for the temporary protected status under this section during a registration period of not less than 180 days.

8 U.S.C.A. § 1254a(c)(1)(A) (West).

Once an alien is granted temporary protected status, the alien “shall not [be] remove[d] from the United States during the period in which such status is in effect, and ...the alien [is authorized] to engage in employment in the United States[.]” 8

reconsideration denied sub nom. D.V.D v. U.S. Dep't of Homeland Sec., No. CV 25-10676-BEM, 2025 WL 1495517 (D. Mass. May 26, 2025).

U.S.C.A. § 1254a(a)(1)(A)-(B) (West). If an alien can establish “a prima facie case of eligibility for benefits,” he cannot be removed while the application for temporary protected status is pending. 8 U.S.C.A. § 1254a(a)(4)(B) (West).

In this case, Ali is not prima facie eligible for TPS under Somalia. He is a native and citizen of Ethiopia and has a valid and current Ethiopian travel document issued by the government of Ethiopia. *See* Woodruff Decl., Ex. A, A-1. While Ali has argued that his Ethiopian passport was fraudulent (ECF 14-1 at 1), it was Ali’s Somalian documents that were unable to be authenticated and were considered to be fraudulent during his removal hearing. *See* Woodruff Decl., Ex. A-3.³ Moreover, Somalia has not issued any travel documents for Ali, while Ethiopia has issued travel documents for Ali on three occasions. ECF 12 at 2-3. Thus, Ali is not prima facie eligible for TPS under the Somali designation.

3. Ali is not otherwise entitled to relief.

To the extent that Ali seeks to prevent his removal “without an opportunity to challenge removal based on a fear of being removed to Ethiopia,” continued delays due to any additional filings for withholding of removal would not necessitate his release from detention. As argued in Federal Respondents’ initial memorandum, when an alien controls the keys to his freedom, he is not entitled to relief under *Zadvydas*. *See, Okechukwu Mummee Amadi v. Young*, No. 2:06CV1138, 2007 WL 855358, at *4 (W.D. La. Feb. 12, 2007)(Ali’s continued litigation was the cause of his continued detention; therefore, he could not “convincingly argue that there is no

³ ICE has requested a transcript of the hearing.

significant likelihood of removal in the reasonably foreseeable future.”); *Alfred v. Noem*, No. 1:25-CV-00425, 2025 WL 1482014, at *1 (W.D. La. Apr. 29, 2025), *report and recommendation adopted as modified*, No. CV 25-425, 2025 WL 1481565 (W.D. La. May 22, 2025)(Petitioner’s continued detention was lawful, where petitioner prolonged his detention by thwarting his removal).

Thus, Ali’s removal is imminent, the pending TPS application is not a legal impediment to removal, and Ali is not likely to succeed on the merits.

B. There is no substantial risk of irreparable harm.

The Supreme Court’s “frequently reiterated standard requires plaintiffs seeking preliminary relief to demonstrate that irreparable injury is likely in the absence of an injunction.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. at 22 (emphasis in original). “To seek injunctive relief, the plaintiff must show a real and immediate threat of future or continuing injury apart from any past injury.” *Aransas Project v. Shaw*, 775 F.3d 641, 648 (5th Cir. 2014). “Speculative injury is not sufficient; there must be more than an unfounded fear on the part of the applicant.” *Hurley v. Gunnels*, 41 F.3d 662 (5th Cir. 1994) (*quoting Holland Am. Ins. Co. v. Succession of Roy*, 777 F.2d 992, 997 (5th Cir. 1985)). A petitioner “cannot carry [his] burden simply by arguing that the status quo is not guaranteed.” *Rosa v. McAleenan*, 2019 WL 5191095, at *24 (S.D.Tex. Oct. 15, 2019).

Here, the alleged irreparable harm is the threat of removal. However, removal is not by itself an irreparable harm. *Nken v. Holder*, 556 U.S. at 435-36. Ali warns of the danger of a “wrongful deportation.” ECF 14-1 at 8. In addition, Ali argues that he

would lose the opportunity to live and work with his family and may face the “possibility of persecution” if removed to Ethiopia. ECF 14-1 at 9. Ali’s asserts fall short of his required burden. This is not a situation where Ali was lawfully admitted into the United States. He was inadmissible and, therefore, had no legal right to admission. Thus, his removal to either Somalia or Ethiopia would also be a return to where his family lives and where he has lived and worked prior to traveling to the United States.

Further, Ali previously alleged that his fear of removal to Ethiopia was that Ethiopia might be pressured to return him to Somalia, which did not occur during the years he alleges to have openly lived and worked in Ethiopia. Ali is currently lawfully detained and subject to removal under a valid order of removal. His removal from the United States would not constitute a “wrongful deportation.”

Moreover, the cases cited by Ali to demonstrate irreparable harm are inapposite and do not bolster his claim. Ali cites cases that involve family separation⁴ (spouses and children), likely persecution⁵, loss of lawful status, termination of deferred action and work authorization⁶, and removals of Venezuelans under the Alien Enemies Act⁷.

C. The balance of equities and public interest weigh in Federal Respondents’ favor.

⁴ *Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005); *Maldonado v. Noem*, No. 4:25-CV-2541, 2025 WL 1593133, at *3 (S.D. Tex. June 5, 2025).

⁵ *Tesfamichael*, *supra*.

⁶ *Maldonado*, *supra*.

⁷ *M.A.P.S. v. Garite*, No. EP-25-CV-00171-DB, 2025 WL 1622260, at *24 (W.D. Tex. June 9, 2025).

Public interest in enforcement of the immigration laws is significant. *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d. 1211, 1221 (D.C. Cir. 1981); *see also, Texas v. United States*, 515 F. Supp. 3d 627, 637 (S.D. Tex. 2021). Thus, courts have recognized that the public interest is served by the execution of removal orders. *Id.*; *see also Nken v. Holder*, 556 U.S. at 436 (“There is always a public interest in prompt execution of removal orders.”) As argued above, Ali was inadmissible and is subject to a valid removal order. Ali would have been removed, but for his numerous attempts to hamper his removal. Federal Respondents’ interest in prompt removal is heightened where, as here, the alien has substantially prolonged his stay by abusing the processes provided to him. *Id.*

CONCLUSION

For the foregoing reasons, Federal Respondents respectfully request that the Court deny Ali’s Motion for Temporary Restraining Order, Deny Ali’s Habeas Petition, and permit ICE to execute the removal of Ali from the United States.

Respectfully submitted,

ALEXANDER C. VAN HOOK
Acting United States Attorney

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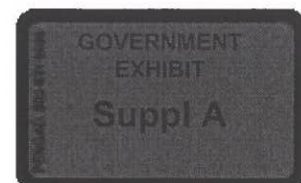
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	)	MONTES

DECLARATION OF DEPORTATION OFFICER CHARLES WOODRUFF

I, Charles O. Woodruff III, declare as follows:

1. I am currently employed as a Deportation Officer (DO) with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). I am currently assigned to the New Orleans Field Office in Winnfield, Louisiana. I have been employed by ICE/ERO since September 13th, 2020, and have held the position of Deportation Officer since September 13th, 2020.
2. In my capacity as a Deportation Officer, I temporarily assumed responsibility for the docket including petitioner's case on or about March 21st, 2024.
3. I have reviewed the official immigration file for ABDIKHALAQ MOHAMED ALI, XXX-XXX-022, and unless otherwise stated, this declaration is based on my review of that file.
4. Based on documents received from the Government of Ethiopia, it is clear the petitioner is a native and citizen of Ethiopia.
5. The petitioner was issued a valid passport by the Democratic Republic of Ethiopia on August 6, 2021. A photocopy of petitioner's Ethiopian passport,



as maintained in petitioner's official immigration file, is attached hereto as Ex. 1.

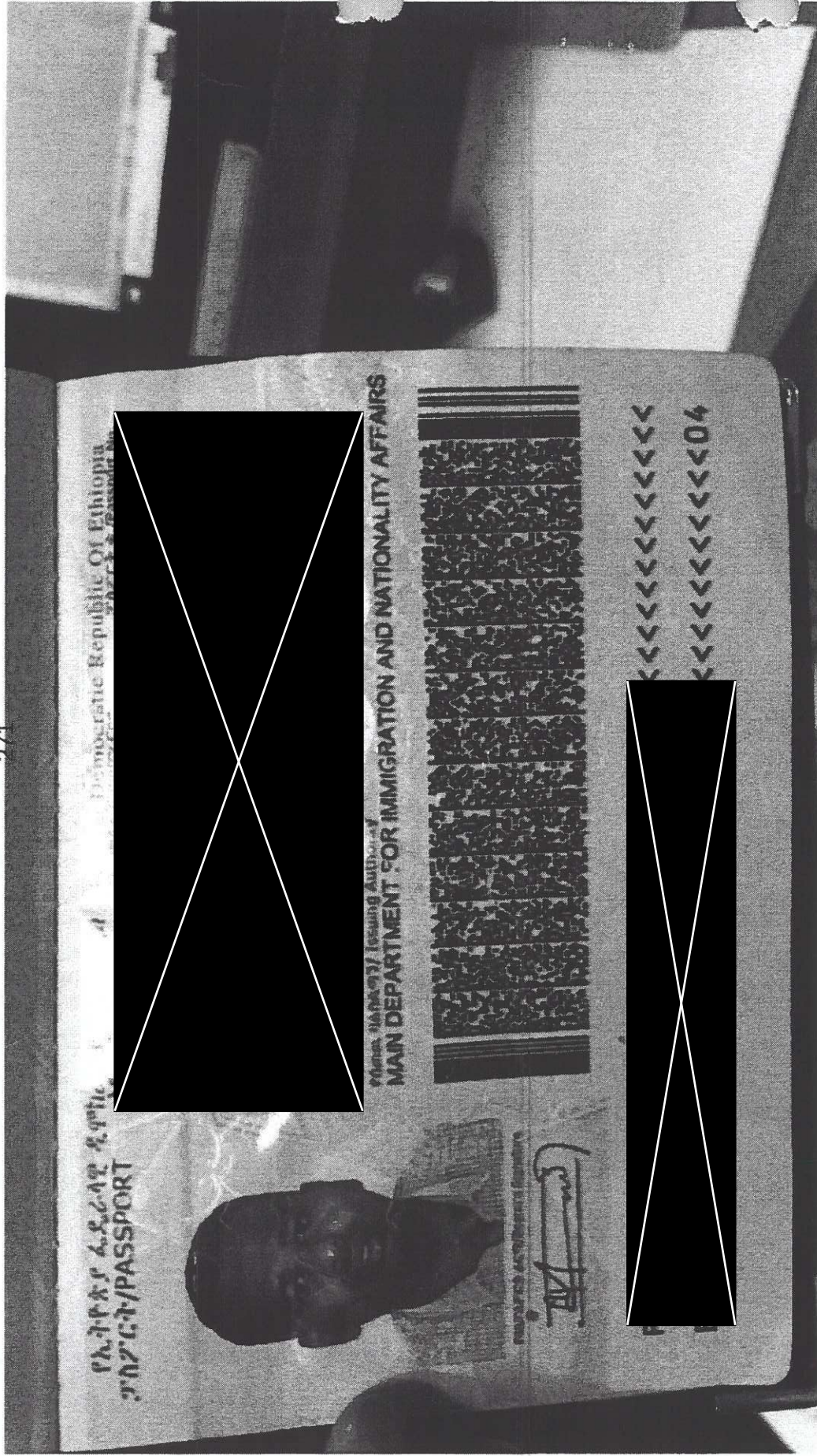
6. ICE is also in possession of a valid and current travel document issued by the Democratic Republic of Ethiopia to petitioner on March 23, 2025. A photocopy of petitioner's Ethiopian valid and current travel document is attached hereto as Ex. 2 and is a true and correct copy of the original travel document maintained in petitioner's official immigration file.
7. Documents submitted by petitioner during his removal proceedings were reviewed by the Forensic Laboratory, Homeland Security Investigations. A true and correct copy of the original Laboratory Report maintained in petitioner's official immigration file is attached hereto as Ex. 3.

Pursuant to Title 28, U.S.C. § 1746, I declare that the foregoing is true and correct to the best of my knowledge and belief, the 24th day of July 2025.

CHARLES O
WOODRUFF III

Digitally signed by CHARLES
O WOODRUFF III
Date: 2025.07.24 11:44:27
-05'00'

Charles O. Woodruff III
Deportation Officer
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Winnfield, Louisiana





Homeland Security

U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Homeland Security Investigations
Forensic Laboratory

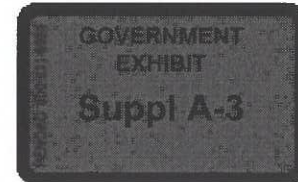
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Assistant Chief Counsel Brittany Tassin
U.S. Immigration and Customs Enforcement
830 Pinehill Road
Jena, LA 71342
318-992-1850

REF: A 022



EXHIBIT(S):

- 1.1 Republic of Somalia Caateeye Public Notary document no. 101186-13538803 in the name CALI XASAN BIIXI (submitted as original)
- 1.2 Copy of Republic of Somalia National Identity Card 101186-13538803 in the name CALI XASAN BIIXI
- 1.3 Republic of Somalia Caateeye Public Notary document no. 040582-24156339 in the name YUUSUF AADAN AXMED (submitted as original)
- 1.4 Copy of Republic of Somalia National Identity Card 040582-24156339 in the name YUUSUF AADAN AXMED
- 1.5 Republic of Somalia Caateeye Public Notary document no. 020498-20756732 in the name C/KARIIN CALI XASAN (submitted as original)
- 1.6 Copy of Republic of Somalia National Identity Card 020498-20756732 in the name CABDIKARIIN CALI XASAN
- 1.7 Republic of Somalia Caateeye Public Notary document no. 063 in the name JIIF CAAQIL KHADAR CALI ROOBLE (submitted as original)
- 1.8 Copy of Somalia Identity Document no. 093 in the name KHADAR CALI ROOBLE
- 1.9 Republic of Somalia Ministry of Health Development document no. BGH/455/2023 in the name MOHAMED ALI DUCALE (submitted as original)
- 1.10 Republic of Somalia Ministry of Health Development document no. BGH/454/2023 in the name ABDICASIIS ABDILAH I (submitted as original)
- 1.11 Republic of Somalia Ministry of Health Development document no. BGH/452/2023 in the name FARDUS MOHAMED ALI (submitted as original)
- 1.12 Republic of Somalia Ministry of Health Development document no. 20/23 11855 in the name ABDI BASID MOHAMED ALI (submitted as original)
- 1.13 Republic of Somalia Caateeye Public Notary document no. 020498-20756732 in the name C/KARIIN CALI XASAN (submitted as copy of Exhibit 1.5)
- 1.14 Copy of Republic of Somalia National Identity Card 020498-20756732 in the name CABDIKARIIN CALI XASAN
- 1.15 Republic of Somalia Caateeye Public Notary document no. 101186-13538803 in the name CALI XASAN BIIXI (submitted as copy of Exhibit 1.1)
- 1.16 Copy of Republic of Somalia National Identity Card 101186-13538803 in the name CALI XASAN BIIXI
- 1.17 Republic of Somalia Caateeye Public Notary document no. 040582-24156339 in the name YUUSUF AADAN AXMED (submitted as copy of Exhibit 1.3)
- 1.18 Copy of Republic of Somalia National Identity Card 040582-24156339 in the name YUUSUF AADAN AXMED

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- 1.19 Republic of Somalia Caateeye Public Notary document no. 063 in the name JIIF CAAQIL KHADAR CALI ROOBLE (submitted as copy of Exhibit 1.7)
- 1.20 Copy of Somalia Identity Document no. 093 in the name KHADAR CALI ROOBLE
- 1.21 Republic of Somalia Caateeye Public Notary document with 4 names and signatures dated 27/09/2023
- 1.22 Republic of Somalia Ministry of Health Development document no. BGH/454/2023 in the name ABDICASIIS ABDILAH (submitted as copy of Exhibit 1.10)
- 1.23 Republic of Somalia Ministry of Health Development document no. BGH/455/2023 in the name MOHAMED ALI DUCALE (submitted as copy of Exhibit 1.9)
- 1.24 Republic of Somalia Ministry of Health Development document no. BGH/452/2023 in the name FARDUS MOHAMED ALI (submitted as copy of Exhibit 1.11)

FINDING(S):

Physical, microscopic, instrumental and comparative examinations resulted in the following findings:

Due to the lack of comparable genuine Somalia supporting document standards or reference material on file in the laboratory's reference library, Exhibits 1.1 through 1.24 could not be authenticated by a comparative examination. The following observations were made:

- Exhibits 1.1 through 1.11 and 1.13 through 1.24 were prepared using readily available print technology (inkjet) and contain no sophisticated security features (microtext, ultraviolet feature, watermark, etc.)
- Exhibit 1.12 was prepared using readily available print technology (toner) and contains no sophisticated security features (microtext, ultraviolet feature, watermark, etc.)
- Exhibits 1.1, 1.3, 1.5, 1.7, and 1.9 through 1.12 contain a wet seal and ink pen signatures
- Exhibits 1.1, 1.3, 1.5, and 1.7 share a common source; the features considered in this assessment are that the entirety of the printed information excluding the names and ID numbers are the same across the four documents as well as the same inkjet printer defects are present on all four documents.
- Exhibits 1.9 through 1.11 share a common source; the features considered in this assessment include overall layout and design, and the same printed defects.
- Exhibits 1.13, 1.15, 1.17, and 1.19 are not copies of the purported originals Exhibits 1.5, 1.1, 1.3 and 1.7, respectively, as submitted. The features considered in this assessment are overall layout and design to include spacing, line breaks in the text, and relative locations of the inkjet printed wet seals and signatures.
- Exhibits 1.22 through 1.24 are copies of the purported originals 1.10, 1.9, and 1.11, respectively, as submitted. The copied documents, when resized for comparability, overlay with the originals.
- It could not be determined whether the identification cards depicted in Exhibits 1.2, 1.4, 1.6, and 1.8 are the same as the identification cards depicted in Exhibits 1.16, 1.18, 1.14 and 1.20, respectively. The copying process may mask the characteristics that can denote authenticity or expose the presence of an alteration. In addition, it cannot be forensically determined whether or not the source documents from which the Exhibits were created are genuine documents. Submission of the source documents is necessary to determine their authenticity and the accuracy of the reproductions.
- No evidence of alteration was noted.

Exhibits 1.1 through 1.24 were examined using side lighting and an Electrostatic Detection Apparatus (ESDA). As information, whenever two or more sheets of paper are stacked, traces of the writing on the top sheet may become indented in the sheet(s) below. Examination conducted with the ESDA revealed the following:

- The "Yusuuf Aadan Axmed" signature on the front of Exhibit 1.3 is indented on the front of Exhibit 1.1. This

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demonstrates that the paper on which the Exhibit 1.1 document was created was beneath the Exhibit 1.3 document when Exhibit 1.3 was signed.

- The "C/Kariin Cali Xasan" signature on the front of Exhibit 1.5 is indented on the front of both Exhibits 1.1 and 1.3. This demonstrates that the paper on which the Exhibit 1.1 and 1.3 documents were created were beneath the Exhibit 1.5 document when Exhibit 1.5 was signed.
- There is additional text indented on Exhibits 1.1 through 1.4 that is partially legible. This text could not be sourced to any of the submitted exhibits.

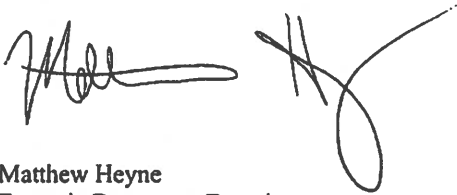
In accordance with laboratory policy, images depicting positive results are treated as derived evidence. The laboratory will maintain and store this derived evidence in accordance with its established policy. Reproductions of any significant indentations are being provided along with the original evidence from which it was derived. An examination of Exhibits 1.8 through 1.24 utilizing the Electrostatic Detection Apparatus (ESDA) did not reveal the presence of any significant indentations. In accordance with laboratory policy, images depicting negative results are not maintained on file.

REMARK(S):

If testimony in support of the above findings is required, the laboratory should receive at least a five day notice.

The above referenced evidence was delivered to the laboratory on November 14, 2023 and will be returned by official courier.

Conclusions, opinions, and interpretations contained in the finding(s) section of this report are based upon the examination(s) of the evidence conducted by the undersigned examiner as specified.



Matthew Heyne
Forensic Document Examiner