TODD BLANCHE
Deputy Attorney General
BILAL A. ESSAYLI
First Assistant United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
WHITNEY C. WAKEFIELD (WA Bar No. 61571)
Special Assistant United States Attorney
Federal Building, Suite 7516
300 North Los Angeles Street
Los Angeles, California 90012
Telephone: (213) 894-2574
E-mail: Whitney.Wakefield@usdoj.gov

Attorneys for Federal Respondents

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

MERI PETROSYAN,

Petitioner,

v.

PAMELA BONDI, et al.,

Respondents.

No. 5:25-cv-03240-CV-AS

FEDERAL RESPONDENTS' OPPOSITION TO PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER

Honorable Cynthia Valenzuela
United States District Judge

TABLE OF CONTENTS

DESCRIPTION			PAGE
I.	INTRODUCTION AND SUMMARY		1
II.	STATUTORY BACKGROUND		2
	A.	Detention under 8 U.S.C. § 1225	2
	B.	Detention under 8 U.S.C. § 1226(a)	3
	C.	Review at the Board of Immigration Appeals ("BIA")	4
III.	STANDARD OF REVIEW		5
IV.	ARGUMENT		5
	A.	Petitioner Has Not Shown That the Government Lacked Authority to Detain Her, That the Government Revoked Her Release Improperly, Or That the Remedy Would Be Her Immediate Release	5
	C.	Even If a Parole Revocation Problem Were Established, Immediate Habeas Relief Would not Be the Narrowly Tailored Remedy	8
	D.	Petitioner Has Not Shown She Will Suffer Irreparable Harm Absent A TRO.	9
V.	CONCLUSION		10

TABLE OF AUTHORITIES

PAGE

FEDERAL CASES

Ahmad v. Whitaker,
2018 WL 6928540 (W.D. Wash. Dec. 4, 2018) 8

Arredondo v. Univ. of La Verne,
618 F. Supp. 3d 937 (C.D. Cal. Aug. 2, 2022) 7

Biden v. Texas,
597 U.S. 785 (2022) 3

Carribean Marine Servs. Co., Inc. v. Baldridge,
844 F.2d 668 (9th Cir. 1988) 9

Doe v. Smith,
2018 WL 4696748 (D. Mass. Oct. 1, 2018) 8

Est. of Wuxi Chenhwat Almatech Co. v. Prestige Autotech Corp.,
2022 WL 17363058 (C.D. Cal. Nov. 3, 2022) 7

Garcia v. Google, Inc.,
786 F.3d 733 (9th Cir. 2015) 5

Hassan v. Chertoff,
593 F.3d 785 (9th Cir. 2010) 6

In re Guerra,
24 I. & N. Dec. 37 (BIA 2006) 4

Jennings v. Rodriguez,
583 U.S. 281 (2018) 1, 2, 3

Johnson v. Guzman Chavez,
594 U.S. 523 (2021) 5

L.A. Mem'l Coliseum Comm'n v. Nat'l Football League,
634 F.2d 1197 (9th Cir. 1980) 9

Lopez v. Brewer,
680 F.3d 1068 (9th Cir. 2012) 5

MAG Aerospace Indus., LLC v. Precise Aerospace Mfg., Inc.,
2019 WL 1427272 (C.D. Cal. Jan. 25, 2019) 7

Matter of Q. Li,
29 I. & N. Dec. 66 (BIA 2025) 3

Mission Power Engineering Co. v. Continental Cas. Co.,
883 F. Supp. 488 (C.D. Cal. 1995) 6, 7

Ortega-Cervantes v. Gonzales,
501 F.3d 1111 (9th Cir. 2007) 4

Paige, LLC v. Shop Paige LLC,
No. 2:22-CV-07800-HDV, 2024 WL 4436899 (C.D. Cal. Aug. 1, 2024) 7

Reno Air Racing Ass'n., Inc. v. McCord,
452 F.3d 1126 (9th Cir. 2006) 5

Rodriguez Diaz v. Garland,
53 F.4th 1189 (9th Cir. 2022) 8

Winter v. Nat. Res. Def. Council, Inc.,
555 U.S. 7 (2008) 5, 9

FEDERAL STATUTES

8 U.S.C. § 1225 ..... i, 1, 2

8 U.S.C. § 1225(b)(2)(A) 1, 3

8 U.S.C. § 1226(a) ..... i, 2, 3, 4

8 U.S.C. § 1231 5

U.S.C. § 1225(a)(1) 2

U.S.C. § 1226(a) 3

U.S.C. § 2241 5

FEDERAL REGULATIONS

8 C.F.R. § 212(d)(5) 6

8 C.F.R. § 212.5(e)(2)(i) 6

8 C.F.R. § 236.1(c)(8) 4

8 C.F.R. § 1003.1(a)(1) 4

8 C.F.R. § 1003.1(d)(1) 4

8 C.F.R. § 1003.1(d)(7) 4

8 C.F.R. § 1236.1(d)(1) 4

8 C.F.R. §§ 236.1(d)(1) 4

8 C.F.R § 214.13(i) 2

I. INTRODUCTION AND SUMMARY

Petitioner Meri Petrosyan, an immigrant detained at the Adelanto facility since September 25, 2025, has filed a motion for a temporary restraining order [Dkt. No. 3] (the "TRO Application") asking the Court to release her from custody. The Application should be denied for the following reasons.

First, the Petitioner does not yet have a judicially final removal order. She is being detained pending resolution of her immigration proceedings. Accordingly, the government's position is that Petitioner falls within the statutory definition of aliens in § 1225(b)(2), i.e., aliens present in the United States who have not been admitted.[1] As the BIA determined in *Matter of Jonathan Javier Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges lack authority to hear bond requests or to grant bond to such aliens who are present in the United States without admission.

Petitioner argues that there is no avenue for review of her custody status in the existing immigration framework. *See* TRO Application, p. 7. But Respondents acknowledge that the Judges who have considered this issue to date in this District have generally disagreed with the BIA's interpretation, and ruled that similar individuals are instead being detained under § 1226(a) and may receive prompt bond hearings. Such cases include *Javier Ceja Gonzalez, et al. v. Kristi Noem, et al.*, 5:25-cv-02054-ODW-ADS, *Ruben Benitez et al. v. Kristi Noem, et al.*, 5:25-cv-02190-RGK-AS, and *Miguel Portillo, et al. v. Kristi Noem, et al.*, 5:25-cv-02892-JFW-PVC. This Court recently ruled on this issue in *Geovanni Moran Bernal, et al., v. Kristi Noem, et al.*, 5:25-cv-02995-CV (SSCx), Dkt. No. 9 (November 12, 2025 order granting TRO for § 1226(a) bond hearing

---

[1] As the Supreme Court explained in *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018), "Under … 8 U.S.C. § 1225, an alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as "an applicant for admission.' § 1225(a)(1). Applicants for admission must 'be inspected by immigration officers' to ensure that they may be admitted into the country consistent with U.S. immigration law. § 1225(a)(3)." Moreover, as the BIA held in *Matter of Yajure*, "aliens who are present in the United States without admission are applicants for admission as defined under … 8 U.S.C. § 1225(b)(2)(A),and must be detained for the duration of their removal proceedings. 29 I&N Dec. at 220 (citing *Jennings*, 583 U.S. at 300).

within seven days). As the appropriate remedy, such decisions have consistently ordered that the Respondents either provide the petitioner with a bond hearing pursuant to § 1226(a) within seven (7) days or else release them. The timely provision of such a bond hearing then moots the Petition, which is dismissed.

Second, Petitioner argues that the government previously released her, and that her re-detention violates her procedural and substantive due process rights under the Fifth Amendment. However, Petitioner fails to make any evidentiary showing of a putative re-detention violation that would justify immediate habeas release. To the contrary, courts have recognized that while regulations such as 8 C.F.R § 214.13(i) create procedural safeguards, they do not create independent substantive rights that override the statutory grant of detention authority.

Third, Petitioner filed the *ex parte* Application on an asserted emergency basis. Yet, Petitioner filed the *ex parte* Application two and a half months after she was arrested and detained on September 25, 2025. While she may have family members in the United States, Petitioner has not established that this constitutes an emergency, nor has she established that her belated *ex parte* application meets the high standard that is required for prevailing on such an *ex parte* application under *Mission Power*.

Accordingly, the TRO Application should be denied. Should the Court nonetheless grant the Application, however, relief should be limited to what other Judges in this District have generally issued in similar cases: Requiring release unless a § 1226(a) bond hearing in Immigration Court is provided within seven (7) days.

II. STATUTORY BACKGROUND

A. Detention under 8 U.S.C. § 1225

Section 1225 applies to "applicants for admission," who are defined as "alien[s] present in the United States who [have] not been admitted" or "who arrive[] in the United States." 8 U.S.C. § 1225(a)(1). Applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation." *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These aliens are generally subject to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if the alien "indicates an intention to apply for asylum . . . or a fear of persecution," immigration officers will refer the alien for a credible fear interview. *Id.* § 1225(b)(1)(A)(ii). An alien with "a credible fear of persecution" is "detained for further consideration of the application for asylum." *Id.* § 1225(b)(1)(B)(ii). If the alien does not indicate an intent to apply for asylum, express a fear of persecution, or is "found not to have such a fear," he is detained until removed. *Id.* §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

Section 1225(b)(2) is "broader" and "serves as a catchall provision." *Jennings*, 583 U.S. at 287. It "applies to all applicants for admission not covered by § 1225(b)(1)." *Id.* Under § 1225(b)(2), an alien "who is an applicant for admission" shall be detained for a removal proceeding "if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A); *see Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) ("for aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention 'until removal proceedings have concluded.'") (citing *Jennings*, 583 U.S. at 299). Still, the Department of Homeland Security ("DHS") has the sole discretionary authority to temporarily release on parole "any alien applying for admission to the United States" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." *Id.* § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022).

B. Detention under 8 U.S.C. § 1226(a)

Section 1226 provides for arrest and detention "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Under § 1226(a), the government may detain an alien during his removal proceedings, release him on bond, or

release him on conditional parole.[2] By regulation, immigration officers can release aliens if the alien demonstrates that he "would not pose a danger to property or persons" and "is likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8). An alien can also request a custody redetermination (i.e., a bond hearing) by an immigration judge ("IJ") at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19.

At a custody redetermination, the IJ may continue detention or release the alien on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have broad discretion in deciding whether to release an alien on bond. *In re Guerra*, 24 I. & N. Dec. 37, 39–40 (BIA 2006) (listing nine factors for IJs to consider). But regardless of the factors IJs consider, an alien "who presents a danger to persons or property should not be released during the pendency of removal proceedings." *Id.* at 38.

C. Review at the Board of Immigration Appeals ("BIA")

The BIA is an appellate body within the Executive Office for Immigration Review ("EOIR"). *See* 8 C.F.R. § 1003.1(d)(1). Members of the BIA possess delegated authority from the Attorney General. 8 C.F.R. § 1003.1(a)(1). The BIA is "charged with the review of those administrative adjudications under the [INA] that the Attorney General may by regulation assign to it," including IJ custody determinations. 8 C.F.R. §§ 1003.1(d)(1), 236.1; 1236.1. The BIA not only resolves particular disputes before it, but also "through precedent decisions, [it] shall provide clear and uniform guidance to DHS, the immigration judges, and the general public on the proper interpretation and administration of the [INA] and its implementing regulations." *Id.* § 1003.1(d)(1). "The decision of the [BIA] shall be final except in those cases reviewed by the Attorney General." 8 C.F.R. § 1003.1(d)(7).

---

[2] Being "conditionally paroled under the authority of § 1226(a)" is distinct from being "paroled into the United States under the authority of § 1182(d)(5)(A)." *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1116 (9th Cir. 2007) (holding that because release on "conditional parole" under § 1226(a) is not a parole, the alien was not eligible for adjustment of status under § 1255(a)).

III. STANDARD OF REVIEW

Courts have recognized very few circumstances justifying the issuance of an *ex parte* temporary restraining order. *See Reno Air Racing Ass'n., Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006). A TRO is "an extraordinary and drastic remedy ... that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion." *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012). For a TRO to issue, the movant must demonstrate: (1) a likelihood of success on the merits, (2) a likelihood of suffering irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its favor, and (4) the TRO is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

IV. ARGUMENT

A. Petitioner Has Not Shown That the Government Lacked Authority to Detain Her, That the Government Revoked Her Release Improperly, Or That the Remedy Would Be Her Immediate Release

Showing a likelihood of success on the merits is a requisite threshold issue. Indeed, "when a plaintiff has failed to show the likelihood of success on the merits, [the court] need not consider the remaining three *Winters* elements." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (cleaned up). To succeed on a habeas petition, Petitioner must show that she is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241. Although Petitioner is being detained in this district, she has not shown, and indeed cannot show, that her current custody is unlawful.

Petitioner argues she should not be detained, because ICE previously released her on her own recognizance. However, the government's authority to re-detain individuals that ICE previously released on parole does not require an intensive evidentiary procedure.

The 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). The INA does not provide for a pre-detention hearing. *See, e.g.*, 8 U.S.C. § 1231.

Petitioner argues that there does not appear to be a good reason for her detention in

August, given that she was previously paroled. But the government's authority to re-detain individuals previously released on parole by ICE is discretionary, and it does not require the type of intensive threshold evidentiary procedure that Petitioner suggests. By law, such parole can be terminated by, *inter alia*, serving the noncitizen with a charging document, including a notice to appear.

> In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole. When a charging document is served on the alien, the charging document will constitute written notice of termination of parole, unless otherwise specified.

8 C.F.R. § 212.5(e)(2)(i).

Here, Petitioner was placed into removal proceedings via a notice to appear served on her on November 22, 2024, as her TRO Application concedes. The government is authorized to revoke the parole it had previously granted under 8 C.F.R. § 212(d)(5). *See Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010). Petitioner does not submit evidence demonstrating that her parole could not be revoked or was improperly revoked relative to her removal proceedings.

B. Petitioner's TRO Application Also Fails to Comply With the *Mission Power* Standard for Seeking *Ex Parte* Relief

As an additional fatal procedural defect in her TRO Application, Petitioner waited two and a half months after she was detained before filing her *ex parte* TRO Application [Dkt. 6]. Such delay falls far short of the high standard required for *ex parte* applications in this District by *Mission Power Engineering Co. v. Continental Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995), which has been summarized as follows:

> *Ex parte* applications are "rarely justified." The abbreviated procedures allowed by

the granting of an *ex parte* application circumvent the "safeguards that have evolved over many decades [ ] built into the Federal Rules of Civil Procedure and the Local Rules." These safeguards include the timelines for "submission of responding papers and for the setting of hearings [ ] intended to provide a framework for the fair, orderly, and efficient resolution of disputes." *Paige, LLC v. Shop Paige LLC*, No. 2:22-CV-07800-HDV, 2024 WL 4436899, at *1 (C.D. Cal. Aug. 1, 2024) (denying *ex parte* application to shorten time); *See also Arredondo v. Univ. of La Verne*, 618 F. Supp. 3d 937, 943 (C.D. Cal. Aug. 2, 2022) ("Ex parte applications are solely for extraordinary relief and are rarely justified."); *Est. of Wuxi Chenhwat Almatech Co. v. Prestige Autotech Corp.*, 2022 WL 17363058, at *2 (C.D. Cal. Nov. 3, 2022) ("Ex parte applications are nearly always improper, and the opportunities for legitimate ones are extremely limited"); *MAG Aerospace Indus., LLC v. Precise Aerospace Mfg., Inc.*, 2019 WL 1427272, at *1 (C.D. Cal. Jan. 25, 2019) ("[a]n ex parte application … is appropriate in only rare circumstances").

As *Mission Power* explained, to justify *ex parte* relief, the movant must demonstrate it "is without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect." *See id.* at 492. *Mission Power* warned of how *ex partes* "pose a threat to the administration of justice," calling out situations where "the moving party's papers reflect days, even weeks, of investigation and preparation; the opposing party has perhaps a day or two ... The goal often appears to be to surprise opposing counsel or at least to force him or her to drop all other work to respond on short notice." *Mission Power*, 883 F. Supp. at 490.

While understanding Petitioner now wants immediate release from detention, District Courts require a party seeking *ex parte* relief to establish that it could not have been sought earlier. Here, the *ex parte* TRO Application facially does not meet that legal standard, which cannot be waived *ad hoc* depending on the litigant at issue.

C. Even If a Parole Revocation Problem Were Established, Immediate Habeas Relief Would not Be the Narrowly Tailored Remedy

In habeas jurisdiction, as in other contexts, preliminary injunctive relief must be *narrowly tailored* to the wrong asserted. *See e.g. Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022). Here, if there were some defect in the revocation of Petitioner's parole status—which the TRO Application does not establish—then the narrowly tailored remedy would not be immediate release, but rather (1) rectifying that procedural deficiency; or (2) Petitioner simply seeking a bond hearing consistent with her rights as a detainee—which are adequately protected, like other detainees, by the existing bond hearing regime.

Other District Courts have correctly applied this point of remedy law. In *Ahmad v. Whitaker*, for example, the government revoked the petitioner's release but did not provide him an informal interview. *Ahmad v. Whitaker*, 2018 WL 6928540, at *6 (W.D. Wash. Dec. 4, 2018), *rep. & rec. adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019). The petitioner argued the revocation of his release was unlawful because, he contended, the federal regulations prohibited re-detention without, among other things, an opportunity to be heard. *Id.* In rejecting his claim, the court held that although the regulations called for an informal interview, petitioner could not establish "any actionable injury from this violation of the regulations" because the government had procured a travel document for the petitioner, and his removable was reasonably foreseeable. *Id.* Similarly, in *Doe v. Smith*, the U.S. District Court for the District of Massachusetts held that even if the ICE detainee petitioner had not received a timely interview following her return to custody, there was "no apparent reason why a violation of the regulation … should result in release." *Doe v. Smith*, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The court elaborated, "[I]t is difficult to see an actionable injury stemming from such a violation. Doe is not challenging the underlying justification for the removal order…. Nor is this a situation where a prompt interview might have led to her immediate release—for example, a case of mistaken identity." *Id.*

Petitioner suggests there must be some sort of detailed evidentiary proceeding before the government may detain her, and any allegedly lacking aspect of revocation procedure or documentation means she should be immediately released. But that demand is not consistent with the government's broad authority to revoke discretionary parole.

The Hon. Judge Blumenfeld recently denied a preliminary injunction motion in a somewhat similar case alleging a lack of sufficient re-detention process, noting that the evidentiary burden and had not been met, and also that it was unclear that release would be the appropriate remedy for any violations of revocation procedure. *See Long Ton v. Kristi Noem, et al.*, 5:25-cv-02033-SB-AGR [Dkt. no. 17] (September 3, 2025) (Order Denying Application for Preliminary Injunction). The burden is on the moving party to show that ordering release via a TRO would be narrowly tailored to rectifying a deficiency that was proven under the heavy standard for preliminary injunctive relief. Speculating that the revocation of release process was not fully satisfactory in all possible respects and all documents is insufficient to carry that burden.

D. Petitioner Has Not Shown She Will Suffer Irreparable Harm Absent A TRO.

Petitioner has not demonstrated that she will suffer irreparable injury absent her immediate release by TRO. To show irreparable harm, she must demonstrate "immediate threatened injury." *Carribean Marine Servs. Co., Inc. v. Baldridge*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem'l Coliseum Comm'n v. Nat'l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). "Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief. *Winter*, 555 U.S. 7 at 22 (2008).

Petitioner contends that being subjected to a continuing unjustified detention itself inherently constitutes irreparable injury. However, as discussed *supra*, Petitioner was detained in September of 2025, but she did not file her TRO Application until two and a half months later. Furthermore, Petitioner also did not seek a bond hearing, as many other

individuals have done, via her TRO Application. *See, e.g. Antonio Texis Zecua v. Todd Lyons et al.*, 2:25-cv-09794-CV-PD, Dkt. no. 9 (Oct. 17, 2025 order granting TRO for bond hearing). Her asserted injury by detention is not itself inherently irreparable. Rather she has proceeded to seek her single most preferred procedural approach, instead of other avenues of potential relief for a detention she contends is unwarranted.

V. CONCLUSION

Petitioner's TRO Application should be denied.

Dated: December 5, 2025

Respectfully submitted,

TODD BLANCHE
Deputy Attorney General
BILAL A. ESSAYLI
First Assistant United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

/s/ Whitney Wakefield
WHITNEY WAKEFIELD
Special Assistant United States Attorney

Attorneys for Federal Respondents

CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondent, certifies that the memorandum of points and authorities contains 3,300 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 5, 2025

/s/ Whitney Wakefield
WHITNEY WAKEFIELD
Special Assistant United States Attorney

Attorneys for Respondent