UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

A.N.P.S., a minor, by and through Next Friend of Kin, N.C.S.E., Petitioner, v. ANGIE SALAZAR, in her official capacity as Acting Director of the Office of Refugee Resettlement (ORR), *et al.*, Respondents.	)	No. 25 C 14778 Judge Rowland

MOTION TO RECONSIDER

Defendants, by their attorney, Andrew S. Boutros, United States Attorney for the Northern District of Illinois, respectfully move for reconsideration pursuant to Federal Rule of Civil Procedure 59(e) regarding the court's judgment, dated January 6, 2025, against the respondents in this matter. *See* Dkt. 25 (judgment); *see also* Dkt. 20 (opinion and order).

By way of review, this is a habeas case where petitioner A.N.P.S. (a 17-year-old citizen of Honduras), sought immediate release from government custody so that he could be placed in the custody of N.C.S.E. *See generally* Dkt. 1 ("Pet."). This was his preference because, on November 7, 2025, he was detained by U.S. Customs and Border Protection and, from there, was placed into a facility controlled by the Office of Refugee Resettlement ("ORR"), an office within the United States Department of Health and Human Services. Pet. ¶ 1. N.C.S.E.'s placement within ORR custody was necessary because, as a minor without parents in this country available to provide care and physical custody, he "was designated" as an unaccompanied alien child ("UAC") "and placed in the custody of" ORR." *Id.* at ¶ 18.

To remedy his detention, N.C.S.E. went to "the Cook County Circuit Court" on November 20, 2025, to have N.C.S.E. "appointed . . . as legal guardian of the Petitioner *nunc pro tunc* to February 1, 2023." *Id.* at ¶ 21. But N.C.S.E. was not willing to even put forward a sponsorship application for ORR. Such an application is important for ORR because applicable statutes and regulations make it responsible for the care and custody of UACs. *See, e.g.*, One Big Beautiful Bill Act, 139 Stat. 72, Pub. L. No. 119-21, title VIII, subtitle H, section 87001(c)(1) (2025) (defining "potential sponsor" as "an individual or entity *who applies* for the custody of an unaccompanied alien child" (emphasis added)). With no application before ORR from N.C.S.E. at all, ORR believed it was bound to not release the petitioner into N.C.S.E.'s custody.

Regardless of this problem, this court's opinion ruled against respondents and ordered that A.N.P.S. be released to N.C.S.E. within 48 hours. *See* Dkt. 20 at 18. And the court arrived at this result based on a heavily redacted exhibit provided by petitioner's counsel, as well as artful pleading in the petition. *See* Dkt. 15-2 (redacting *the entire* name of the sponsor); Pet. ¶ 18 (stating that "Petitioner was released from ORR custody *to his cousin* and resided in Illinois" in December 2022" and, in the very next sentence, noting that "[o]n or about February 1, 2023 Petitioner's biological mother signed and notarized a transfer of custody of Petitioner *to his cousin*, N.C.S.E." (emphases added)); *see also* Dkt. 20 at 2 & 14 (relying on petitioner's heavily redacted exhibit). But the conclusion that ORR previously released the petitioner to N.C.S.E. in late 2022 is a manifest error of fact. *See* Exhibit 3 (showing ORR released the petitioner to O.A.M.P., not N.C.S.E., in late 2022). This is significant because under Federal Rule of Civil Procedure 59(e), motions for reconsideration are allowed "to correct manifest errors of law or fact . . . ." *Fox v. Admiral Ins. Co.*, No. 12 C 8740, 2016 WL 3520145, at *1 (N.D. Ill. June 28, 2016) (citing *Caisse Nationale de Credit Agricole v. CBI Indus., Inc.*, 90 F.3d 1264, 1270 (7th Cir. 1996)).

Applying Rule 59(e) is appropriate here because this court's opinion was based on the erroneous factual conclusion "that N.C.S.E. was Petitioner's *sponsor* as approved by ORR at the time of his arrest." Dkt. 20 at 8 (emphasis in original). Indeed, the court's analysis repeatedly notes how "the heart of the case" is that the petitioner was previously released by ORR in 2022 to N.C.S.E. *Id.* at 11 ("The Court is dumbfounded that the government did not address this issue—the fact that Petitioner was previously released by ORR to N.C.S.E."); *see also id.* at 13 (noting how "*ORR already released Petitioner into N.C.S.E.'s custody over three years ago*" (emphasis in original)); *id.* at 14 ("Here, the Court has good news: Respondents *already identified* N.C.S.E. as a suitable sponsor for Petitioner." (emphasis in original)). But, as alluded to above, the reason why respondents did not address "this issue," *id.* at 11, is because petitioner was *never released by ORR to N.C.S.E.*, Exhibit 3. Petitioner was instead released to O.A.M.P. *Id.* This distinction means that this court ordered petitioner to be released to someone whom ORR has never been able to vet as required by law. *See* Dkt. 17 at 2–7.

Taken to its logical conclusion, this court's opinion and judgment against respondents mean that once ORR releases any UAC to *anyone* within the United States, the Fifth Amendment requires that the UAC can *never again* be taken into ORR custody. *See* Dkt. 20 at 17 ([T]he Court holds that Respondents violated Petitioner's procedural due process rights when they re-arrested and re-detained him . . . without some showing of a change in circumstances. . . . ORR previously released him to a suitable sponsor who they found was sufficiently capable of providing for his wellbeing. Procedural due process precludes Respondents from simply changing their mind with no reason, explanation, or notice."). Respondents disagree that due process requires such a result because there *were* changed circumstances here: ORR previously released A.N.P.S. to O.A.M.P. because *he* had been vetted as a suitable sponsor, not someone else. Hence, not releasing A.N.P.S. to someone who refuses to even fill out a sponsorship application with ORR is a valid reason.

Conclusion

Based on the foregoing, the court should vacate both its judgment against respondents, as well as its opinion and order of December 22, 2025.

Respectfully submitted,

ANDREW S. BOUTROS
United States Attorney

By: s/ Joshua S. Press
JOSHUA S. PRESS
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 886-7625
joshua.press@usdoj.gov