UNITED STATES DISTRICT COURT
THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-1047

LUZ AGUIRRE HERNANDEZ,
Petitioner

v.

JUAN BALTAZAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado, in his official capacity,
GEORGE VALDEZ, Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement, in his official capacity,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity,
TODD LYONS, Acting Director of Immigration and Customs Enforcement, in his official capacity,
PAM BONDI, Attorney General, U.S. Department of Justice, in her official capacity,
Respondents

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

Petitioner-Plaintiff Luz Aguirre Hernandez ("Plaintiff") moves for a temporary restraining order against Respondents-Defendants ("Defendants") pursuant to Rule 65 and the All Writs Act. Plaintiff is a civil immigration detainee at the Immigration and Customs Enforcement (ICE) Denver Contract Detention Facility in Aurora, Colorado ("Aurora Facility"). Defendants deny Plaintiff release through their use of the automatic stay provision at 8 C.F.R. § 1003.19(i)(2) to pursue their erroneous, new interpretation of the Immigration and Nationality Act ("INA") before the Board of Immigration Appeals ("BIA"). The Court should order Plaintiff's immediate release or upon Plaintiff's payment of $5,000 bond ordered by the immigration judge ("IJ"). The Court should further enjoin Defendants from jailing Plaintiff pursuant to § 1225(b)(2) or unilaterally placing Plaintiff in any additional forms of custody not explicitly authorized by the IJ, such as 24/7 GPS monitoring, check-ins, or movement restrictions, and from transferring Plaintiff outside of the Court's jurisdiction while his petition is pending.

I. Introduction

This Court should join the "near unanimity" of district courts around the country finding Defendants' use of 8 C.F.R. § 1003.19(i)(2)—colloquially known as the autostay or automatic stay—unlawful. *M.P.L. v. Arteta*, 25-cv-5307 (VSB), 2025 WL 3288354, *7 (S.D.N.Y. Nov. 25, 2025). ICE invoked the autostay to impose on Plaintiff its unlawful and new interpretation of 8 U.S.C. § 1225(b)(2). Defendant's use of the autostay "renders the Immigration Judge's bail determination an empty gesture" and "creates a patently unfair situation" by shifting adjudicatory power to the prosecutor. *Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1188 (D. Minn. 2025). At least three judges in this Districts joined the chorus, finding that "the automatic stay regulation, 8 C.F.R. § 1003.19(i)(2), violates [Plaintiff's] procedural due process rights under the Fifth Amendment." *Merchan-Pacheo v. Noem, et al.*, 1:25-cv-03860-SBP, 2026 WL 88526, *16 (D. Colo. Jan. 12,

2026); *Rivas v. Baltazar, et al.,* No. 26-cv-00442, 2026 WL 444732, at *4 (D. Colo. Filed Feb. 5, 2026); *Granillo Chavarria v. Baltazar, et al.*1:26-cv-00712-WJM, ECF 16 (D. Colo. Mar. 12, 2026).[1]

Defendants' radical change in course violates the statute. 8 U.S.C. § 1226 provides noncitizens "arrested and detained" during removal proceedings "may [be] release[d] on a bond …" absent certain criminal charges. 8 U.S.C. § 1226(a)(2), (c). The Supreme Court explained § 1226 is the "default" detention provision, authorizing the incarceration of people "already in the country," distinguishing them from "[noncitizens] seeking admission into the country" who "shall" be detained under § 1225. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Defendants now erroneously insist that 8 U.S.C. § 1225 governs Plaintiff's detention.

Under Defendants' new theory, despite having lived in the country for years, Plaintiff is now "seeking admission" to the U.S. and thus subject to mandatory detention under § 1225(b)(2). This is a sharp contrast to Defendants' decades-long practice where § 1225 applied only "at the Nation's borders and ports of entry." *Jennings*, 583 U.S. at 287. It is also wrong. Federal courts overwhelmingly agree. In fact, Respondents' interpretation of the statute "has been rejected in more than 1,500 district court decisions." *Chavez Amrenta v. Noem*, No. 26-cv-00236-PAB, 2026 WL 274634, at *2 (D. Colo. Feb. 3, 2026).[2] The "tsunami" of federal courts ruling that people

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[1] ECF 1-2.

[2] *Sampiao v. Hyde*, 799 F.Supp.3d 14 (D. Mass. 2025); *Pizzaro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Hinestroza v. Kaiser*, No. 25-cv-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Jimenez v. FCI Berlin, Warden et al.*, 799 F.Supp.3d 59 (D.N.H. 2025) ; *Lopez Santos v. Noem*, 3:25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Salcedo Aceros v. Kaiser et al.*, No 25-cv-06924-EMC (EMC), 2025 WL 2637503 (N.D. Ca. Sept. 12, 2025); *Barrera v. Tindall*, No. 3:25-cv-00541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Chafla et al. v. Scott*, 2:25-cv-00437-SDN, 2025 WL 2688541, at *6 (D. Me. Sept. 21, 2025); *Maldonado Vasquez v. Feeley*, 2:25-cv-01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2631828 (W.D. Tex. Sept. 22, 2025); *Lepe v. Andrews*, 801 F.Supp.3d 1104 (E.D. Cal. 2025); *Roa v. Albarran*, No. 25-cv-7802, 2025 WL 2732923, at *1

incarcerated within the United States years after their arrival are not subject to § 1225(b)(2), *Roa*, 2025 WL 2732923, at *1 (citation omitted), includes the Western District of Washington's grant of summary judgement to a class of incarcerated noncitizens presenting arguments similar to those Plaintiff does here. *Rodriguez Vazquez v. Bostock*, 802 F.Supp.3d. 1297 (W.D. Wash. Sept. 30, 2025). It also includes a preliminary decision by the Seventh Circuit Court of Appeals ruling that Respondents' new interpretation of § 1226(a) and § 1225(b)(2) is wrong. *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025); *But see*, *Buenrostro-Mendez v. Bondi*, ---F.4th---, 2026 WL 323330, at *5–10 (5th Cir. 2026) (finding Respondents' statutory interpretation correct).[3] In sum, the issues here are not new. Judges in this District have unanimously found that Respondents' novel and unprecedented interpretation of the statute is illegal. *Ugarte Hernandez v. Baltazar, et al.*, 1:25-cv-04066-RBJ, ECF 16, at *4 (D. Colo. Jan. 15, 2026).[4]

Defendants' unlawful use of the automatic stay regulation at 8 C.F.R. § 1003.19(i)(2) is their next attempt at subjecting Plaintiff to illegal incarceration under § 1225(b)(2). An IJ already ruled pursuant to a § 1226(a) custody hearing that Plaintiff is neither a risk of flight nor a danger to the community. Undeterred, ICE seeks to keep Plaintiff incarcerated under its erroneous interpretation of § 1225(b)(2) through its invocation of the autostay.

(N.D. Cal. Sept. 25, 2025); *Luna Quispe v. Crawford*, 1:25-cv-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *da Silva v.* ICE, 1:25-cv-00284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *B.D.V.S. v. Forestal*, 25-cv-01968, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); 2025); *Da Silva v. Bondi*, No. 25-cv-12672-DJC, 2025 WL 269163 (D. Mass. Oct. 21, 2025).

[3] As District Judge Sweeney held, not only is *Buenrostro* non-binding, it is also wrong. *Singh v. Baltazar*, ---F.Supp.3d---, 2026 WL 352870, at **3 – 6 (D. Colo. Feb. 9, 2026). District Judge Crews agrees, noting that Judge Sweeney "surgically dismantles the Fifth Circuit's reasoning." *Marrero Yera v. Baltazar, et al.*, 1:26-cv-00746-SKC-SBP, 2026 WL 472014, at *2 (D. Colo. Feb. 19, 2026).

[4] ECF 1-3.

I. Factual Background

a. The Automatic Stay Provision

The automatic stay provision is found at 8 C.F.R. § 1003.19(i)(2). Invocation of the stay permits ICE to unilaterally and automatically extend incarceration by 90 days during BIA review. That review can be continued via extensions or Attorney General ("AG") referral. 8 C.F.R. § 1003.6(c)(4)–(5), 1003.6(d). Unlike an IJ's bond order, it requires no individualized findings or limits on DHS' discretion. *See Günaydin*, 784 F. Supp. 3d at 1187. Courts have repeatedly found DHS' use of the autostay illegal,[5] including at least three Judges from the District of Colorado.

[5] *See e.g.*, *Günaydin v. Trump*, 784 F. Supp. 3d 1175 (D. Minn. 2025); *Mohammed H. v. Trump*, 786F.Supp.3d 1149 (D. Minn. 2025); *Anicasio v. Kramer*, No. 4:25CV3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Garcia Jimenez v. Kramer*, No. 4:25CV3162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Jacinto v. Trump*, 796 F.Supp.3d 584 (D. Neb. Aug. 19, 2025); *Leal-Hernandez v. Noem,* 803 F.Supp.3d 409 (D. Md. Aug. 24, 2025); *Perez v. Berg*, 798 F.Supp.3d 955 (D. Neb. Sept. 3, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025; *Fernandez v. Lyons*, No. 8:25CV506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Herrera v. Knight*, 798 F.Supp.3d 1184 (D. Nev. Sept. 5, 2025); *Martinez v. Sec'y of Noem,* No. 5:25-CV-01007-JKP, 2025 WL 2598379 (W.D. Tex. Sept. 8, 2025); *Sampiao v. Hyde*, 799 F.Supp.3d 14, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Perez v. Kramer*, No. 4:25CV3179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025*); Carlon v. Kramer*, No. 4:25CV3178, 2025 WL 2624386 (D. Neb. Sept. 11, 2025); *Palma v. Trump*, No. 4:25CV3176, 2025 WL 2624385 (D. Neb. Sept. 11, 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Arce v. Trump*, No. 8:25CV520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Hasan v. Crawford*, 800 F.Supp.3d 641(E.D. Va. Sept. 19, 2025); *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Campos Leon v. Forestal*, No. 1:25-CV-01774-SEB-MJD, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *Quispe v. Crawford*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Silva v. Larose*, No. 25-CV-2329-JES-KSC, 2025 WL 2770639 (S.D. Cal. Sept. 29, 2025); *Alves da Silva v. U.S. Immigr. & Customs Enf't*, 805 F.Supp.3d 417 (D.N.H. Sept. 29, 2025); *Quispe-Ardiles v. Noem*, No. 1:25-CV-01382-MSN-WEF, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025); *B.D.V.S. v. Forestal*, No. 1:25-CV-01968-SEB-TAB, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Arcos v. Noem*, No. 4:25-CV-04599, 2025 WL 2856558 (S.D. Tex. Oct. 8, 2025); *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Aguilar Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Maza v. Hyde*, 807 F.Supp.3d 42 (D. Mass. Oct. 20, 2025); *J.M.P. v. Arteta*, 807 F.Supp.3d 265 (S.D.N.Y. Oct. 23, 2025); *Otilio B.F. v. Andrews*, ---F.Supp.3d---, 2025 WL 3152480 (E.D. Cal. Nov. 11, 2025); *M.P.L.*, 2025 WL 3288354; *Merchan-Pacheo*, 2026 WL 88526.

Merchan-Pacheo, 2026 WL 88526, *16 (finding, *inter alia*, "that the automatic stay regulation, 8 C.F.R. § 1003.19 (i)(2), violates Plaintiff's procedural due process rights under the Fifth Amendment") *Rivas*, 2026 WL 444732, at *4 (same); *Granillo Chavarria*, 1:26-cv-00712-WJM, ECF 16 (same). Indeed, this District even questioned whether:

> DHS has stayed within the bounds of its intended authority in recent months in implementing the stay. For instance, the court notes that despite the Attorney General's statement that the automatic stay provision exists to enable DHS "to invoke the automatic stay with respect to aliens whom it believes are potentially dangerous, or are at risk of absconding prior to the conclusion of removal proceedings, or whose cases DHS believes otherwise present important considerations calling for detention during the course of removal proceedings," 71 Fed. Reg. 57873, . . . it is clear that over the last few months, the automatic stay provision has been invoked across a much broader array of cases than this language would support. Indeed, . . . DHS's current practices, suggest that DHS's new operating theory is that nearly *all* noncitizens subject to removal proceedings are properly subject to mandatory, rather than discretionary, detention, and DHS now appears to be nearly universally implementing the automatic stay with regard to immigration judges' rulings granting petitioners bond, rather than implementing the stay in cases where "important considerations" might call for detention. *See, e.g.*, *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *5 (W.D. Wash. Sept. 30, 2025).

Merchan-Pacheo, 2026 WL 88526, *8 n. 7 (emphasis in original). Judge Crews reaffirmed this reasoning, similarly finding that DHS' invocation of the automatic stay to prevent release on a bond already granted by an IJ violated the plaintiff's procedural due process rights. *Rivas*, 2026 WL 444732, at *4. Judge Martinez also found that the autostay violated procedural due process. *Granillo Chavarria*, 1:26-cv-00712-WJM, ECF 16, at *10. Plaintiff here has fallen prey to DHS' unlawful use of the autostay provision to deprive him of liberty.

b. Legal Framework for Incarcerating Immigrants

DHS' use of the autostay is the result of its unlawful interpretation of two provisions of the Immigration and Nationality Act ("INA"): 8 U.S.C. § 1226(a) and § 1225(b). The distinction determines whether a noncitizen can be released on bond or is subject to mandatory detention.

Noncitizens subject to § 1226(a) face discretionary detention. *See* 8 U.S.C. § 1226(a)(1). These noncitizens can seek a "custody redetermination," i.e., a bond hearing, before an IJ to present evidence that they are neither a flight risk nor a danger. *Matter of Guerra*, 24 I. & N. Dec. 37 (B.I.A. 2006). By contrast, people detained under § 1225(b) are subject to mandatory detention. *See Jennings*, 583 U.S. at 288; 8 U.S.C. § 1182(d)(5).

These two provisions reflect immigration law's distinction between noncitizens arrested after entering the country (§ 1226) and those arrested while arriving in the country (§ 1225). Prior to 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), the statutory authority for custody was 8 U.S.C. § 1252(a) (1994), authorizing detention during "deportation" proceedings and release on bond. Those "deportation" proceedings governed the detention of anyone in the United States, regardless of manner of entry. IIRIRA maintained that authority for detention and release on bond at 8 U.S.C. § 1226(a). *See* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (explaining the new § 1226(a) "restate[d] the current provisions in [then 8 U.S.C. § 1252(a)] regarding the authority … to … detain, and release on bond…"). The IIRIRA also enacted new mandatory detention (without bond) provisions for people apprehended on arrival at 8 U.S.C. § 1225. *See Jennings*, 583 U.S. at 303.

In implementing the IIRIRA's detention authority, the then-INS clarified that people entering the U.S. without inspection and who were not apprehended while "arriving" would continue to be detained under § 1226(a) (formerly § 1252(a)) with access to bond. 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Inadmissible [noncitizens], except for arriving [noncitizens], have available to them bond … This procedure maintains the status quo.").

c. Defendant's New Illegal Mandatory Detention Policy

Since IIRIRA's passage, Defendants applied § 1226(a) to people arrested in the interior after entry without inspection. Defendants switched course and insist that § 1225(b)(2)(A) requires detention of all persons who entered the U.S. without inspection, regardless of where they were arrested or how long they have resided in the country. The change began at the Tacoma Immigration Court where IJs began denying bond to those who entered without inspection. *See Rodriguez-Vazquez*, 779 F. Supp. at 1244. Then, on May 22, 2025, the BIA issued an unpublished decision affirming one Tacoma IJ's decision denying bond pursuant to § 1225(b)(2)(A).

After the unpublished BIA decision, in July 2025, DHS "in coordination with the [DOJ]" issued a memo stating, "effective immediately, it is the position of DHS" that anyone who entered without inspection is "subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE custody . . . ." According to DHS, noncitizens are now "ineligible for a [bond] hearing … and may not be released" during removal proceedings.[6] The BIA published a precedential decision finding the same on September 5, 2025. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). Despite the federal courts' resounding rejection of Defendants' new position, at the time of filing this petition and temporary restraining order, IJs at the Aurora Facility continue to apply Defendants' illegal interpretation of the INA's detention scheme.

d. Plaintiff is Ideally Qualified for Release

Plaintiff is incarcerated solely because of Defendants' use of the automatic stay in pursuit of its unlawful expansion of mandatory detention under § 1225. Plaintiff has resided in the United States for over twenty years. She has been gainfully employed and provides for her family, which includes two U.S. citizen children, a child with Deferred Action for Childhood Arrivals ("DACA"),

[6] Exh. 1, "Interim Guidance Regarding Detention Authority for Applicants for Admission."

and two U.S. citizen grandchildren. She has had no contact with the criminal legal system that would subject her to mandatory detention. On March 5, 2026, an IJ found that Plaintiff does not pose a danger to the community and that through the imposition of a $5,000 bond she would not pose a risk of flight.[7] The Immigration Judge therefore ordered Plaintiff released on a $5,000 bond. *Id.* She would be at liberty if it were not for ICE's invocation of the autostay.[8]

II. Legal Standard for Granting Preliminary Relief

Plaintiff shows he is entitled to preliminary relief as (1) he is likely to succeed on the merits; (2) he will suffer irreparable harm absent preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *Greater Yellowstone Coal. v. Flowers*, 321 F.3d 1250, 1255 (10th Cir. 2003).

III. Legal Argument- The Court Should Order Preliminary Relief

A. Plaintiff is Likely to Succeed on the Merits that the Autostay is Unlawful

Plaintiff is likely to succeed on the merits considering the "near unanimity" of District Courts finding that the autostay unlawful. *M.P.L.*, 2025 WL 3288354, *7, including the three decisions from this District, *Merchan-Pacheo*, 2026 WL 88526;. *Rivas*, 2026 WL 444732; *Granillo Chavarria*, 1:26-cv-00712-WJM, ECF 16.

1. The Autostay Violates Procedural Due Process.

Defendants' use of the autostay in 8 C.F.R. § 1003.19(i)(2) violates procedural due process. The Supreme Court has long established that noncitizens are afforded due process. *Reno v. Flores*, 507 U.S. 292, 306 (1993). Under *Mathews v. Eldridge*, procedural due process requires balancing: (1) the private interest affected; (2) the risk of erroneous deprivation of such interest through the

[7] Exh. 2 – Order of the Immigration Judge
[8] Exh. 3 – Form E-43

procedures used, and the probable value, if any, of additional of substitute procedural safeguards; and (3) the government's interest, including fiscal and administrative burdens that the additional or substitute procedural requirement would entail. 424 U.S. 319, 335 (1976).

The first *Mathews* factor requires consideration of the private interest affected. "At the outset there is no question that [Petitioner] has a significant interest at stake. Freedom from physical detention 'is the most elemental of liberty interests.'" *Rivas*, 2026 WL 444732, at *3 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Civil commitment or detention "for any purpose constitutes a significant deprivation of liberty that requires due process protections." *Addington v. Texas*, 441 U.S. 418, 425 (1979). Plaintiff has a significant liberty interest in release. This factor therefore weighs heavily in Plaintiff's favor.

The second *Mathews* factor concerns the risk of erroneous deprivation of Petitioner's liberty interest under the current procedures and the degree to which alternative procedures may ameliorate that risk. *Mathews*, 424 U.S. at 335. This factor, too, weighs heavily in Petitioner' favor. *See Rivas*, 2026 WL 444732, at *3 ("Respondents' use of the automate state creates a large risk that [Petitioner] will erroneously be deprived of [her] liberty interests"). "It creates a patently unfair situation by taking the stay decision out of the hands of the judges altogether and giving it to the prosecutor who has by definition failed to persuade a judge in an adversary hearing that detention is justified." *Id.* (quoting *Ashley v. Ridge*, 288 F.Supp.2d 662, 671 (D.N.J. 2003)); *Gunaydin*, 2025 WL 1459154, at *8 ("the challenged regulation permits an agency official who is also a participant in the adversarial process to unilaterally override the immigration judge's decisions . . . [and] is anomalous in our legal system"). "The automatic stay thus presents a conflict of interest in conferring unreviewable discretionary authority in the same prosecuting agency

official that makes erroneous deprivation not just a risk, but likely." *Vazquez*, 2025 WL 2676082, *19 (citation omitted).

After an individualized assessment, a neutral IJ found that Plaintiff posed an insufficient danger or flight risk to deny bond and ordered her release upon payment of a $5,000 bond.[9] Nevertheless, the automatic stay allows DHS to unilaterally override that ruling. Courts recognize that the autostay deprives individuals of liberty without neutral oversight and unconstitutionally conflates prosecutorial and adjudicatory functions. *E.g.*, *Zavala v. Ridge*, 310 F. Supp.3d 1071, 1078 (N.D. Cal. 2004) (noting conflation of adjudicator and prosecutor roles). Even the DHS certification required under 8 C.F.R. § 1003.6(c)(1)(ii) provides little protection, as it comes from the same agency aligned with ICE's interests. *Sampiao*, 799 F.Supp.3d at 32 (finding the certification requirement "cold comfort").

Moreover, unlike ordinary stays that require showing likely success and irreparable harm, the automatic stay lets ICE obtain one as of right. *Nken v. Holder*, 556 U.S. 418, 433–34 (2009). Courts have observed that this "turns these well-established procedural principles on their heads and carries a significant risk of erroneous deprivation." *Günaydın*, 784 F. Supp. 3d. at 1189.

Finally, less burdensome alternatives exist, such as DHS requesting a discretionary emergency stay under 8 C.F.R. § 1003.19(i)(1), which considers the case's individual circumstances and merits. This mechanism "mitigates the concern about DHS usurping the neutral adjudicatory role and provides additional safeguards that the automatic stay provision lacks. *Jimenez*, 2025 WL 2374223, *4; *see also Günaydın*, 784 F. Supp. 3d at 1190. Accordingly, the second *Mathews* factor strongly supports Plaintiff's claim.

[9] Exh. 2.

Under the third *Mathews* factor, the government cannot demonstrate any legitimate interest in detaining individuals who a neutral adjudicator already found poses neither a risk of flight nor danger to the community. *Merchan-Pacheo*, 2026 WL 88526, *16; *Balderas Rivas;* 2026 WL 444732, at *4.

Continued incarceration despite an IJ ordering release on bond raises the question of whether Plaintiff's loss of liberty is truly "to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons." *Herrera Torralba*, 2025 WL 2581792, *11 (quotation omitted); *see also Anicasio v. Kramer*, 4:25CV3158, 2025 WL 2374224, at *4 (D. Neb. Aug. 14, 2025). Pursuit of its unlawful interpretation of § 1225 is not a valid reason. *Merchan-Pacheo*, 2026 WL 88526, at *16 ("[W]hether the agency's new mandatory detention policies reflect a proper reading of the INA is not a compelling consideration in a due process context"); *Rivas,*, 2026 WL 444732, at *4 ("Respondents' stated interest is inconsequential when weighed against [Plaintiff's] liberty interest"). The government has no substantial interest in keeping Plaintiff detained; the IJ's decision finding him neither a risk of flight nor danger addresses any interest.

Finally, "[w]ith regards to the probable value of additional procedure, it is not difficult to conclude that *any* additional procedure is valuable where, as here, the only procedure required for condition detention appears to be an agency official check a box and filing a form." *Vazquez*, 2025 WL 2676082, *20 (emphasis in original). The third *Mathews* factor weighs heavily in Plaintiff's favor.

Balancing the factors, Plaintiff's substantial liberty interest and the extreme risk of erroneous detention far outweigh the minimal government interests, which are already addressed by existing procedures. District courts agree nearly unanimously, *M.P.L.*, 2025 WL 3288354, *7;

supra n. 5, the District of Colorado included, *Merchan-Pacheo*, 2026 WL 88526; *Balderas Rivas*, 2026 WL 444732; *Granillo Chavarria*, 1:26-cv-0712-WJM, ECF 16.

2. The Autostay Violates Substantive Due Process.

Plaintiff is entitled to substantive due process under the Fifth Amendment. Government detention violates substantive due process unless it occurs in a criminal proceeding with adequate procedural safeguards or in narrow, nonpunitive circumstances where a special justification outweighs the individual's liberty interest. *Zadvydas v. Davis*, 533 U.S. 378, 690 (2001); *Leal-Hernandez*, 803 F.Supp.3d at 425–26.

Here, 8 C.F.R. § 1003.19(i)(2) allows DHS to jail Plaintiff despite an IJ's bond grant without any special justification or individualized assessment at all. Moreover, the IJ's decision that Plaintiff should be released on bond satisfies DHS' legitimate interest in ensuring that Plaintiff appears for future court dates. *See Leal-Hernandez*, 803 F.Supp.3d at 425–26.. However, the automatic-stay regulation renders "the IJ's custody redetermination order an 'empty gesture'" *Günaydin*, 784 F. Supp. 3d at 1188.

3. The Autostay is Ultra Vires and Violates the APA.

The automatic stay regulation, 8 C.F.R. § 1003.19(i)(2), is ultra vires because it purports to grant DHS authority that Congress vested in the AG—and, where appropriate, only to officers and adjudicators within the Department of Justice ("DOJ"). Under the APA, courts must hold unlawful and set aside agency action that exceeds statutory authority. 5 U.S.C. § 706(2)(C); *U.S. ex rel. O'Keefe v. McDonnell Douglas Corp.*, 132 F.3d 1252, 1257 (8th Cir. 1998) ("Agency actions beyond delegated authority are 'ultra vires'"); *see also Romero v. INS*, 39 F.3d 977, 980 (9th Cir. 1994) (invalidating an immigration regulation inconsistent with the statutory scheme).

First, the INA vests bond-and-detention decision-making in the AG, who may delegate that authority to DOJ officers. *See* 8 U.S.C. § 1226(a) (authorizing the AG to arrest and detain or release on bond); 28 U.S.C. § 510 (permitting the AG to delegate to "any other officer, employee, or agency of the Department of Justice"). IJs are DOJ appointees and therefore properly exercise delegated authority on behalf of the AG. *See* 8 U.S.C. § 1101(b)(4). By contrast, DHS is a separate agency, statutorily distinct from DOJ. *See* 6 U.S.C. § 111. The INA nowhere authorizes DHS to usurp the AG's delegated bond authority.

Second, § 1003.19(i)(2) impermissibly derails the statutory bond scheme. By invoking the automatic stay, DHS transforms an IJ's discretionary bond grant into mandatory detention, effectively rewriting § 1226(a) and usurping authority Congress gave the AG. Courts have held such overreach ultra vires. *See Zavala*, 310 F. Supp. 2d. at 1079 (regulation that converts IJ's discretionary release into mandatory detention "flouts the express intent of Congress and is ultra vires to the statute"); *see also Anicasio*, 2025 WL 2374224; *Jacinto*, 796 F.Supp.3d at 592; *Leal-Hernandez*, 803 F.Supp.3d at 428.

Third, the regulation contravenes the INA's delegation scheme, which centralizes bond authority in DOJ adjudicators, by letting DHS nullify IJ decisions it seeks to appeal. In sum, § 1003.19(i)(2) exceeds statutory authority and is invalid. Accepting Defendants' claimed authority allows ICE to void every IJ bond grant it does not like. That is unlawful.

B. Plaintiff is Likely to Succeed on the Merits that § 1225 does not Apply to Her

Defendants' policy of applying § 1225 to Plaintiff also violates the INA. As the Supreme Court explained, § 1225 is concerned "primarily [with those] seeking entry," i.e., cases "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings*, 583 U.S. at 297 & 287. In

contrast, § 1226 applies to people who, like Plaintiff, are "already in the country" and are detained "pending the outcome of removal proceedings." *Id.* at 289. The INA's plain text, canons of statutory construction, the statutes' legislative history, the implementing regulations, and decades of agency practice all support this conclusion. Federal Courts agree. *See supra*, n.4.; ECF 1-3.

1. **The text of § 1226(a) and canons of statutory construction demonstrate Plaintiff is entitled to a bond hearing.**

Application of § 1226(a) does not turn on whether a person was previously admitted to the country. The plain text of 8 U.S.C. § 1226(a) includes people who entered the United States without inspection. 8 U.S.C. § 1226(c)(1)(A), (D), (E). Section 1226(a), the INA's "default" detention authority, *Jennings*, 583 U.S. at 281, applies to people detained "pending a decision on whether the [noncitizen] is to be removed," 8 U.S.C. § 1226(a). As the statute provides, this language includes both (1) people like Plaintiff who entered without inspection and thus are charged as "inadmissible" under § 1182(a)(6)(A)(i), and (2) people who were admitted and are charged as "deportable." *See id.* § 1229a(a)(3) (removal proceedings "determine[e] whether a [noncitizen] may be admitted to the [U.S.] or, if the [noncitizen] has been so admitted, removed from the [U.S.]") (emphasis added).

The statute's structure makes this clear. Subsection 1226(a) provides the right to bond. Subsection 1226(c) then carves out discrete categories of noncitizens subject to mandatory detention due to criminal contacts. *See, e.g., id.* §§ 1226(c)(1)(A), (D), (E). These carve-outs include noncitizens inadmissible for entering without inspection and who meet certain crime-related criteria. *See id.* §§ 1226(c)(1)(A), (D), (E). Because § 1226(c)'s exception expressly applies to people who entered without inspection, it reinforces the default rule: § 1226(a)'s general detention authority otherwise applies to Plaintiff. *See Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010). Recent statutory amendments do the same.

Congress made significant changes to § 1226 in January 2025. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (LRA). These amendments make people charged under § 1182(a)(6)(A)(i) for entering without inspection and who have had certain criminal encounters subject to mandatory detention under § 1226(c). 8 U.S.C. § 1226(c)(1)(E). By including such individuals under § 1226(c), Congress reaffirmed that § 1226(a) covers persons charged under § 1182(a)(6)(A). "[W]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F.Supp.3d at 1256-57 (quoting *Shady Grove*, 559 U.S. at 400).

Several canons of interpretation reinforce this understanding. First, is the canon against rendering statutory language superfluous. *See, e.g., Clark v. Rameker*, 573 U.S. 122, 131 (2014) ("a statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous," internal citations omitted). Defendants' position does just that. As the *Rodriguez Vazquez* court explained, this is so because if "Section 1225 … and its mandatory detention provisions apply to all noncitizens who have not been admitted, then it would render superfluous provisions of Section 1226 that apply to certain categories of inadmissible noncitizens." *Rodriguez Vazquez*, 779 F.Supp.3d at 1258 (citation modified); *Mendoza Gutierrez*, 2025 WL 2962908, *7 (same).

Second, "when Congress amends legislation, courts must presume it intends the change to have real and substantial effect." *Estrada v. Smart*, 107 F.4th 1254, 1268 (10th Cir. 2024) (cleaned up). That presumption applies here, given LRA's amendments to § 1226. *See Rodriguez Vazquez*, 779 F.Supp.3d at 1259 (quoting *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995)). LRA's amendments explicitly provide that § 1226(a) covers people like Plaintiff. This is because the "specific exceptions [in the LRA] for inadmissible noncitizens who are arrested, charged with, or convicted

of the enumerated crimes logically leaves those inadmissible noncitizens not criminally implicated under Section 1226(a)'s default rule for discretionary detention." *Id.* 1259 (emphasis in original, citation modified). *See also, e.g., Diaz Martinez*, 2025 WL 2084238, at *7 ("if, as the Government argue[s], … a non-citizen's inadmissibility were alone already sufficient to mandate detention under section 1225(b)(2)(A), then the 2025 [LRA] amendment would have no effect"); *Mendoza Gutierrez*, 2025 WL 2962908, *7 (same).

Finally, "[w]hen Congress adopts a new law against the backdrop of a longstanding administrative construction," courts "generally presume[] the new provision should have been understood to work in harmony with what has come before." *Monsalvo Velazquez v. Bondi*, 145 S. Ct. 1232, 1242 (2025) (citation modified). This canon also supports Plaintiff's position because "Congress adopted the new amendments to Section 1226(c) against the backdrop of decades of post-IIRIRA agency practice applying discretionary detention under Section 1226(a) to inadmissible noncitizens such as [Plaintiffs]." *Rodriguez Vazquez*, 779 F.Supp.3d, at 1259.

2. The statutory structure of § 1225(b)(2), the textual limitations of § 1225(b)(2), and canon against superfluity further demonstrate that § 1226(a), not § 1225(b)(2), applies to Plaintiff.

Section § 1225's structure also supports § 1226(a) applying to Plaintiff. "In ascertaining the plain meaning of the statute, the court must look to the particular statutory language at issue, as well as the language and design of the statute as a whole." *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988) (citations omitted); *see also Biden v. Tex.*, 597 U.S. 785, 799-800 (2022) (interpreting INA).

The Supreme Court has described the structure of § 1226 and § 1225 as distinguishing between the two basic groups of noncitizens. Section 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings." *Jennings*, 583 U.S.

at 289. By contrast, § 1225(b)(2) mandatory detention applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Id.* at 287. The whole purpose of § 1225 is to define how DHS inspects, processes, and detains people at the border. *See id.* at 297 ("[Section] 1225(b) applies primarily to [noncitizens] seeking entry into the [U.S.] …"). *See also* H.R. Rep. No. 104-469, pt. 1, at 157-58, 228-29 (explaining the purpose of § 1225).

Section 1225's text reinforces its limited temporal scope. To begin, § 1225 concerns the "inspection" and "expedited removal of inadmissible arriving [noncitizens]." 8 U.S.C. § 1225. For example, § 1225(b)(1) encompasses only "inspection" of certain "arriving" noncitizens, and only those who are "inadmissible" for having misrepresented information or lacking entry documents.

Section 1225(b)(2) is similarly limited to people applying for admission on arrival, but whom (b)(1) does not cover. The title explains that it addresses "[i]nspection of other [noncitizens]." The subsection further specifies it applies only to "applicants for admission" (defined at § 1225(a)(1)) who "seek[] admission." By stating § 1225(b)(2) applies only to those "seeking admission," Congress confirmed it did not intend to sweep up those who previously entered and began residing in the United States. A commonsense example clarifies the point:

> [S]omeone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as 'seeking admission' to the theater. Rather, that person would be described as already present there. Even if that person, after being detected, offered to pay for a ticket, one would not describe them as 'seeking admission' (or 'seeking' 'lawful entry') at that point – one would say they had entered unlawfully but now seek a lawful means of remaining there.

Lopez Benitez v. Francis, 795 F.Supp.3d 475, 489 (S.D.N.Y. 2025); *See also* H.R. Rep. No. 104-469, pt. 1, at 157-58, 228-29; H.R. Rep. No. 104-828, at 209. "This active construction of the phrase 'seeking admission'" accords with the plain language in § 1225(b)(2)(A) by requiring that

a person be an "applicant for admission" and "also [be] *doing* something" to obtain authorized entry. *Martinez v. Hyde*, 792 F.Supp.3d 211, 219 (D.Mass. 2025) (emphasis in original); *Lopez Benitez*, 795 F.Supp.3d at 489 (this is the "plain, ordinary meaning" of "seeking admission"). The statute's temporal focus on people "arriving" is evident in other respects too. Section 1225(b)(2)(C) addresses "[t]reatment of [noncitizens] *arriving* from contiguous territory." 8 U.S.C. § 1225(b)(2)(C) (emphases added). Section § 1225's focus is on people entering the U.S. *Mendoza Gutierrez*, 2025 WL 2962908, at *5.

Defendants reading of § 1225 would also render significant portions of § 1225 meaningless. Several requirements must be met for § 1225(b)(2)'s mandatory detention regime to apply; namely, (1) an "examining immigration officer" (2) must conclude during an "inspection" (3) of an "applicant for admission" (4) who is also "seeking admission" (5) that the person "is not clearly and beyond a doubt entitled to be admitted." § 1225(b)(2)(A). Defendants' interpretation of § 1225 reads out three of those five requirements.

First, it makes superfluous the requirements that the "examining immigration officer" conduct an "inspection." *Jimenez v. FCI Berlin, Warden et al.*, 799 F.Supp.3d 59, 70 (D.N.H. 2025). "[E]xamination is not an unbound concept. Rather, it is the specific legal process one undergoes while trying to enter the country." *Id.* (citations omitted). The regulations make that plain. 8 C.F.R. § 235.1(a) (noting that "scope of examination" occurs while on seeks to "enter the United States" "at a U.S. port-of-entry . . ."). Nor is the inspection requirement untethered to entry to the United States. See 8 U.S.C. § 1225(a)(3) ("All [noncitizens] who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers") (emphasis added). Defendants' interpretation renders both the examination officer and inspection requirements superfluous.

Second, it renders superfluous §1225(b)(2)(A)'s requirement that the noncitizen be "seeking admission." *Jimenez*, 799 F.Supp.3d at 70–71. The statute defines admission to mean "the lawful entry of the [noncitizen] into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A) (emphasis added). "While an applicant for admission has not been 'admitted' to the United States, it does not follow that an applicant for admission continues to be actively seeking . . . lawful entry." *Jimenez*, 799 F.Supp.3d at 71 (citation omitted). "If as the Government argues, all applicants for admission are deemed to be 'seeking admission' for as long as they remain applicants, then the phrase 'seeking admission' would add nothing to the provision" in § 1225(b)(2)(A). *Salcedo Aceros v. Kaiser et al*, 25-cv-06924-EMC (EMC), 2025 WL 2637503, at *10 (N.D. Cal. Sept. 12, 2025). Defendants' position would similarly "read the word 'entry' out of the definitions of 'admitted' and 'admission.'" *Chafla v. Scott*, 804 F.Supp.3d 247, 258 (D.Me, 2025).

The implementing regulation for § 1225(b) supports Plaintiff's reading, noting that §1225(b) applies to "any arriving [noncitizen] who appears to the inspection officer to be inadmissible." 8 C.F.R. § 235.3 (emphasis added). "The regulation thus contemplates that 'applicants seeking admission' are a subset of applicants 'roughly interchangeable' with "arriving [noncitizens]." *Salcedo Aceros*, 2025 WL 2637503, at *10 (quoting *Martinez*, 2025 WL 2084238, at *6); *See* 8 C.F.R. § 1.2 (defining an arriving noncitizen as an applicant for admission "coming or attempting to come into the United States at a port-of-entry").

While Plaintiff is not lawfully admitted, he is not actively "seeking admission i.e., seeking lawful entry . . . into the United States after inspection and authorization by an immigration officer." *Jimenez*, 799 F.Supp.3d at 71. Defendants' reading of the statute is incorrect.

3. The legislative history further supports Plaintiff's argument.

IIRIRA's legislative history also supports the conclusion that § 1226(a) applies to Plaintiff. In the IIRIRA, Congress focused on recent arrivals who lacked documents to remain. *See* H.R. Rep. No. 104-469, pt. 1, at 157-58, 228-29. Notably, Congress said nothing about subjecting all people present in the U.S. to mandatory detention.

Before the IIRIRA, people like Plaintiff were not subject to mandatory detention under any theory. *See* 8 U.S.C. § 1252(a) (1994). Had Congress intended a monumental shift in immigration law, it would have clearly said so. *See Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468 (2001) (finding "implausible that Congress would give to the [agency] through these modest words [such] power"). In fact, Congress said the opposite: the new § 1226(a) just "restates the current provisions … regarding the authority … to arrest, detain, and release on bond a[] [noncitizen]." H.R. Rep. No. 104-469, pt. 1, at 229. "Because noncitizens like [Plaintiff] were entitled to discretionary detention under [§] 1226(a)'s predecessor statute and Congress declared its scope unchanged … this background supports [Plaintiff's] position that he too is subject to discretionary detention." *Rodriguez Vazquez*, 779 F.Supp.3d at 1260; *Mendoza Gutierrez*, 2025 WL 2962908, at *8.

4. Defendants' policies violate longstanding EOIR regulations.

Defendants' view violates EOIR's regulations. Following the IIRIRA, EOIR explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted ... will be eligible for bond." 62 Fed. Reg. at 10323. In the following decades, the relevant regulations remained unchanged. Compare 63 Fed. Reg. 27441, 27448 (May 19, 1998), with 8 C.F.R. § 1003.19(h)(2). The regulation governing IJs' bond jurisdiction still only limits an IJ's bond jurisdiction to noncitizens subject to § certain conditions irrelevant here 8 C.F.R. § 1003.19(h)(2). Regulatory "guidance and the agency's subsequent years of unchanged practice is persuasive." *Rodriguez Vazquez*, 779 F.Supp.3d at 1261. "When an agency claims to discover in

a long-extant statute an unheralded power … [courts] greet its announcement with a measure of skepticism." *Util. Air Regul. Grp. v. EPA*, 574 U.S. 302, 324 (2014).

C. Plaintiff Faces Imminent, Irreparable Harm

Defendants incarcerate Plaintiff in jail-like conditions, causing harm that is immediate, ongoing, and cannot be remedied later. *Mendoza Gutierrez*, 2025 WL 2962908, at *9 (finding that the Plaintiff there "and other noncitizens like him" suffer irreparable harm because they are "being unlawfully detained without bond"). "The time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness." *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972). Each day Plaintiff remains detained, he suffers not only the deprivation of her liberty but also disruption to his family, employment, and well-being—harms that cannot be undone. "It is hard to adequately state the significance of the potential injury" to a person who is illegally incarcerated, as one cannot "be given back" any day "he has spent in prison." *Case v. Hatch*, No. 08-CV-00542 MV/WDS, 2011 WL 13285731, *5 (D. N.M. May 2, 2011). Courts recognize that detention causes "potentially irreparable harm every day [one] remains in custody." *Rodriguez Vazquez*, 779 F.Supp.3d at 1262. This injury is "certain, great, actual, and not theoretical." *Heideman v. S. Salt Lake City, Utah*, 348 F.3d 1182, 1189 (10th Cir. 2003) (citations omitted). Courts routinely grant preliminary relief based on far less weighty interests, including the payment of taxes, control over real property, or termination of business agreements. *Ohio Oil Co. v. Conway*, 279 U.S. 813 (1929); *RoDa Drilling v. Siegal*, 552 F.3d 1203, 1210–11 (10th Cir. 2009); *Bray v. QFA Royalties, LLC*, 486 F.Supp.2d 1237 (D. Colo. 2007).

D. Balancing the Equities and Public Interest Weigh Heavily in Favor of Relief

In cases against the government, the balance of equities and the public interest typically merge. *See Nken v. Holder*, 556 U.S. 418, 436 (2009). The government cannot claim injury from

being enjoined from engaging in unlawful conduct. *See Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013); *Wages & White Lion, Inv., L.L.C. v. FDA*, 16 F.4th 1130, 1143 (5th Cir. 2021); *L.G. v. Choate*, 744 F. Supp. 3d 1172, 1182 (D. Colo. 2024) ("There is generally no public interest in … unlawful agency action"). Here, requiring the government to comply with the law and return to its prior bond-and-detention practices causes no cognizable harm. Courts have consistently recognized that "[t]he harm to the government is minimal" when an injunction prevents unlawful detention. *Rodriguez Vazquez*, 779 F.Supp.3d at 1262. By contrast, continued enforcement of the automatic stay regulation causes significant, irreparable harm to Plaintiff. Thus, both the equities and the public interest strongly favor preliminary relief.

IV. Conclusion

Accordingly, the Court should grant a temporary restraining order (or preliminary injunction) and order Plaintiff's immediate release from custody without any additional restraints on liberty not ordered by the IJ such as 24/7 GPS monitoring, check-ins, or restrictions on movement, and enjoin Defendants from invoking the automatic stay and claiming that Plaintiff is subject to § 1225(b). In the alternative, the Court should grant this motion, enjoin Defendants from invoking the automatic stay to claim Plaintiff is subject to § 1225(b) so that Plaintiff can pay the $5,000 bond and be released. The Court should also enjoin Defendants from restricting Plaintiff's liberty through additional restraints on liberty not ordered by the IJ such as 24/7 GPS monitoring, check-ins, or restrictions on movement. The Court should further enjoin the Defendants from transferring Plaintiff outside the District of Colorado while his Petition is pending.

Respectfully submitted this 13th day of March, 2026.

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CERTIFICATE OF CONFERRAL

I hereby certify, consistent with D. Colo. Local Rule 7.1, that I conferred via email with counsel for Defendants-Respondents, Kevin Traskos of the US Attorney's Office for the District of Colorado regarding the relief requested herein. Defendants-Respondents are opposed.

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CERTIFICATE OF SERVICE

I, Hans Meyer, hereby certify that on March 13, 2026, I filed the foregoing with the Clerk of Court using the CM/ECF system. I, Lourdes Cervantes, hereby certify that I will mail a hard copy of the document to the individuals identified below pursuant to Fed.R.Civ.P. 4 via certified mail by Mach 17, 2026, or pursuant to any forthcoming Court order requiring something else. Kevin Traskos of the U.S. Attorney's Office agreed to accept service on behalf of all Respondents.

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