UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MARIA ESMERALDA ROSE LOPEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Case No. 1:26-CV-00112-SNLJ**
	)	
SAM OLSEN, Chicago Field Office Director of U.S. Immigration and Customs Enforcement, et al.,	)	
	)	
Respondents.		

GOVERNMENT'S RESPONSE
TO PETITION FOR RELIEF PURSUANT TO 28 U.S.C. § 2243

COME NOW Respondents Sam Olsen, Todd M. Lyons, Immigration and Customs Enforcement (ICE), Markwayne Mullin, Department of Homeland Security (DHS), and Lt. Andrew Johnson as the "Jail Administrator of Saint Genevieve County Detention Center,"[1] in their official capacities, by and through their attorneys, Thomas C. Albus, United States Attorney for the Eastern District of Missouri, and Shane K. Blank, Assistant United States Attorney for said district, and for their Response in accordance with 28 U.S.C. § 2243, state as follows:

[1] Petitioner argues she is held under the control of "Saint Genevieve County Detention Center." Pet., ¶ 1. As such, she must name the local warden as required by U.S. Supreme Court precedent. See Rumsfeld v. Padilla, 542 U.S. 426, 436 (2004) ("[L]ongstanding practice confirms that in *habeas* challenges to present physical confinement—core challenges—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." (cleaned up)). At first blush, this may strike Petitioner as particularly pedantic; nevertheless, 28 U.S.C. § 2242 must be satisfied. See 28 U.S.C. § 2242 (petitioner "shall … name the person who has custody over him"). The correct Respondent is technically Gary Stolzer, Sheriff and Warden of Saint Genevieve County Detention Center. In any case, because of intergovernmental service agreements, the undersigned AUSA represents Lt. Andrew Johnson and/or Sheriff Gary Stolzer solely regarding this current immigration *habeas* matter involving a person detained at his jail facility.

I. BACKGROUND

Petitioner is neither a citizen nor a national of the United States, but is rather a citizen of El Salvador. See Pet., ¶ 11. Petitioner has never been lawfully admitted or paroled into the United States and is, thus, inadmissible and subject to removal. See 8 U.S.C. § 1182(a)(6)(A)(i). At present, Petitioner is detained within the jurisdictional boundaries of this Court and awaiting the conclusion of immigration removal proceedings. See Trump v. J.G.G., 604 U.S. 670, 672 (2025) ("For core habeas petitions, jurisdiction lies only in one district: the district of confinement."). Respondents are federal and state officials who have control over Petitioner's custody. Petitioner petitions for a writ of *habeas corpus* seeking release. Pet., "Prayer for Relief."[2]

While Petitioner takes something of a kitchen sink approach to her arguments, the core of those arguments is this: she contends she does not fall within the statutory definition of an "applicant for admission" under 8 U.S.C. § 1225(a)(1). On that basis, Petitioner asserts that the mandatory-detention framework of Section 1225(b)(2)(A) is inapplicable. The Eighth Circuit, Fifth Circuit, and this Court have repeatedly (and uniformly) held in the Government's favor on this point—Section 1225(b)(2)(A) does, in fact, apply to anyone who has entered the United States illegally and without admission. See Avila v. Bondi, 170 F.4th 1128, 1134 (8th Cir. 2026) (agreeing with the Fifth Circuit that "applicant for admission" and "seeking admission" share the same ordinary meaning, and thus holding that § 1225(b)(2)(A) covers all uninspected aliens who

[2] To the extent Petitioner seeks a bond hearing, such bond hearing is a purely procedural step and, thus, any resulting determination would be insulated from judicial review by 8 U.S.C. § 1226(e). See, e.g., Barrajas v. Noem, 2025 WL 2717650 at *5 (S.D. Iowa Sept. 23, 2025) (holding that the court would only consider whether a bond hearing should be ordered at all, but would not "assume the role of immigration judge by deciding bond or detention"); accord Tello v. Barr, 2025 WL 2280544 at *3 (N.D. Cal. Jul. 29, 2025); Lindsay v. Garland, 2024 WL 2967271 at *3 (S.D. Ga. Apr. 30, 2024); Kumar v. ICE Field Office Director, 2022 WL 1721020 at *5 (W.D. Wash. May 2, 2022); cf. Mocevic v. Mukasey, 529 F.3d 814, 817 (8th Cir. 2008) (alien's challenge to IJ's conclusion that he did not meet his burden of proof for asylum was an unreviewable challenge to the IJ's discretion, even if cloaked as a question of law).

have lived in the United States—even for years—without seeking lawful status); Buenrostro-Mendez v. Bondi, 166 F.4th 494, 501-05 (5th Cir. 2026) (the "ordinary" and "proper" reading of Section 1225(b)(2)(A) is that it applies to all "applicants for admission" who are "seeking admission," which itself embraces all who are "present without admission").[3] Under this consistent and growing body of authority, Petitioner's *habeas* Petition must be denied.

Perhaps recognizing this authoritative body of law, Petitioner raises myriad other issues:

- Violation of the Fifth Amendment's Due Process Clause (Substantive)—but there is no substantive constitutional interest at play here, see infra pp. 9-12;
- Violation of the Fifth Amendment's Due Process Clause (Procedural)—but the Eighth Circuit and this Court have already found that detention during removal proceedings is appropriate, see infra pp. 9-12;
- Violation of the Fourth Amendment (Unlawful Arrest)—but this Court has already found that warrantless arrests, so long as there is probable cause to believe the petitioner is an alien subject to removal, are appropriate, see infra pp. 12-15;
- Violation of the Administrative Procedures Act (APA), 5 U.S.C. § 553—but the APA has no saying in a *habeas* suit, see infra pp. 15-17;

[3] Accord Sanwan v. Warden, 2026 WL 1469187 (E.D. Mo. May 26, 2026) (Lanahan, J.); Camba v. Warden, 2026 WL 1351226 (E.D. Mo. May 14, 2026) (Schelp, J.); Lugo-Solet v. Mullin, 2026 WL 1162233 (E.D. Mo. Apr 29, 2026) (Bluestone, J.); Guillen v. Johnson, 2026 WL 601881 (E.D. Mo. Mar. 4, 2026) (Stevens, J.); Pineda v. Noem, 2026 WL 496680 (E.D. Mo. Feb. 23, 2026) (Stevens, J.); Zhuang v. Bondi, 2026 WL 352872 (E.D. Mo. Feb. 9, 2026) (Stevens, J.); Bushuev v. Imm. & Customs Enforcement, 2026 WL 352873 (E.D. Mo. Feb. 9, 2026) (Lanahan, J.); Ramirez v. Noem, 2026 WL 251725 (E.D. Mo. Jan. 30, 2026) (Stevens, J.); Cutiopala v. Noem, 2026 WL 113567 (E.D. Mo. Jan. 15, 2026) (Lanahan, J.); Suarez v. Noem, 2025 WL 3312168 (E.D. Mo. Nov. 28, 2025) (Divine, J.); Olalde v. Noem, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025) (Divine, J.); see also Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025) (holding that immigration judges lack jurisdiction to entertain bond requests from aliens who entered without inspection as statutorily mandated by Section 1225(b)(2)(A)).

And then there is the consequence of Petitioner being an Unaccompanied Alien Child (UAC) when she crossed the border. She says she has received a "special" benefit that bars her detention by ICE. See Pet., ¶¶ 72-74. That's nonsense. The specifics of this argument are explained below, but suffice it to say, here, that it is a red herring—nothing about Petitioner's special status (as a UAC or SIJS) makes her irremovable. See Cortez-Amador v. Attorney General, 66 F.4th 429, 432-33 (3d Cir. 2023) ("[T]he plain language demonstrates that Petitioner is removable despite his SIJS[.]"); Hernandez v. Olson, 2026 WL 161509 at *7 (E.D. Wis. Jan. 21, 2026) (where petitioner was "released to the custody of a family member and never transferred to the custody of DHS," the statutory requirements of Section 1232(c)(2)(B) simply did not apply and, therefore, habeas relief was unwarranted); Jose L.P. v. Whitaker, 431 F. Supp. 3d 540, 550 (D.N.J. 2019) (determining that the petitioner ceased to be an unaccompanied minor once he was placed in the care and custody of his father and further determining that he was not transferred to the custody of DHS).

In short, this case, despite a flurry of opaque arguments, presents the well-trodden issues already faced by this Court and the Eighth Circuit in *Avila*. Detention is mandatory under Section 1225(b)(2)(A) and, thus, ICE acted appropriately when detaining Petitioner, without bond, through the conclusion of removal proceedings.

II. LEGAL STANDARDS

"It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." Reno v. Flores, 507 U.S. 292, 306 (1993). "Though a procedure for obtaining warrants to arrest named individuals is available, the deportation process ordinarily begins with a warrantless arrest by an INS officer who has reason to believe that the arrestee is in the United States in violation of any immigration law or regulation and is likely to escape before a warrant can be obtained." Id. at 307 (internal citations and quotations omitted).

Nonetheless, arrests and detentions must comply with the law. Under 28 U.S.C. § 2241(c), a district court may issue a writ of *habeas* corpus for individuals held "in violation of the Constitution or laws or treaties of the United States." Id. § 2241(c)(3). The application must "allege the facts concerning ... detention," Id. § 2242, and any unchallenged allegations in the government's response "shall be accepted as true." Id. § 2248. The court may consider oral testimony, depositions, affidavits, and documentary evidence. See Id. §§ 2246, 2247. Upon receipt of the application, the court is required to "summarily hear and determine the facts, and dispose of the matter as law and justice require." Id. § 2243.

In the immigration context, the apprehension and detention of aliens undergoing removal proceedings is governed by Sections 235 and 236 of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1225, 1226. Section 1225(b)(2)(A) mandates detentions for aliens who are seeking admission but are not entitled to it. Section 1226(c) mandates detention only for certain aliens based on specified criminal offenses.

Notably, Judicial review of decisions made during the removal process is limited by statute. Specifically, Section 1226(e) states that a "discretionary judgment regarding the application of this section shall not be subject to review." This limitation pertains solely to "discretionary" determinations regarding how Section 1226 is applied in individual cases. Nielsen v. Preap, 586 U.S. 392, 401 (2019). However, Section 1226(e) does not preclude *habeas* jurisdiction over constitutional issues or legal questions. Singh v. Holder, 638 F.3d 1196, 1202 (9th Cir. 2011); see also Demore v. Kim, 538 U.S. 510, 517 (2003) ("Section 1226(e) contains no explicit provision barring *habeas* review, and ... does not bar respondent's constitutional challenge to the legislation authorizing his detention without bail.").

III. ANALYSIS

As the Government reads the Petition, the dispute distills into six discrete issues: **(1)** does the mandatory detention scheme of 8 U.S.C. § 1225(b)(2)(A) apply; **(2)** does the Fifth Amendment's Due Process Clause (Substantive) have any bearing on this case; **(3)** does the Fifth Amendment's Due Process Clause (Procedural) have any bearing on this case; **(4)** does the Fourth Amendment (Unlawful Arrest) have any bearing on this case; **(5)** does the Administrative Procedures Act (APA) have any bearing on this case; and **(6)** does the fact that Petitioner entered into the United States as an Unaccompanied Alien Child (UAC) otherwise alter the outcome of the above analysis? [4]

Each issue is addressed in turn.

A. This Court, the Eighth Circuit Court of Appeals, and the Fifth Circuit Court of Appeals Have Concluded 8 U.S.C. § 1225(b)(2)(A) Requires Mandatory Detention in Cases Such as This.

By way of background, in late 2025 the Board of Immigration Appeals (BIA) held that immigration judges lack authority to grant bond hearings to aliens who entered the country without inspection because such individuals remain "applicants for admission" as defined by 8 U.S.C. § 1225(a)(1) and, therefore, must be detained during removal proceedings as required by Section 1225(b)(2)(A). See Matter of Hurtado, 29 I&N Dec. 216, 216-17 (BIA 2025). The central question in *Hurtado* was whether an uninspected alien who has lived in the United States for months or even years without lawful status can, at some point, cease to be an "applicant for admission" such

[4] The Petition fails to acknowledge whether administrative exhaustion occurred. Notwithstanding, there is little reason to linger on that issue; this Court has already recognized that exhaustion is excusable—and, indeed, unnecessary—where the dispute presents a purely legal question requiring no further factual or procedural development. See Cutiopala v. Noem, 2026 WL 113567 at *1 (E.D. Mo. Jan. 15, 2026) (Lanahan, J.) (addressing the issue of Section 1225(b)(2)(A)'s applicability without requiring exhaustion).

that Section 1225(b)(2) would no longer apply. In protecting the sovereign boundaries of the United States, the BIA rejected this idea.[5]

Hurtado prompted much litigation around the country. But this Court does not write upon a blank slate; rather, the Eighth Circuit, the Fifth Circuit, and this Court have *repeatedly* and *uniformly* upheld the core premise of *Hurtado* and concluded Section 1225(b)(2)(A) governs cases of this kind. See Avila v. Bondi, 170 F.4th 1128, 1134 (8th Cir. Mar. 25, 2026) (agreeing with the Fifth Circuit that "applicant for admission" and "seeking admission" share the same ordinary meaning, and thus holding that § 1225(b)(2)(A) covers all uninspected aliens who have lived in the United States—even for years—without seeking lawful status); Buenrostro-Mendez v. Bondi, 166 F.4th 494, 501-05 (5th Cir. 2026) (the "ordinary" and "proper" reading of Section

[5] As the BIA reasoned. "[t]he respondent also contends, however, that because he has been residing in the interior of the United States for almost 3 years (since his November 2022 entry without inspection), he cannot be considered as 'seeking admission' as the phrase is used in [Section 1225(b)(2)]. The respondent's argument is not supported by the plain language of the INA, and actually creates a legal conundrum. If he is not admitted to the United States (as he admits) but he is not 'seeking admission' (as he contends), then what is his legal status? The respondent provides no legal authority for the proposition that after some undefined period of time residing in the interior of the United States without lawful status, the INA provides that an applicant for admission is no longer 'seeking admission,' and has somehow converted to a status that renders him or her eligible for a bond hearing under section 236(a) of the INA." Hurtado, 29 I&N Dec. at 221.

1225(b)(2)(A) is that it applies to all "applicants for admission" who are "seeking admission," which itself embraces all who are "present without admission").[6]

Thus, there is no need to belabor the point. The takeaway is straightforward: any alien present in the United States who has not been "admitted"—that is, who has not lawfully entered into the United States "after inspection and authorization by an immigration officer"—is, by definition, an "applicant for admission" who is "seeking admission," and therefore falls squarely within Section 1225(b)(2)(A)'s mandatory detention scheme. See Avila, 170 F.4th at 1133-1136; accord Buenrostro-Mendez, 166 F.4th at 501-05; see also 8 U.S.C. § 1225(a)(1) (specifying that an "applicant for admission" is anyone who "has not been admitted or who arrives in the United States"); 8 U.S.C. § 1101(a)(13)(A) (the term "admission" and "admitted" mean "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer"); 8 U.S.C. § 1225(b)(2)(A) (an "applicant for admission" who is "seeking admission ... shall be detained"). That mandatory detention framework applies to Petitioner, here, and therefore *habeas* relief must be denied.

[6] See, supra, FN 3. A broader survey of decisions reveals that many courts outside this district have also endorsed the view that Section 1225(b)(2)(A) applies in circumstances like these, underscoring that Petitioner's position is hardly the consensus it is portrayed to be. See, e.g., Chavez v. Noem, 801 F.Supp.3d 1133, 1140-41 (S.D. Cal. Sept. 24, 2025); Vargas Lopez v. Trump, 802 F.Supp.3d 1132, 1139-40 (D. Neb. Sept. 30, 2025); accord Guevara v. Easterwood, 2026 WL 278924 at (D. Minn. Feb 3, 2026); Singh v. Chestnut, 2026 WL280210 (E.D. Cal. Feb. 3, 2026); Guillermo v. Bondi, 2026 WL 272403 (D. Minn. Feb. 2, 2026); Acosta v. Arteta, 2026 WL 263470 (S.D.N.Y. Feb. 2, 2026); Higareda-Cano v. Noem, 2026 WL 274495 (N.D. Tex. Jan. 30, 2026); Ramirez v. Holt, 2026 WL 226964 (E.D. Ky. Jan. 28, 2026); Lopez v. Director of Enforcement and Removal Operations, 2026 WL 261938 (M.D. Fla. Jan. 26, 2026); Martinez v. Villegas, 2026 WL 114418 (N.D. Tex. Jan. 15, 2026); Valencia v. Chestnut, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); Alonzo v Noem, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025); Silva Oliveira v. Patterson, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); Barrios Sandoval v. Acuna, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); Sandoval v. Acuna, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); Rojas v. Olson, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); Garibay-Robledo v. Noem, 2025 WL 2638672 (N.D. Tex. Oct. 24, 2025); Pena v. Hyde, 2025 WL 2108913 (D. Mass. July 28, 2025); Pipa-Aquise v. Bondi, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025).

B. Petitioner's Fifth Amendment Due Process Claims—either Procedural or Substantive—Cannot Upend the Eighth Circuit's Decision in *Avila* Regarding Section 1225(b)(2)(A)'s Applicability.

Petitioner also asserts opaque constitutional claims invoking the Fifth Amendment's Due Process Clause—both substantive and procedural. Those claims largely collapse into one as, indeed, the U.S. Supreme Court has largely only ever endorsed the idea of *procedural* due process protections when it comes to aliens facing removal; so, they'll be addressed as one issue here.

In the wake of *Avila*'s on-point statutory analysis, this pivot to presumptively overriding constitutional questions is unsurprising. Indeed, Petitioner appears to be signaling reliance on Judge Erickson's dissent in *Avila*, which noted that "[a]fter the Fifth Circuit's decision in *Buenrostro-Mendez*, multiple district courts in the Fifth Circuit have granted similar *habeas* petitions on due process grounds." Avila, 170 F.4th at 1140, n.8 (Erickson, J. dissenting).[7]

Of course, the Fifth Amendment has much less to say in the context of an uninspected alien. It is true, the Due Process Clause protects any "person" from the unlawful deprivation of life, liberty, or property, and thus extends to non-citizens. Zadvydas v. Davis, 533 U.S. 678, 693 (2001) (reiterating that "once an alien enters the country," he is entitled to due process in his removal proceedings because "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"). However, substantive due process is rarely (if ever) implicated, as the Supreme Court's *Glucksberg* test requires that a claimed right be "deeply rooted in this Nation's history and tradition," and the relevant history and tradition—when it comes to aliens—has long recognized the Government's

[7] Just recently, Judge Bluestone's post-*Avila* decision in *Lugo-Solet v. Mullin* was appealed to the Eighth Circuit, which will thereby address the applicability of the Fifth Amendment to cases such as this. See 2026 WL 1162233 at *2 (E.D. Mo. Apr. 29, 2026) (Bluestone, J.) (denying habeas relief post-*Avila* where petitioner relied "entirely on his Fifth Amendment claim" and finding, under *Banyee*, no constitutional concern about the lack of a bond hearing so long as removal proceedings are ongoing).

nearly absolute sovereign authority to control its borders. See Dep't of State v. Munoz, 602 U.S. 899, 911 (2024) (U.S. citizen spouse lacked substantive due process right to reside with non-citizen husband because such a right is not "deeply rooted" in the nation's history and tradition); see also Washington v. Glucksberg, 521 U.S. 702, 721 (1997). As the Supreme Court has long emphasized, immigration law is distinctive: Congress possesses an expansive substantive power, and courts generally expect only that "the Executive branch [to] respect the ***procedural*** safeguards of due process." Galvan v. Press, 347 U.S. 522, 531 (1954) (emphasis added).

The breadth of Congress's power over immigration stems from the nature of the subject itself. Because it is "inherent in sovereignty" to "maintain normal international relations" and to "defend the country against foreign encroachments and dangers," the substantive power over immigration rests "exclusively [in] the political branches of government." Kleindienst v. Mandel, 408 U.S. 753, 766 (1972). Indeed, "control over matters of immigration," being "a sovereign prerogative" sits "largely within the control of the executive and the legislature." Landon v. Plasencia, 459 U.S. 21, 34 (1982). Constitutional constraints in this realm are, therefore, narrow. They reach only "enactments that shock the sense of fair play, which is the essence of due process," Galvan, 347 U.S. at 530, not any broader right for an alien "to remain against the national will," nor any limitation on Congress's authority to "to remove aliens, to subject them to supervision with conditions when released from detention, or to incarcerate them where appropriate." Zadvydas, 533 U.S. at 695. Thus, only ***extreme procedural circumstances***—such as *permanent detention* where removal is not reasonably foreseeable, or removal proceedings conducted with virtually *no notice or opportunity to respond*—approach the constitutional line. See, e.g., id. at 699 (raising constitutional concerns over effectively permanent detention where an alien could not be removed for the foreseeable future); A.A.R.P. v. Trump, 605 U.S. 91, 94-96 (2025) (raising constitutional concerns where an alien was given only 24 hours' notice and no information about how to contest their removal). Beyond such outliers, the Due Process Clause has little to say.

In fact, binding Eighth Circuit precedent forecloses Petitioner's constitutional claims. In *Banyee v. Garland*, the Eighth Circuit held that even prolonged detention—more than a year—is constitutionally permissible so long as "deportation remains a possibility." 115 F.4th 928, 933 (8th Cir. 2024) ("Detention during deportation proceedings [i]s ... constitutionally valid."). Further, it rejected the sort of individualized balancing test urged by Petitioner. Id. at 933 ("Indeed, the lead dissent in *Demore* advocated for the type of 'individual determination' Banyee now seeks, presumably under a *Mathews*-type inquiry. The majority opted for a bright-line rule instead: the government can detain an alien for as long as deportation proceedings are still 'pending.'").

That is precisely the posture here: Petitioner remains in active removal proceedings, and removal is plainly possible—in fact, that is the goal; thus, *Banyee* applies. This Court, in a carefully reasoned opinion by Judge Bluestone, has held as much in a post-*Avila* Due Process Clause challenge. See Lugo-Solet v. Mullin, 2026 WL 1162233 at *2 (E.D. Mo. Apr. 29, 2026) (Bluestone, J.) (denying *habeas* relief post-*Avila* where petitioner relied "entirely on his Fifth Amendment claim" and finding, under *Banyee*, no constitutional concern about the lack of a bond hearing so long as removal proceedings are ongoing); accord Sanwan v. Warden, 2026 WL 1469187 (E.D. Mo. May 26, 2026) (Lanahan, J.). Moreover, district courts across the country, when presented with similar circumstances, have reached the same conclusion and have rejected comparable constitutional challenges. See, e.g., Delgado-Paz v. Olson, 2026 WL 1122637 at *8 (S.D. Ind. Apr. 24, 2026) (rejecting *habeas* petition premised on Due Process Clause concerns, finding the Supreme Court had already rejected the notion that individualized bond determinations were necessary or that length of detention, alone, creates a constitutional concern) Castillo v.

Rhoney, 2026 WL 775995 at *12 (W.D.N.Y. Mar. 19, 2026) (rejecting *habeas* petition premised on constitutionally unlawful detention where "the fact is that an alien detained under Section 1225(b) has the keys in his pocket and can end his detention immediately by withdrawing his defense and returning to his native land"); Sharef-Mohamed v. Warden of Dakota County Jail, 2026 WL 752442 at *2 (D. Neb. Mar. 17, 2026) ("The Supreme Court has already performed the due process balancing test for immigration cases and found that detention is reasonable in the context of determination of whether an alien should be removed.").

This Court's own precedents have, likewise, rejected efforts to repackage statutory objections to Section 1225(b)(2)(A) as Due Process Clause claims. See Suarez, 2025 WL 3312168 at *2 (Divine, J.) ("Although Suarez also raises a due process argument, that argument simply repackages his statutory argument."); Bushuev, 2026 WL 352873 at *3 (Lanahan, J.) (rejecting due-process theories advanced in tandem with statutory objections to the proper application of Section 1225(b)(2)(A)); Zhuang, 2026 WL 352872 at *5 (Stevens, J.) (same); Guillen, 2026 WL 601881 at *2 (Stevens, J.) (same); Ramirez, 2026 WL 251725 at *4-5 (Stevens, J.) (same). This Court needs do little more, then, than apply its own caselaw.

Thus, Petitioner's Due Process Clause arguments should be rejected, once again, as a thinly-veiled attempt to sidestep the Eighth Circuit's binding holdings in *Avila* and *Banyee*.

C. The Fourth Amendment Has No Bearing on the Outcome of This Case.

Perhaps sensing that both the statutory and Fifth Amendment claims will fail—and having already failed in caselaw issues by the Eighth Circuit and this Court—Petitioner shifts, next, to the Fourth Amendment with a curious claim: "Petitioner's warrantless arrest occurred without probable cause that she was a flight risk." Pet., ¶ 65. Beyond this rather threadbare assertion, and a broadly applicable smattering of caselaw citations, the Petition does a poor job of setting forth the dispute. That alone could probably dispose of this claim. See, e.g., Tenelema v. Freden, 2025

WL 3514099 at *4 (W.D.N.Y. Dec. 8, 2025) (refusing to consider petitioner's Fourth Amendment illegal arrest claims, in the context of petitioner seeking immigration relief, where they "provided virtually no detail regarding the actual circumstances of his arrest"). The Government will surmise, however, that the Fourth Amendment claim is based on the need for a warrant under Section 1226(a). Of course, as discussed in Part A, *supra*, Section 1226(a) does not apply to this case.[8]

In any event, ICE did not necessarily require a warrant to detain Petitioner for removal proceedings during a subsequent encounter. See 8 U.S.C. § 1357(a)(2). What ICE required, at most, was "constitutionally required probable cause." Zhuang v. Bondi, 2026 WL 352872 at *2 (E.D. Mo. Feb. 9, 2026) (Stevens, J.) (quoting United States v. Quintana, 623 F.3d 1237, 1239 (8th Cir. 2010)). In other words, immigration authorities may take an alien into custody where there is "probable cause that he or she was illegally present in the United States and likely to escape before a warrant issued." United States v. Puebla-Zamora, 996 F.3d 535, 538 (8th Cir. 2021). The Eighth Circuit has consistently held that a noncitizen's prior attempts to evade immigration inspection—specifically, efforts to enter the United States illegally and to remain unlawfully—create a reasonable inference that the individual is likely to flee or avoid further detection by immigration authorities if not immediately arrested without a warrant. Id. at 538 (fourth amendment not violated

[8] Take the comparable case of an alien release on conditional parole. In that situation, an I-200, *Warrant for Arrest of Alien*, is often issued on the same day DHS issues the I-286, *Notice of Custody Determination*, when the alien is released on conditional parole. These two forms commonly appear together because Section 1226(a) detention authority is warrant-based: ICE must first effectuate a lawful warranted arrest—typically via an I-200—before it can make a custody determination and decide whether to detain, release on bond, or release on conditional parole under Section 1226(a)(2).

But the issuance of an I-200, even in the context of where it is required, does not mean that all subsequent arrests must be warrant-based. Once DHS has initiated removal proceedings and obtained jurisdiction over the alien, the INA separately authorizes warrantless arrests in specified circumstances, including when an immigration officer has reason to believe the alien is removable and likely to escape before a warrant can be obtained. See 8 U.S.C. § 1357(a)(2). Thus, the initial pairing of an I-200 with an I-286 reflects the statutory structure of Section 1226(a)—not an ongoing requirement that every future enforcement action proceed by warrant.

where alien was detained after admitting he had not documents establishing his legal status in the United States and having been previously removed for illegal entry); see also United States v. Torres-Lona, 491 F.3d 750, 756 (8th Cir. 2007); United States v. Hernandez-Hernandez, 327 F.3d 703, 707 (8th Cir. 2003) ("Once Hernandez–Hernandez told the agent he was in the United States illegally, there was probable cause to arrest Hernandez–Hernandez without a warrant."). This Court has likewise recognized—at least implicitly—that a noncitizen subject to mandatory detention is, by definition, a flight risk. To be sure, it borders on the incredulous to suggest that an individual facing *statutorily-required* custody would not attempt to abscond if, through a mere procedural technicality, they were released at the initial point of contact, having already established the illegality of their presence in the United States, so as to then obtain a warrant. See Sanwan v. Warden, 2026 WL 1469187 at *3 (E.D. Mo. May 26, 2026) (Lanahan, J.) (even if independent probable cause was required for state authorities to transfer an alien to federal authorities, the Fourth Amendment was not implicated where the mandatory detention framework of Section 1225(b)(2)(A) applied). Indeed, the better conclusion is that, where Section 1225(b)(2)(A) applies, the Fourth Amendment has no further role to play with respect to aliens already established as having entered unlawfully—and who, by doing so, have necessarily demonstrated a willingness to evade detention once before—and who now seek to remain in the United States in defiance of duly-authorized removal proceedings.

The law is not the only thing favoring the Government. Factually, Petitioner is wrong to suggest "Petitioner's warrantless arrest occurred without probable cause." Pet., ¶ 65. An I-200, *Warrant for Arrest of Alien*, was issued and the accompanying I-213, *Record of Deportable/Inadmissible Alien*, tells the tale. See Immigration Documents, attached hereto as **GOV'T EXHIBIT A**. A warrant for arrest was issued on May 18, 2026, immediately following

Petitioner's own voluntary statements that she is "a citizen and national of El Salvador by nature of her birth in El Salvador." Id. at p. 003. She further admitted her parents "were born and live [in] El Salvador." Ibid. She came to the attention of ICE agents when she arrived for her check-in, and was then immediately "processed with a Warrant for Arrest and [Notice to Appear for Removal Proceedings]." Ibid. This is all standard procedure—it is not clear what more Petitioner believes the constitution demands, this simply does not constitute an unlawful arrest.

Simply put, nothing in the caselaw of this Court or the Eighth Circuit suggests that Petitioner's arrest violated the Fourth Amendment. Petitioner entered the United States unlawfully (thereby already demonstrating a willingness to evade detection), seeks to remain here unlawfully (indicating a continued incentive to avoid apprehension), and is therefore subject to mandatory detention (which exists precisely to foreclose such evasion). It follows necessarily, then, that Petitioner was "illegally present in the United States" and "likely to escape before a warrant issued" when confronted by federal authorities executing their statutory duty to initiate removal. Puebla-Zamora, 996 F.3d at 538.

D. The Administrative Procedure Act Has No Bearing on This Case.

In an unusual turn, Petitioner also asserts claims under Section 706 of the Administrative Procedure Act, 5 U.S.C. § 706. Most critically, as Justice Kavanaugh astutely pointed out, "the APA [is] not available when there is another adequate remedy … and thus *habeas corpus*, not the APA, is the proper vehicle" for seeking release from detention. Trump v. J.G.G., 604 U.S. 670, 674 (2025) (Kavanaugh, J. concurring). Here, Petitioner uses the APA to attack the inner workings of DHS and ICE—their policies and procedures—as an indirect means of overcoming *Avila* and the applicability of Section 1225(b)(2)(A). See Pet., ¶ 81. Yet, specific to the APA, multiple statutory provisions independently strip this Court of subject-matter jurisdiction to consider, at minimum, the discretionary decision-making of immigration authorities notwithstanding any constitutional overlay. See 8 U.S.C. §§ 1252(a)(2)(B)(ii) (limiting jurisdiction, "notwithstanding any other provision of law" to include habeas corpus, over any "decision or action of the Attorney General or the Secretary of Homeland Security" that is discretionary in the context of Subchapter II of the INA); 1252(b)(9) (channeling "judicial review of all questions of law ... including interpretation of constitutional and statutory provisions, arising from any action taken ... to remove an alien from the United States" to the appropriate federal court of appeals); 8 U.S.C. § 1226(e) (limiting jurisdiction over any "discretionary judgment regarding the application of this section" and barring any court from "setting aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole"). Indeed, "the APA's right to judicial review does not apply when 'statutes preclude judicial review.'" Thigulla v. Jaddou, 94 F.4th 770, 774 (8th Cir. 2024) (quoting 5 U.S.C. § 701(a)(1)). Having failed to meaningfully articulate the contours of the APA claim, Petitioner offers no explanation for how such a theory could survive the threshold barriers at issue—namely, whether an APA cause of action may be pursued in habeas at all, and whether it could proceed despite multiple, express jurisdiction-stripping provisions that may well apply depending on what Petitioner's actual claim turns out to be.

Of course, there is also the issue of *Avila* itself. The Eighth Circuit squarely held that DHS and ICE **do not** act unlawfully when they mandatorily detain aliens who have entered the United States illegally and are therefore subject to removal proceedings. Avila, 170 F.4th at 1136 ("Section 1225(b)(2)(A) mandates the detention of unadmitted aliens already present inside the United States."); accord Buenrostro-Mendez, 166 F.4th at 498. Where Section 1225(b)(2)(A) governs, the statute's mandatory language—not agency discretion—controls; and if the statute controls, there can be no "unlawful agency action" to criticize through use of the APA. See Perez-

Sanchez v. Blanche, 2026 WL 1389348 at *2 (W.D. Tex. May 18, 2026) (there was no APA claim where Section 1225(b)(2)(A), as interpreted by the Fifth Circuit, mandated detention during removal proceedings; "there is, then, no final unlawful agency action [where] the statute controls"). Indeed, this only underscores that Petitioner's APA theory—tethered as it is to a *habeas* petition—is an amorphous appendage that does not belong; *habeas* is a limited vehicle for challenging custody, and the Eighth Circuit has already held that mandatory detention under Section 1225(b)(2)(A) is appropriate for all aliens deemed "applicants for admission" who are necessarily "seeking admission." Avila, 170 F.4th at 1135-36. Petitioner falls into this group, and so detention is appropriate. In that posture, the APA has no role to play and no authority to second-guess a statutory mandate the Eighth Circuit has already affirmed.

E. Petitioner Status a Former "Unaccompanied Alien Child" (UAC) and Petitioner's Grant of "Special Immigrant Juvenile Status" (SIJS) Makes no Material Difference to the Conclusion That the Mandatory Detention Provision of Section 1225(b)(2)(A) Applies.

Finally, there is the matter of Petitioner's UAC/SIJS status. "Unaccompanied Alien Children" (UAC) are a specified category of arriving aliens. Congress first defined that term in the Homeland Security Act of 2002 (HSA). Under 6 U.S.C. § 279(g)(2), a UAC is a person who: (A) lacks lawful immigration status in the United States; (B) is under 18 years of age; and (C) has no parent or legal guardian in the United States, or no such adult is available to provide care and physical custody. The HSA transferred responsibility for the care of UACs "in federal custody by reason of their immigration status" to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS). See 6 U.S.C. § 279(a), (b)(1)(A).

In 2008, Congress enacted the Trafficking Victims Protection Reauthorization Act (TVPRA), which expanded and clarified these responsibilities. Section 1232(b)(1) provides that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services." 8 U.S.C. § 1232(b)(1). Section 1232(c)(2) sets out ORR's placement obligations. Under § 1232(c)(2)(A), ORR must "promptly" place each UAC in its custody "in the least restrictive setting that is in the best interest of the child," while considering danger to self, danger to the community, and risk of flight. The least restrictive setting may include release to a sponsor under a Sponsor Care Agreement, but ORR "may not" place a child with any individual or entity until it determines that the proposed custodian can provide for the child's physical and mental well-being. See 8 U.S.C. 1232(c)(3)(A).

Because Petitioner is no longer a minor, Pet., Introduction, ¶ 11, a different statutory provision governs.[9] When a UAC turns 18 while in ORR custody, Section 1232(c)(2)(B) requires that, ***upon transfer to the Department of Homeland Security (DHS)***, DHS must likewise "consider" placement in the "least restrictive setting available"—taking into account danger to self, danger to the community, and risk of flight. 8 U.S.C. § 1232(c)(2)(B) ("[i]f a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available."). Individuals in this category are eligible for alternatives to detention, including placement with an individual or organizational sponsor or in a supervised group home.

Of course, while the TVPRA "transferred responsibility for care and custody of UACs who were in federal custody," it specifically "did not alter their immigration status." Mendez Ramirez v. Decker, 612 F.Supp.3d 200, 206 (S.D.N.Y. 2020). Petitioner remains an unadmitted and unparoled alien so far as removability is concerned. This includes any UAC who seeks and is

[9] The Petition acknowledges that Petitioner was 17, a minor, when she first entered the United States illegally on December 14, 2021; she is, thus, no longer a minor in 2026. In fact, she was only barely a minor; at the time, [redacted] See **GOV'T EX. A**, p. 003 (noting Petitioner's date of birth when encountered at or near Roma, Texas, on December 14, 2021).

granted Special Immigrant Juvenile Status (SIJS).[10] To be sure, the Third Circuit Court of Appeals made this clear when looking directly at this issue just a few years ago:

> The plain language of 8 U.S.C. § 1255(h)(2) clearly states that 8 U.S.C. § 1182(a)(6)(A)(i)—which permits the removal of immigrants present without admission or parole—does not apply to a special immigrant. But the Government argues that the preface to § 1255(h) limits the scope of subsection (h)(2) to adjudicators 'applying this section,' i.e., to applications for status adjustment. **Under this interpretation, § 1255(h) simply allows SIJS recipients to adjust their status despite their illegal entry.**
>
> Section 1255(h) expressly states that a no-ncitizen with SIJS shall be deemed to have been paroled for purposes of subsection (a) of that section, i.e., for adjustment of status to a legal permanent resident only. Under normal canons of statutory construction, courts should construe statutory language to avoid interpretations that would render any phrase superfluous. **The plain language of this subsection applies the 'deemed to have been paroled' language only to subsection (a) and no other provision of the INA.** If we were to read the statute as Petitioner suggests, 'for purposes of subsection (a)' would be rendered superfluous. **Conversely, if in § 1255(h) Congress had intended a noncitizen with SIJS to be deemed paroled for purposes of removal, it would have included reference to removability or 8 U.S.C. § 1182. Accordingly, the plain language demonstrates that Petitioner is removable despite his SIJS[.]**

Cortez-Amador v. Attorney General, 66 F.4th 429, 432-33 (3d Cir. 2023) (emphasis added; internal citations and quotations omitted). In short, "the fact that Petitioner has been given SIJS has no effect on ICE's statutory and regulatory authority to detain [her]. Other federal courts have routinely recognized that SIJS status alone does not render an alien lawfully present in the country and thus does [not entitle her] to release, nor does it prevent the government from affecting [her] removal." Benito Vasquez v. Moniz, 788 F.Supp.3d 177, 181 (D. Mass. 2025); accord Doe v. Moniz, 800 F.Supp.3d 203, 213 (D. Mass. 2025) ("Had Congress considered the impact of the Laken Riley Act on SIJ status recipients, it may well have carved out mandatory detention for

[10] SIJS status protects UAC who cannot reunify with one or both parents due to abuse, neglect, abandonment, or similar basis under state law. See 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11(c). The primary benefit of SIJS status is that "a recipient of SIJS may pursue legal permanent residency" through an adjustment of status. Cortez-Amador v. Attorney General, 66 F.4th 429, 431 (3d Cir. 2023) (explaining SIJS status and requirements generally).

juveniles. But nothing in the statutory language or the legislative history suggests that Congress considered the question. Accordingly, the court finds that 8 U.S.C. § 1255(h)(2), which governs applications for adjustment of status, does not exempt Petitioner from removability based on his SIJ status.").

Petitioner tries to develop one important caveat to this framework: arguing Section 1232(c)(2)(B)—strictly applicable to UACs (regardless of SIJS status)—is incompatible with Section 1225(b)(2)(A). Petition, ¶ 74. Let it first be acknowledged that, in the ordinary course of an unadmitted/unparoled alien, this Court and the Eighth Circuit have been firm in finding the mandatory detention provision of Section 1225(b)(2)(A) applies. See Avila, 170 F.4th at 1134 Buenrostro-Mendez, 166 F.4th at 501-05.[11] No matter, Petitioner says, because Section 1232(c)(2)(B) has an overriding mandate that "[i]f a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary **shall consider placement in the least restrictive setting available**." 8 U.S.C. § 1232(c)(2)(B) (emphasis added).

In this, Petitioner is guilty of reading a statute too quickly and with too broad a brush. Section 1232(c)(2)(B) has *two* conditional requirements: (A) that "a minor … reaches 18 years of age"; **and** (b) that said minor be, at that time, "transferred to the custody of [DHS]." Petitioner pays no attention to these requirements. Rather, Petitioner, here, acknowledges she has been "living at a stable home address, to which the government was fully aware" and regularly attended "multiple ICE check-ins." Pet., ¶ 65. Further, when Petitioner first crossed the border on December 14, 2021, she was indeed transferred to the custody of ORR; however, shortly thereafter on December 29, 2021, she was released into the care of her brother. Thus, she was *not* in DHS/ORR

[11] See, supra, FN 3.

custody at the time she turned 18 years of age a few months later. See **GOV'T EX. A**, 003, 006. Thus, Section 1232(c)(2)(B) has, by its own limiting terms, no practical effect today—there is, indeed, no evidence presented that Petitioner was, at the time she reached 18 years of age, transferred to the custody of DHS. See Hernandez v. Olson, 2026 WL 161509 at *7 (E.D. Wis. Jan. 21, 2026) (where petitioner was "released to the custody of a family member and never transferred to the custody of DHS," the statutory requirements of Section 1232(c)(2)(B) simply did not apply and, therefore, *habeas* relief was unwarranted); Jose L.P. v. Whitaker, 431 F. Supp. 3d 540, 550 (D.N.J. 2019) (determining that the petitioner ceased to be an unaccompanied minor once he was placed in the care and custody of his father and further determining that he was not transferred to the custody of DHS).

To be sure, the practical consequences of Petitioner's reading underscore why Section 1232(c)(2)(B) cannot operate without important custodial and temporal limits. Under her theory, the TVPRA would continue to impose obligations *designed for minor children* even if a former UAC remained in the United States for a decade (or decades more) without seeking some sort of admittance or parole; nothing in the statute suggests Congress intended such an absurd result. Likewise, Petitioner's theory places no importance on custodial circumstances; yet, if a UAC is later reunited with a parent or guardian in the United States, the individual is no longer "unaccompanied" in any statutory sense. To the contrary, the UAC definition would simply not apply. See 6 U.S.C. § 279(g) (to be a UAC, a child must lack lawful status, be under 18, and have no parent or guardian in the United States). The fact is, a UAC designation is not a permanent label in the same way one cannot be perpetually status-less in the debate over Sections 1225 and 1226 (as *Avila* found, you must always be an "applicant for admission" if neither admitted nor paroled into the United States). Indeed, Petitioner's UAC status has been "discharged." **GOV'T EX. A**, p.

007. Section 1232(c)(2)(B), thereby, is not a free-floating command nor a perpetual "best interests" custody mandate. It addresses a single, discrete moment in time: what DHS must "consider" when "a minor ... reaches 18 years of age" and is, *in that moment*, "transferred to the custody of DHS." Only under those circumstances "shall" DHS evaluate placement in the "least restrictive setting." Here, none of that occurred (or was required to occur) when Petitioner was detained years later. See Pet., Introduction. At that time, when she was taken into custody for removal proceedings, Petitioner was an adult and not in the custody of DHS. As *Mendez Ramirez* held, a petitioner in that position "was not a UAC when [she] was arrested by ICE and was not entitled to a least restrictive setting determination under Section 1232(c)(2)(B)." 612 F. Supp.3d at 212. The same conclusion follows here.[12]

And Petitioner's SIJS status makes no material difference to that analysis. Section 1232(c)(2)(B) is triggered by UAC status, not by SIJS classification. SIJS is an immigration benefit; it does not preserve, extend, or revive UAC status, nor does it independently impose any

[12] One interpretive hurdle some courts create for themselves is the notion that it would be illogical for Congress to require DHS to "consider" alternatives to detention at the moment a UAC "ages out" and is transferred from ORR to DHS custody under Section 1232(c)(2)(B), only for mandatory detention under Section 1225(b)(2)(A) to apply immediately thereafter. But the answer is straightforward and rooted in Congress's deliberate choice of language. Congress often provides agencies with options, and here it required only that DHS "***shall consider***" alternatives to detention—a narrow, procedural command, not a substantive entitlement. See S. Airways Express, LLC v. U.S. Dep't of Transportation, 159 F.4th 50, 62 (D.C. Cir. 2025) ("When a statute requires agencies to consider particular factors, it imposes upon agencies duties that are essentially procedural. The only role for a court is to ensure that the agency has considered the factor."). And ***Congress required that consideration be taken only at the discrete moment when ORR transfers custody to DHS—not indefinitely***. After that moment, DHS may initiate removal proceedings whenever it deems appropriate; Congress impliedly understood that circumstances and/or political imperatives may change days, weeks, months, or years after the age-out event. Reading Section 1232(c)(2)(B) to outright override or silence Section 1225(b)(2)(A) would require inserting words somewhere as between the two statutes, which Congress plainly elected not to do. To insert those words, now, by judicial fiat is an approach the Supreme Court has decidedly rejected. See Lamie v. U.S. Trustee, 540 U.S. 526, 534 (2004) ("When the statute's language is plain, the sole function of the courts...is to enforce it according to its terms."); see also I.N.S. v. Cardoza-Fonseca, 480 U.S. 421, 452–53 (1987) (Scalia, J., concurring) ("Where the language of [a statute] is clear, we are not free to replace it with an unenacted legislative intent.").

custody-related obligations on DHS. Thus, Petitioner's reliance on *Osorio-Martinez* is misplaced. To be sure, although Petitioner cites that decision for the sweeping proposition that SIJS recipients are insulated from removal, Pet., ¶¶ 33, 50, the Third Circuit actually clarified its own holding ***against*** Petitioner's theory. As the court explained, "the Court did not hold SIJS recipients are exempt from removal due to inadmissibility, but only that Congress intended to provide SIJS recipients with an opportunity to pursue adjustment of status." Cortez Amador, 66 F.4th at 433 n.12. That adjustment-of-status opportunity does not transform SIJS recipients into perpetual UACs, nor does it reanimate Section 1232(c)(2)(B)'s requirements where the statutory predicates are otherwise absent.

The fact is, Petitioner is—especially as an SIJS recipient—an "applicant for admission" under 8 U.S.C. § 1225(a)(1). The TVPRA "did not alter [her] immigration status" as an unadmitted/unparoled alien. Mendez Ramirez, 612 F.Supp.3d at 206; accord Cortez-Amador, 66 F.4th at 432-33. Moreover, at this juncture, the only mechanism through which Petitioenr may remain in the United States—if at all—is via the "opportunity to pursue adjustment of status" that Congress uniquely afforded to SIJS recipients. Cortez-Amador, 66 F.4th at 433 n.12 ("The Court did not hold SIJS recipients are exempt from removal due to inadmissibility, but only that Congress intended to provide SIJS recipients with an opportunity to pursue adjustment of status."). That opportunity presupposes that SIJS recipients, including Petitioner, remain applicants for admission who "seek admission" *until they adjust*. Accordingly, Petitioner is necessarily an "applicant for admission" who is "seeking admission" for purposes of the mandatory detention provision of Section 1225(b)(2)(A). She is not, now, a UAC, nor is she in a transfer posture between ORR and DHS custody, and thus this case is nothing more than a repeat of the debate between Sections 1225 and 1226, which this Court and the Eighth Circuit has decidedly ruled against Petitioner.

IV. CONCLUSION

Under a clear mandate from the Eighth Circuit Court of Appeals, the Fifth Circuit Court of Appeals, and in view of this Court's own precedent, this Court must again deny *habeas* relief in this case. Avila v. Bondi, 170 F.4th at 1134 (8th Cir. 2026); Buenrostro-Mendez, 166 F.4th at 501-05 (5th Cir. 2026).[13]

WHEREFORE, the Government asks this Court to ***deny*** the Petition for *habeas* relief.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing was served on Monday, June 1, 2026, on all counsel of record via this Court's electronic case filing system.

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[13] See, supra, FN 3.