IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

BADAR KHAN SURI, *Petitioner*, v. DONALD J. TRUMP, *et al*., *Respondents*.	Case No. 1:25-cv-00480 (PTG/WBP)

FEDERAL RESPONDENTS' SUPPLEMENTAL BRIEF

INTRODUCTION

Pursuant to the Court's order of May 6, 2025 inviting the parties to provide supplemental briefing, Defendants offer this supplement to address issues raised in Petitioner Badar Khan Suri's ("Suri's") Amended Petition as well as preserve Defendants' jurisdictional arguments. See ECF #26, 28, 29, 49. Suri is a citizen and national of India who entered the United States on an exchange visitor visa in December 2022. He alleges he was arrested by U.S. Immigration and Customs Enforcement ("ICE") and charged with removability under 8 U.S.C. § 1227(a)(4)(C). He challenges the lawfulness of his immigration detention, which he alleges is due to his support for Hamas—a designated Tier I foreign terrorist organization that Suri euphemistically refers to as "the government of Gaza"—and therefore has filed this "Petition for a Writ of Habeas Corpus" seeking his immediate release from ICE custody on that basis. *See generally*, Petition (ECF #1). Based on the original Petition, Suri filed a motion seeking an order compelling ICE to detain him in Virginia, and a motion to compel his immediate release on bond. ECF #5, 21. Thereafter, Suri filed his Amended Petition with additional claims. ECF #34.

Suri's claims are inextricably intertwined with the commencement of his removal proceedings, and Suri makes no meaningful effort to distinguish his purported challenges to his detention from the merits of those removal proceedings. Thus, doubts as to subject-matter jurisdiction pervade the Amended Petition,[1] success on the merits has not clearly been shown, and the Court should deny Suri's pending motions. The Fourth Circuit sets a high bar for release pending resolution on a habeas petition, "he must show substantial constitutional claims on which he has a high probability of success, and exceptional circumstances making a grant of bail

[1] Defendants preserve, but do not repeat, their arguments that the habeas petition was not properly filed in this district. ECF #26, 28, 29, 49.

necessary for the habeas remedy to be effective[,]" and Suri falls short. *United States v. Eliely*, 276 F. App'x 270, 270 (4th Cir. 2008).

BACKGROUND

Defendants incorporate by reference their prior recitations of the background of events, which appear in ECF #26, 28, 29, 49, and the previously-submitted declarations. ECF #26-1, 30, 49-1, 57-1.

ARGUMENT

Suri has not shown a high likelihood of success on the merits because Suri's habeas claims are likely barred by the Immigration and Nationality Act ("INA"). 8 U.S.C. §§ 1226(e), 1252(a)(2)(B)(ii), 1252(b)(9); *see also*, *e.g.*, *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1033 (9th Cir. 2016); *Taal v. Trump*, No. 3:25-cv-335 (ECC/ML), 2025 U.S. Dist. LEXIS 57002, *3-4 (N.D.N.Y. Mar. 27, 2025) (finding §§ 1252(a)(5) and (b)(9) bar review because "[a] challenge to the basis for commencing his removal proceedings… is 'part of the process by which… removability will be determined,' and Taal's claims therefore 'arise from' the removal proceedings" (quoting *P.L. v. U.S. ICE*, No. 1:19-cv-01336, 2019 U.S. Dist. LEXIS 104478, *11 (S.D.N.Y. June 21, 2019)); *Trabelsi v. Crawford*, No. 1:24-cv-01509, 2024 U.S. Dist. LEXIS 241753, *16 (E.D. Va. Dec. 2, 2024) ("…courts have recognized that challenges to detention that do not focus on the length of detention or the conditions of detention are foreclosed by Section 1252(b)(9) because they arise out of the removal process. Indeed, here, Suri challenges the decision to detain him in the first place, which a plurality of the Supreme Court has indicated falls within the ambit of Section 1252(b)(9)'s jurisdiction-stripping provisions." (internal marks and citations omitted)). Further, Suri's new and/or amended claims do not show a high likelihood of success on the merits as explained below.

I. Section 1252(g) Likely Bars Review

The Petition is precluded by 8 U.S.C. § 1252(g). The Supreme Court has explicitly held that the Attorney General's "decision to commence proceedings falls squarely within § 1252(g)." *Reno v. American-Arab Anti-Discrimination Committee* ("*AADC*"), 525 U.S. 471, 487 (1999) (cleaned up); *see also* 8 U.S.C. § 1252(g) ("no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings… against any alien under this chapter"). In reaching this conclusion, the Court noted that the provision had no effect on review of other actions that may be taken before, during, and after removal proceedings— "such as the decisions to open an investigation, to surveil the suspected violator, to reschedule the deportation hearing, to include various provisions in the final order that is the product of the adjudication, and to refuse reconsideration of that order." *Id.* at 482.

Here, each of Suri's claims arise out of the inextricably intertwined decisions to make a determination under § 1227(a)(4)(C)(i) and initiate removal proceedings based on that determination. Therefore, "[b]ecause each of Petitioner's claims arises from the government's decision to commence removal proceedings…, this Court also lacks jurisdiction to review Petitioner's habeas claims pursuant to Section 1252(g)." *Trabelsi v. Crawford*, No. 1:24-cv-1509 (RDA/LRV), 2024 U.S. Dist. LEXIS 241753, at *18 (E.D. Va. Dec. 2, 2024). The decision to detain him under the authority of § 1226(a) is inextricably tied to a decision to initiate removal proceedings because of the Secretary of State's designation under § 1227(a)(4)(C)(i), and thus is not collateral to his removal proceedings. Further, any argument that § 1252(g) does not apply to the § 1227(a)(4)(C)(i) determination would be meritless. Courts have read § 1252(g) to apply to the Executive as a whole. *See Tazu v. Att'y Gen. United States*, 975 F.3d 292, 298 (3d Cir. 2020); *E.F.L. v. Prim*, 986 F.3d 959, 964-65 (7th Cir. 2021). That includes situations where one part of

the branch (e.g., DHS) takes a removal action as the result of the decision of another (e.g., State). *See Taal*, 2025 U.S. Dist. LEXIS 57002, at *6 (applying § 1252(g) where the State Department's revocation of a visa commenced removal proceedings); *cf. Alghadbawi v. Napolitano*, No. 1:10-cv-1330-TWP-DKL, 2011 U.S. Dist. LEXIS 106355, at *9 (S.D. Ind. Sep. 19, 2011) (applying § 1252(g) when Secretary of State, in part, was still contemplating whether to waive an organization's status as a Tier III terrorist organization). More broadly, to hold otherwise would be in some tension with *AADC*, where the Supreme Court held that a prior version of § 1252(g) barred claims virtually identical to those brought here. 525 U.S. at 487–92. With a government admission "that the alleged First Amendment activity was the basis for selecting the individuals for adverse action," *id*. at 488 n.10, the Supreme Court nevertheless held that Congress intended to bar judicial review of a constitutional challenge to that removal proceeding, id. at 487; *see also Taal*, 2025 U.S. Dist. LEXIS 57002, at *4 (finding lack of jurisdiction to enjoin proceedings when the petitioner "will have the opportunity to raise his constitutional challenges before the immigration courts and, if a final order of removal is issued, before the appropriate court of appeals").

Moreover, the Supreme Court held that a prior version of § 1252(g) barred claims strikingly similar to those brought here. *See AADC*, 525 U.S. at 487-92. In *AADC*, the respondents had alleged that the "INS was selectively enforcing the immigration laws against them in violation of their First and Fifth Amendment rights." *Id.* at 473-74. The Supreme Court noted "an admission by the Government that the alleged First Amendment activity was the basis for selecting the individuals for adverse action." *Id.* at 488 n.10. The respondents argued that a lack of immediate review would have a "chilling effect" on their First Amendment rights. *Id.* at 488. Nonetheless, the Supreme Court held that the "challenge to the Attorney General's decision to 'commence

proceedings' against them falls squarely within § 1252(g)." *Id.* at 487; *see also Cooper Butt ex rel Q.T.R. v. Barr*, 954 F.3d 901, 908-09 (6th Cir. 2020) (holding the district court did not have jurisdiction to review a claim alien "was removed 'based upon ethnic, religious and racial bias' in violation of the Equal Protection Clause of the Fifth Amendment").

In short, Suri alleges that the government arrested, detained, and commenced removal proceedings against him in retaliation for his exercise of the First Amendment—and he seeks habeas relief on that basis. But that sort of suit is firmly within § 1252(g)'s reach. *See, e.g.*, *AADC*, 525 U.S. at 487-92 (holding that Section 1252(g) deprived district court of jurisdiction over claim that certain aliens were targeted for deportation in violation of the First Amendment.); *Hanna v. Lynch*, 644 F. App'x 261, 271 (4th Cir. 2016) ("The government's motive has no bearing on Hanna's removability…. Indeed, the Supreme Court has cautioned against questioning the motive of the government in enforcing immigration laws."); *Zundel v. Gonzales*, 230 F. App'x 468, 475 (6th Cir. 2007) (explaining that First Amendment challenge related to immigration enforcement action "is properly characterized as a challenge to a discretionary decision to 'commence proceedings'…[and] is insulated from judicial review"); *Malik v. Gonzales*, 213 F. App'x 173, 174 (4th Cir. 2007) (ruling claim that removal instituted on basis of " alienage, ethnicity, or religion… entitles Malik to no relief", citing *AADC* and § 1252(g)); *Humphries v. Various Fed. U.S. INS Emps.*, 164 F.3d 936, 945 (5th Cir. 1999) (ruling that § 1252(g) prohibited review of an alien's First Amendment claim based on decision to put him into exclusion proceedings).

II. Sections 1252(a)(5) and (b)(9) Likely Bar Review.

The Court lacks jurisdiction over Suri's challenges to the commencement of proceedings, per the REAL ID Act's amendments to § 1252(b)(9). Those amendments provide that "[j]udicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien

from the United States under this subchapter shall be available only in judicial review of a final order under this section." 8 U.S.C. § 1252(b)(9). "This section, known as the 'zipper' clause, consolidates review of matters arising from removal proceedings 'only in judicial review of a final order under this section,' and strips courts of habeas jurisdiction over such matters." *Afanwi v. Mukasey*, 526 F.3d 788, 796 (4th Cir. 2008), *vacated on other grounds*, 558 U.S. 801 (2009). By law, "the sole and exclusive means for judicial review of an order of removal" is a "petition for review filed with an appropriate court of appeals," that is, "the court of appeals for the judicial circuit in which the immigration judge completed the proceedings." 8 U.S.C. §§ 1252(a)(5), (b)(2).

As the Fourth Circuit explained, "[i]n fact, Congress has specifically prohibited the use of habeas corpus petitions as a way of obtaining review of questions arising in removal proceedings." *Johnson v. Whitehead*, 647 F.3d 120, 124 (4th Cir. 2011) ("Petitions for review are the appropriate vehicle for judicial review of legal and factual questions arising in removal proceedings."), *cert. denied*, 565 U.S. 1111 (2012); *see also Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) (the REAL ID Act "clarified that final orders of removal may not be reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals."). These provisions sweep more broadly than § 1252(g). *See AADC*, 525 U.S. at 483. "Section 1252 permits individuals to petition for judicial review of 'final orders of removal' and indicates that those petitions supply the *exclusive* means for securing '[j]udicial review of all questions of law.'" *Velázquez v. Bondi*, 145 S. Ct. 1232 (2025). Only when the action is unrelated to any removal action or proceeding is it within the district court's jurisdiction. *Johnson*, 647 F.3d at 124; *Mapoy v. Carroll*, 185 F.3d 224, 230 (4th Cir. 1999). Styling does not allow circumvention of jurisdictional bars. *Arellano v. Barr*, No. 2:19-cv-1233-RMG, 2019 U.S. Dist. LEXIS 207399, at *7 (D.S.C. May 13, 2019) ("…an individual may not seek to avoid these provisions by fashioning their motion as a TRO or a stay

of removal instead of an appeal to the BIA or circuit court. Therefore, this Court does not have jurisdiction to issue any order to compel ICE to grant a stay of removal, to grant a stay of removal, or to grant a TRO."), *aff'd*, 785 F. App'x 195, 196 (4th Cir. 2019) ("[W]e affirm for the reasons cited by the district court.").

Here, Suri's challenges to the basis of his removal proceedings and his detention attendant to removal proceedings necessarily "aris[es] from" "any" "action taken or proceeding brought" to remove him from the United States. "Any", as used in § 1252(b)(9)—is an exceedingly broad statutory term. As the Supreme Court "has 'repeatedly explained,' 'the word 'any' has an expansive meaning.'" *Patel v. Garland*, 596 U.S. 328, 338 (2022) (quoting *Babb v. Wilkie*, 589 U.S. 399, 405 n.2 (2020)). Regardless of whether he styles his petition as a direct or indirect attack, his petition challenges "action taken… to remove [him] from the United States." *See* ECF #34. It does not matter that he claims to challenge the alleged underlying reason behind those actions or another action underlying an action taken to remove him, "[n]o review means no review; [a jurisdiction-stripping] statute does not need to list all of the many potential legal theories that are not reviewable." *Soni v. Jaddou*, 103 F.4th 1271, 1273 (7th Cir. 2024); *see also Doe v. McAleenan*, 926 F.3d 910, 915 (7th Cir. 2019) ("…a plaintiff cannot sidestep § 1252(a)(2)(B)(ii) by artfully framing [their] challenge…."). Courts look to whether the challenged action—here, the § 1226(a) detention predicated on a § 1227(a)(4)(C)(i) determination—is "inextricable" from the removal proceedings. *Gonzalez-Alarcon v. Macias*, 884 F.3d 1266, 1275 (10th Cir. 2018) ("Although Gonzalez-Alarcon seeks release from detention, his claim is based on the alleged invalidity of his order of removal"); *Martinez v. Napolitano*, 704 F.3d 620, 623 (9th Cir. 2012) ("When a claim by an alien, however it is framed, challenges the procedure and substance of an agency determination that is inextricably linked to the order of removal, it is prohibited by section 1252(a)(5)." (quotation

omitted)); "Where the issue of [] detention is so 'intertwined' with the order of removal, the Court is barred from deciding the matter under 8 U.S.C. § 1252(b)(9)." *O.D. v. Stewart Det. Ctr.*, No. 4:20-CV-222-CDL-MSH, 2021 U.S. Dist. LEXIS 226254, at *12 (M.D. Ga. Jan. 14, 2021), *R&R adopted*, *O.D. v. Stewart Det. Ctr.*, No. 4:20-CV-222 (CDL), 2021 U.S. Dist. LEXIS 226251 (M.D. Ga. Apr. 1, 2021); *see also Essuman v. Gonzales*, 203 F. App'x 204, 211-12 (10th Cir. 2006) (district court lacked jurisdiction "Because the challenge to his detention is grounded in the removal order rather than based on some inherent problem with the detention itself"). This principle extends to constitutional claims as well. *See*, *e.g.*, *Duron v. Johnson*, 898 F.3d 644, 647 (5th Cir. 2018) ("[the] familial-association claim raises a legal question squarely within section 1252(b)(9). That is, the claim questions the validity (indeed, the constitutionality) of Martin's deportation: an issue that emanates directly from Martin's removal order.").

Suri's claims fit comfortably within these provisions, as the Supreme Court made express in *Jennings*. Justice Alito explained that whatever the precise scope of § 1252(b)(9), it plainly covered suits challenging the "decision to detain [an alien] in the first place or to seek removal [of him]." 583 U.S. at 294-95. And *that* is Suri's challenge here. Likewise, when an alien does not challenge a distinct defect in his detention, but instead raises defects in his detention that are entirely derivative of his ultimate objection to his removal, that sort of claim must be folded into the zipper clause, lest an alien obtain initial review of the very substantive claims that are supposed to wait for the court of appeals. Indeed, that is why in *Jennings*, the Court, again, said that § 1252(b)(9) reached the "decision to detain [an] alien in the first place or to seek removal [of him]." 583 U.S. at 294. Because Suri's challenges to detention cannot be divorced from the basis for removal proceedings that are presently ongoing, § 1252(a)(5) and (b)(9) apply. . And as the Fourth Circuit has already affirmed, those provisions bar litigation challenging the conditions predicate

to removal proceedings while those removal proceedings, even when removal proceedings are still pending. *Johnson*, 647 F.3d at 124; *see also Duncan v. Kavanagh*, 439 F. Supp. 3d 579, 586 (D. Md. 2020) ("The court is not persuaded by Duncan's argument that the jurisdiction-stripping provisions of §§ 1252(a)(5) and 1252(b)(9) apply only to habeas petitions challenging final orders of removal.").

III. Jurisdictional and Merits Doubts Pervade All Claims.

A. Counts I-II: Violation of the First Amendment and the Due Process Clause of the Fifth Amendment to the United States Constitution.[2]

Nested within the Amended Petition's larger First Amendment Claim, Suri claims his detention restrains his First Amendment right to "exercising his religion now (through detention)." Amended Petition (ECF #34) ¶ 94. This challenge too must fail because the alleged violation was cured and cannot result in his detention being illegal.

The only facts pled in the Amended Complaint that relate to this claim are Suri's allegations that he was initially not provided with the religious accommodations he requested. Specifically, he claims he "requested religious accommodations, including Halal food, Ramadan fasting accommodations, a Quran, and a prayer mat" once he arrived at the Prairieland Detention Center. Amended Petition (ECF #34) ¶ 68. The Amended Petition, however, also states that he received halal food after five days, and that "[a]fter [Suri] reaffirmed his needs, he was given a prayer mat, a Quran, and provided a space on a bed in the dorm, outside of the TV room." Amended Petition (ECF #34) ¶ 68. The Amended Petition itself therefore indicates that Suri's religious needs were addressed within a few days. As Suri is bringing a case in habeas seeking release, a remedied religious exercise claim cannot cause Suri's detention to be unlawful. *See Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 119 (2020) (noting that "habeas is at its core a remedy for unlawful

[2] Count III is sufficiently addressed in prior filings. *See*, *e.g.*, ECF #29 at 22-24.

executive detention") (internal citation and quotation omitted). In other words, this challenge does not go to the legality of his confinement, but rather the conditions of his confinement, which he cannot raise in habeas. *Hallinan v. Scarantino*, 466 F. Supp. 3d 587, 601 (E.D.N.C. 2020) (quoting *Wilborn v. Mansukhani*, 795 F. App'x 157, 163 (4th Cir. 2019) (collecting cases)) ("While the United States Court of Appeals for the Fourth Circuit has not addressed the issue in a published opinion, '[s]even of the ten circuits that have addressed the issue in a published decision have concluded that claims challenging conditions of confinement cannot be brought in a habeas petition.'"). And even if he could, the proper remedy would not be release, but rather an order that he be provided the religious implements that he requested. *Dawson v. Asher*, 447 F. Supp. 3d 1047, 1050-51 (W.D. Wash. 2020)

Also nested within his larger First Amendment claim, Suri alleges he has been retaliated against "for his religious exercise as a practicing Muslim." Amended Petition (ECF #34) ¶ 94. But the Amended Petition does not provide any factual allegation that permits an inference that any action was taken based on Suri's faith. The Amended Petition only repeatedly offers conclusory allegation that Suri is subject to retaliation for his "speech, viewpoint, religion, national origin, or protected associations, as well as his wife's protected speech, familial relationships, religion, and national origin." Amended Petition (ECF #34) ¶ 5; *see also id*. ¶¶ 6, 31, 47, 76, 80. There are thousands, if not millions, of visa holders in the United States who are Muslims. *See* Department of State, Report of the Visa Office 2023, Table V Immigrant Visas Issued and Adjustment of Status Subject to Numerical Limitations, https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2023AnnualReport/FY2023_AR_TableV.pdf (last visited May 10, 2025) (noting the issuance of thousands of immigrant visas in 2023 to nationals from majority Muslim countries such as Pakistan and Iran). Yet the vast

majority of these immigrants have not been subject to any adverse actions , indicating commencement of Suri's removal proceedings has no religious animus. Nor have any of the quotes Suri has included in his Amended Complaint from various officials and executive orders suggested an animus against Muslims. Amended Petition (ECF #34) ¶¶ 33, 35, 37-40, 46-47.

Notably, Suri only mentions religion in a single filing regarding his motions for immediate release and transfer, and then only in describing his scholarly interests. ECF #21 at 4 (stating Suri's scholarly "areas of interest are religion, ethnic conflicts, and peace process"), 6 (calling Suri "a scholar of religion"). None of Suri's other relevant motions filings reference, let alone argue, any likelihood of success for the violation of his free exercise rights. In short, there is nothing to tie any governmental action here to Suri's faith. Any allegation of retaliation based on Suri's faith therefore is simply not credible. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (requiring plaintiffs to state "enough facts to state a claim to relief that is plausible on its face"). Suri is unlikely to succeed on any Free Exercise claim.

Lastly, Suri is not likely to succeed on his broader First Amendment and Fifth Amendment Due Process challenges raising freedom of speech and freedom of association concerns. Amended Petition (ECF #34) ¶¶ 92-101. This is because, while aliens may possess certain constitutional rights, they are subject to conditions that could not be imposed on citizens. *Demore v. Kim*, 538 U.S. 510, 521 (2003) (quoting *Mathews v. Diaz,* 426 U.S. 67, 79–80 (1976) ("In the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens.")). If an alien's "presence or activities in the United States" provides the Secretary with a reason to believe that "serious adverse foreign policy consequences" will result, the alien may be determined removable. 8 U.S.C. § 1227(a)(4)(C)(i); *see also* 8 U.S.C. § 1182(a)(4)(C)(iii) (permitting the exclusion of aliens based on even lawful "past, current, or

expected beliefs, statements, or associations" if "the Secretary of State personally determines that the alien's admission would compromise a compelling United States foreign policy interest").

By its very definition, the subjugation of an alien visitor's speech to the United States' foreign policy interests is one that necessarily implicates foreign policy, an area in which the Supreme Court has repeatedly cautioned courts not to interfere. Indeed, the political branches' powers are at their apex in the context of immigration precisely because of the national security, foreign policy, and "changing political and economic circumstances" that immigration raises. *See Mathews v. Diaz*, 426 U.S. 67, 81–82 (1976). Therefore, the Supreme Court has long recognized that substantial deference is due when "litigation implicates sensitive and weighty interests of national security and foreign affairs." *Holder v. Humanitarian L. Project*, 561 U.S. 1, 33–34 (2010). This is especially the case where, as here, the executive acts "pursuant to specific congressional authorization, it is 'supported by the strongest presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.'" *Dames & Moore v. Regan*, 453 U.S. 654, 674 (1981) (quoting *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring)).

Further, conditions on aliens that would not be permissible on citizens, including speech and association, have long been a feature of immigration law. The Supreme Court specifically permitted deportation based on associations in *Harisiades v. Shaughnessy*, where the Court permitted the expulsion of an alien who was a member of the Communist Party notwithstanding challenges under the Fifth and First Amendments. 342 U.S. 580, 590-92 (1952); *see also Galvan v. Press*, 347 U.S. 522, 529-32 (1954) (upholding a statute against a Due Process challenge which allowed for expulsion of alien members of the Communist Party without proof that said member knew the party advocated for using violent means to overthrow governments). In *Harisiades*, the

Supreme Court also specifically noted that associations without personal guilt can result in expulsion, citing the ability of the federal government to expel citizens of enemy nations even if "the resident alien may be personally loyal to the United States." *Harisiades*, 342 U.S. at 587. The Court also noted that "Congressional apprehension of foreign or internal dangers short of war may lead to" the use of that deportation authority. *Id*.

Similarly, the Supreme Court has upheld the removal of an alien for being an anarchist where a statute allowed for the exclusion and expulsion anarchists just for being anarchists. *U.S. ex rel. Turner v. Williams*, 194 U.S. 279, 292-95 (1904). In so doing, the Supreme Court rejected a First Amendment challenge and reaffirmed that "the United States can, as a matter of public policy, by Congressional enactment . . . expel aliens or classes of aliens from their territory, and can . . . devolve the power and duty of identifying and arresting the persons included in such decree, and causing their deportation, upon executive or subordinate officials." *U.S. ex rel. Turner v. Williams*, 194 U.S. 279, 290–91 (1904) (quoting *Wong Wing* v. *United States*, 163 U. S. 228, 237 (1896)). The class of aliens subject to deportation was "anarchists," a group which was defined by their political beliefs rather than their personal, specific actions. *U.S. ex rel. Turner v. Williams*, 194 U.S. 279, 293-94 (1904) (noting that "[i]f the word 'anarchists' should be interpreted as including aliens whose anarchistic views are professed as those of political philosophers, innocent of evil intent . . . the act, even in this aspect, would not be unconstitutional, as applicable to any alien who is opposed to all organized government").

In line with these decisions, subjugation of aliens' speech to the country's need to avoid potentially serious foreign policy consequences is a Congressionally-created condition placed on any alien for them to remain in the United States, just as there are conditions that aliens not commit certain crimes, engage in terrorist activities, or become public charges. 8 U.S.C. § 1227(a)(2)-(6).

And as explained *infra*, those who fail to meet those conditions cannot bring a selective enforcement claim where they would otherwise fall within the grounds for exclusion. *See supra* § I (citing *AADC*, 525 U.S. at 487-92; *Hanna*, 644 F. App'x at 271; *Malik*, 213 F. App'x at 174 Even if this could implicate speech or association concerns, Congress can set conditions on aliens' rights, the Executive can enforce those conditions, and those restrictions are not subject to judicial second-guessing. *See Trump v. Hawaii*, 585 U.S. 667, 702 (2018) ("Because decisions in these matters may implicate 'relations with foreign powers,' or involve classifications defined in the light of changing political and economic circumstances, such judgments are frequently of a character more appropriate to either the Legislature or the Executive." (internal marks omitted)); *Harisiades*, 342 U.S. at 591 ("We think that, in the present state of the world, it would be rash and irresponsible to reinterpret our fundamental law to deny or qualify the Government's power of deportation.… It should not be initiated by judicial decision which can only deprive our own Government of a power of defense and reprisal without obtaining for American citizens abroad any reciprocal privileges or immunities. Reform in this field must be entrusted to the branches of the Government in control of our international relations and treaty-making powers.").[3]

Removal and exclusionary decisions rendered in part based on activities or beliefs that implicate speech or association have long been a feature of immigration law. The Supreme Court has repeatedly upheld such considerations against constitutional challenges, and the Court should

[3] The only Supreme Court case that address speech rights that Suri has marshalled against this authority is *Bridges v. Wixon*, 326 U.S. 135 (1945). ECF #21 at 13. It is true the Supreme Court stated that "[f]reedom of speech and press is accorded aliens residing in this country." *Bridges v. Wixon*, 326 U.S. 135, 148 (1945). But these cases do not hold that visiting aliens have the constitutional rights to the same extent as citizens, and later cases make clear that they do not. *Mathews v. Diaz*, 426 U.S. 67, 78 (1976) ("The fact that all persons, aliens and citizens alike, are protected by the Due Process Clause does not lead to the further conclusion that all aliens are entitled to enjoy all the advantages of citizenship"); *Harisiades*, 342 U.S. at 591.

not second guess them here. Given these longstanding Supreme Court cases, Suri cannot satisfy his burden to show a "high probability of success" on the merits of his claims. *Eliely*, 276 F. App'x at 270.

B. Count IV: Void for Vagueness

Suri's Amended Petition adds several claims, but he cannot show that he has the required "high probability of success" under any of them necessary to for this Court to order his release. *Id*.

Suri's void for vagueness claim, Amended Petition (ECF #34) ¶¶ 107-09, is unlikely to succeed because Suri seeks to extend it beyond what precedent allows. As a threshold matter, Suri is not challenging the statutory provisions that justify his detention and/or removal; instead, he challenges his hypothesized "federal government policy" that he believes governs how the Executive would *prioritize* what aliens to remove under *existing* law. That sort of internal directive—assuming one exists—governs only agency conduct, and would not be susceptible to a Fifth Amendment challenge because it creates no enforceable rights, privileges, or authority beyond the discretion specified by statute. *Beckles v. United States*, 580 U.S. 256, 265 (2017) ("If a system of unfettered discretion is not unconstitutionally vague, then it is difficult to see how the present system of guided discretion could be."). This principle applies to enforcement as much as it does to non-enforcement. *See*, *e.g.*, *Wilborn v. Mansukhani*, 795 F. App'x 157, 164 (4th Cir. 2019); *Regents of the Univ. of Cal. v. United States Dep't of Homeland Sec.*, 908 F.3d 476, 515 (9th Cir. 2018) (no constitutional right to DACA protections), *rev'd in part, vacated in part sub nom. DHS v. Regents of the Univ. of California,* 591 U.S. 1 (2020).

Even without this threshold problem, it is an open question whether a void-for-vagueness challenge under the Fifth Amendment's Due Process Clause can be brought against an unwritten policy, but the Fourth Circuit has indicated it cannot. *Swagler v. Neighoff*, 398 F. App'x 872, 879 (4th Cir. 2010) ("[T]he void-for-vagueness doctrine focuses on legislation — not 'policies and

actions.'"); *accord Am. Ass'n of Univ. Professors v. Rubio*, No. CV 25-10685-WGY, 2025 WL 1235084, at *20 (D. Mass. Apr. 29, 2025) (dismissing a vagueness challenge because such "challenges have not been extended beyond the statutory sphere or, at most, to written rules and regulations"). It is also questionable to what extent such challenges can be brought in the immigration context, given the Supreme Court did not hold an immigration statute unconstitutionally vague until 2018, and seemingly has never done so for an immigration regulation or policy. *See Sessions v. Dimaya*, 584 U.S. 148, 215 (2018) (Thomas, J., dissenting) (citing *Boutilier v. INS,* 387 U.S. 118, 122 (1967); *Jordan v. De George,* 341 U.S. 223, 232 (1951); *Mahler v. Eby*, 264 U.S. 32, (1924)) (noting the Supreme Court has long "upheld vague standards in immigration laws that it likely would not have tolerated in criminal statutes"). Even if such a challenge is permissible, at a minimum, "[a] litigant must make a high showing before we will strike down a regulation as void for vagueness." *Lumumba v. Kiser*, 116 F.4th 269, 285 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 1189 (2025).

The nature of the "policy"—even assuming that it is not merely Suri's amalgamation of a handful of cases he believes are similar to his, *infra* § III.D—it is not proper for a vagueness challenge. The purported "policy" that Suri complains of is not a statute or regulation that forbids or punishes any conduct, which are the usual target for vagueness challenges. *See F.C.C. v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012) (quoting *United States v. Williams*, 553 U.S. 285, 306 (2008)) ("A conviction or punishment fails to comply with due process if the statute or regulation under which it is obtained 'fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.'"). As even Suri alleges, the alleged policy goes more to addressing who

Respondents will seek to remove and where they will detain them pending removal proceedings, and not what acts are forbidden. Amended Petition (ECF #34) ¶¶ 3-4.

The alleged policy therefore is not a regulation or statute that can be evaluated under the usual framework to see if it "(1) establishes minimal guidelines to govern law enforcement, and (2) gives reasonable notice of the proscribed conduct" for two reasons. *Lumumba v. Kiser*, 116 F.4th 269, 285 (4th Cir. 2024) (quoting *Schleifer v. City of Charlottesville*, 159 F.3d 843, 853 (4th Cir. 1998)), *cert. denied*, 145 S. Ct. 1189 (2025). First, the alleged policy rests on the statutorily granted discretion of the Secretary of State to make determinations regarding foreign policy, so a limitation of discretion beyond what the statute requires is not appropriate. 8 U.S.C. § 1227(a)(4)(C)(i); *see also Beckles v. United States*, 580 U.S. 256, 267 (2017) (noting the Supreme Court "ha[s] have never suggested that unfettered discretion can be void for vagueness"). Second, the alleged policy does not proscribe any new conduct; even the Amended Complaint does not suggest one can "violate" the alleged policy.

At best, the alleged policy is a set of instructions Respondents have issued internally within the executive branch as to how they will exercise their prosecutorial discretion, which is normally not reviewable. *See United States v. Wilson*, 262 F.3d 305, 315 (4th Cir. 2001) (noting a court should "be cautious not to intrude unduly in the broad discretion given to prosecutors in making charging decisions" and that "a prosecutor's charging decision is presumptively lawful"); *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985); 8 U.S.C. § 1252(g) (denying courts jurisdiction to adjudicate claims "arising from the decision or action by the Attorney General to commence proceedings"). The alleged policy addresses how Respondents have chosen to exercise their power to detain and expel those persons whose activities the Secretary of State reasonably believes "would have potentially serious adverse foreign policy consequences for the United States." 8

U.S.C. § 1227(a)(4)(C)(i). That is something that has long been permissible. Immigration Act of 1990, Pub. L. No. 101-649, tit. VI, §§ 601-02, 104 Stat 4978 (1990). In that, the policy, even as alleged is nothing new; again, it does not pronounce anything to be newly forbidden, nor does it prohibit any new activity. Rather, it is akin to when a new district attorney takes office and decides how to allocate resources to enforce existing laws. True, such a policy decision may have retroactive effects because it directs how to allocate resources to enforce past violations of law, but that does not make it void for vagueness. *See Beckles v. United States*, 580 U.S. 256, 267 (2017) (quoting *Peugh v. United States*, 569 U.S. 530, 550 (2013)) ("the void-for-vagueness and *ex post facto* inquiries are 'analytically distinct'"). Indeed, the very fact that the policy considers conduct before its enactment indicates that it is not a violable policy that restrains people's activities, rather is an enforcement policy that simply guides Respondents on how they will use their powers to enforce existing immigration laws.

Therefore, Suri's claim is not a void for vagueness challenge, but rather a selective enforcement claim because it challenges a policy regarding how immigration laws will be enforced. Such claims have long been held to not lie against the government in the immigration context. *AADC*, 525 U.S. at 488 (noting "an alien unlawfully in this country has no constitutional right to assert selective enforcement as a defense against his deportation"). The Supreme Court has specifically noted how ill-suited courts are to evaluating selective enforcement claims. *AADC*, 525 U.S. at 491-92 ("The Executive should not have to disclose its 'real' reasons for deeming nationals of a particular country a special threat—or indeed for simply wishing to antagonize a particular foreign country by focusing on that country's nationals—and even if it did disclose them a court would be ill equipped to determine their authenticity and utterly unable to assess their adequacy."). Suri therefore cannot challenge the alleged policy under the Fifth Amendment

because his challenge is not a void for vagueness challenge, but rather a selective enforcement challenge, which he has no right to bring.

C. Count V: Equal Protection

Even assuming jurisdiction, the Court should apply a rational basis standard to Suri's Equal Protection claim. In *Trump v. Hawaii*, the Supreme Court noted that " '[a]ny rule of constitutional law that would inhibit the flexibility' of the President 'to respond to changing world conditions should be adopted only with the greatest caution,' and our inquiry into matters of entry and national security is highly constrained." 585 U.S. at 704 (quoting *Mathews v. Diaz*, 426 U.S. 67, 81-82 (1976)). Accordingly, the Court limited itself to rational basis review. *Id*. (considering only "whether the . . . [challenged] policy is plausibly related to the Government's stated objective."); *see also United States v. Sanchez-Garcia*, 98 F.4th 90, 98 (4th Cir. 2024) (noting that broad power granted to political branches over admission and exclusion of non-citizens "warrants limited judicial interference" and that Supreme Court has applied rational basis scrutiny "even to allegations of invidious discrimination in immigration law"); *United States v. Carillo-Lopez*, 68 F.4th 1133, 1142 (9th Cir. 2023) (same). Although some courts have applied the more searching standard laid out in *Village of Arlington Heights v. Metropolitan Housing Development Corp*, 429 U.S. 252 (1977), to equal protection claims in the immigration context, the *Arlington Heights* standard does not apply where national security and foreign policy considerations figure into the challenged action. *See CASA de Maryland, Inc. v. Trump*, 355 F. Supp. 3d 307, 322-25 (D. Md. 2018) (applying *Arlington Heights* where "none of the national security or foreign policy concerns implicated in *Hawaii*" were present).

Under the rational basis standard, Suri is not likely to succeed on his Equal Protection claim. Suri's detention is explicitly based on the Secretary of State's determination that he is deportable under § 1227(a)(4)(C)(i), including the Secretary's assessment that Suri's "presence

[and/or] activities in the United States" is something he has reason to believe "would have potentially serious adverse foreign policy consequences for the United States[.]" 8 U.S.C. § 1227(a)(4)(C)(i). Suri alleges that the Secretary's determination was made "in part because of [] discriminatory animus toward [Suri's] wife's Palestinian origin and her connection to Palestine." Am. Pet. ¶ 112. In the deportation context, however, the Supreme Court has articulated, "[t]he Executive should not have to disclose its 'real' reasons for deeming nationals of a particular country a special threat—or indeed for simply wishing to antagonize a particular foreign country by focusing on that country's nationals—and even if it did disclose them a court would be ill equipped to determine their authenticity and utterly unable to assess their adequacy." *AADC*, 525 U.S. at 491. Rather, Suri is free to challenge the basis for his removal in his ongoing immigration court removal proceedings, to include any potential petition for review to the Court of Appeals. Cite. This Court should reject Suri's invitation to circumvent removal proceedings and prematurely infer discriminatory animus. As such, Suri cannot demonstrate a substantial Equal Protection claim on which he has a high probability of success, and his motion for release on bail should be denied. *Eliely*, 276 F. App'x at 270-71.

D. Count VI: Administrative Procedure Act Claims

The Administrative Procedure Act, 5 U.S.C. § 701, *et seq*., provides a limited waiver of sovereign immunity to challenge certain discrete agency actions. Construing the pleadings liberally, Respondents understand Suri to challenge: (1) his amorphous conception of an alleged "policy" to "target[] noncitizens for apprehension, detention, transfer, and removal based on First Amendment-protected speech advocating for Palestinian rights"; and/or (2) the Rubio memorandum designating Suri under § 1227(a)(4)(C)(i). The APA does not apply to either claim.

To obtain APA review, Plaintiffs must challenge an "agency action" that is "final," *see Lujan v. National Wildlife Federation*, 497 U.S. 871, 882 (1990), and "for which there is no other adequate remedy." *Bennett v. Spear*, 520 U.S. 154, 157 (1997). Plaintiffs fail both prongs.

The APA defines "agency action" as including "the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act." 5 U.S.C. § 551(3). An action is considered "final" only when it is "one by which rights and obligations have been determined" or from which "legal consequences will flow." *Bennett*, 520 U.S. at 177-78. In attacking the alleged "federal government policy ('the Policy')," (ECF # 34, ¶ 3), Plaintiffs fail to identify agency action—let alone final agency action—on which to base their APA claim.

Indeed, this case is on all fours with *Lujan*. There, the plaintiffs sought to challenge a general "land withdrawal review program," which (as here) was "not derived from any authoritative text," or captured in any "order or regulation." 497 U.S. at 890. It was "simply the name by which petitioners have occasionally referred to the continuing (and thus constantly changing) operations of the BLM in reviewing withdrawal revocation applications." *Id.* That is exactly this case. Under the self-imposed caption of a "policy," Plaintiffs are attacking how Defendants are generally going about enforcing the immigration laws. *See, e.g.*, Compl. ¶¶ 3-4, 5, 31, 48, 77, 94, 107-10. That is "no more an identifiable 'agency action'—much less a 'final agency action'—than a 'weapons procurement program' of the Department of Defense or a 'drug interdiction program' of the Drug Enforcement Administration." *Lujan*, 497 U.S. at 890. Plaintiffs' APA claim is foreclosed.

As recently explained by the Supreme Court in reiteration of *Lujan*, litigants cannot challenge broad policies they merely perceive to exist based on their subjective outlook. *Biden v. Texas*, 597 U.S. 785, 809 (2022) (explaining it was "error" to "postulat[e] the existence of an

agency decision wholly apart from any 'agency statement of general or particular applicability… designed to implement' that decision."); *Whitewater Draw Nat. Res. Conservation Dist. v. Mayorkas*, 5 F.4th 997, 1012 (9th Cir. 2021) ("Plaintiffs cannot obtain review of *all* of DHS's individual actions pertaining to, say, 'employment-based immigration' in one fell swoop by simply labeling them a 'program.' Plaintiffs either must identify a particular action by DHS that they wish to challenge under the APA, or they must pursue their remedies before the agency or in Congress."); *Brnovich v. Biden*, 630 F. Supp. 3d 1157, 1173 (D. Ariz. 2022) (dismissing APA claims where "Plaintiffs do not challenge a particular, discrete agency action, but rather some generalized and amorphous conception of Defendants' … policies."); *Florida v. United States*, 660 F. Supp. 3d 1239, 1270 (N.D. Fla. 2023) (dismissing APA claim that challenges assumed "overarching policy" rather than discrete agency actions). Here, Suri identifies other cases he believes are similar—that of Ms. Ozturk and Messers. Khalil and Madawi—and presupposes that these must all reflect a "policy" to target Hamas supporting/connected/sympathetic individuals. But the APA does not allow for the theorization or supposition of a policy merely by collecting individual cases and alleging a similarity. And in any event, four designations does not equate to a policy.

But at bottom, Suri's suit is a challenge to certain removal decisions on the part of the Federal Government. But those decisions are not reviewable under the APA at all, and instead must be channeled through the exclusive administrative scheme that Congress designed for immigration. *See* 8 U.S.C. §§ 1252(a)(5), (b)(9), (g). That process—where immigration courts pass on a removal in the first instance, later reviewable by a court of appeals through a single petition for review—is the exclusive means for someone to challenge the legal and factual basis for their

removal. *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 230 (2020). Given that scheme, antecedent APA review is unavailable.

To the extent Suri is challenging the Rubio determination, "[t]he APA prohibits judicial review of actions committed to agency discretion by law. 5 U.S.C. § 701(a)(2). This defect goes to subject matter jurisdiction." *Pharm. Coal. for Patient Access v. United States*, 126 F.4th 947, 964 (4th Cir. 2025). The authority of § 1227(a)(4)(C)(i) is entirely discretionary because it relies on the subjective assessment of the Secretary of State as to whether Suri's presence or activities "would have potentially serious adverse foreign policy consequences for the United States," and consequently, provides no meaningful standard of review. *See* 8 U.S.C. § 1227(a)(4)(C)(i) ("An alien whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable."). The statute does not provide an objective yardstick by which this Court can review the determination. *See Polfliet v. Cuccinelli*, 955 F.3d 377, 382 (4th Cir. 2020) (finding similarly subjective language in § 1155 to commit action to agency discretion); *see also Webster v. Doe*, 486 U.S. 592, 600 (1988) ("'shall deem such termination necessary or advisable in the interests of the United States'… fairly exudes deference to the Director, and appears to us to foreclose the application of any meaningful judicial standard of review." (emphasis removed)); *Farmers All. for Improved Regulation v. Madigan*, No. 89-0959 (RCL), 1991 U.S. Dist. LEXIS 12208, at *36 (Aug. 30, 1991) ("[T]he statute's phraseology indicating that the Secretary should act when he 'has reason to believe,' or should initiate investigations when 'in his opinion' it is warranted, implicates a mental process potentially foreclosing the Court from attaching any "'meaningful standard against which to judge the agency's exercise of discretion.'"). Other similarly-worded provisions of the INA have been found to commit unreviewable discretion to the

Secretary where the determination turns on the cabinet official's subjective assessment that he or she has "reason to believe" as an *actus causa*. *Polfliet v. Cuccinelli*, 955 F.3d 377, 382 (4th Cir. 2020); *Watson v. Chief Admin. Law Judge*, No. 10-40411, 2010 U.S. App. LEXIS 21579, at *5 (5th Cir. Oct. 15, 2010) ("The H-1B provisions of the INA instruct the Secretary of Labor (or her designee) to 'conduct an investigation' into complaints that an employer has failed to abide by the H-1B provisions regarding the displacement of U.S. workers with H-1B foreign workers 'if there is reasonable cause to believe that such a failure… has occurred." 8 U.S.C. § 1182(n)(2)(A). By the terms of the INA, therefore, only the Secretary is empowered to make this reasonable-cause assessment."). The Secretary's designation is likely unreviewable under the APA, which counsels against granting relief pending a final determination on this issue. 5 U.S.C. § 701(a)(2) (excepting "agency action is committed to agency discretion by law" from APA review). In any event, even if review were to be had of the Rubio determination, such review would only be appropriate in the Petition for Review schematic. 8 U.S.C. §§ 1252(a)(5), (b)(9), (g).

Lastly, Suri cites the *Accardi* doctrine—a type of APA claim—but does not explain what guidance, if any, Rubio's determination that Suri's "presence or activities in the United States… would have potentially serious adverse foreign policy consequences for the United States" runs contrary to. Suri may disagree with the Secretary's determination, but that is insufficient to show that the agencies' own rules prohibit the Secretary's conclusion, which is what an *Accardi* theory is.

Even if Suri's APA claims did not suffer from the jurisdictional and merits issues identified above, only constitutional claims are considered on a motion for release pending a decision on a habeas petition. *Eliely*, 276 F. App'x at 270-71. Consequently, meritorious or not, the APA claims do not factor into the calculus in the Court's decision on the motion for *Eliely* release.

IV. If Suri's Motion for Release on Bond is Granted, The Court Should Require Bond.

To the extent the Court is inclined to grant Suri's Motion for Release on Bond, the Court should set "security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c).[4] The Court should also stay its order for seven days to allow the Government time to consider seeking immediate appellate recourse.

If the Court grants Suri's Motion for Release on Bond, the order granting the motion will amount to a preliminary injunction. *See Hope v. Warden York Cty. Prison*, 956 F.3d 156, 161-62 (3d Cir. 2020) (district court's order of immediate release in habeas case was an appealable preliminary injunction). Rule 65(c) of the Federal Rules of Civil Procedure allows issuance of a preliminary injunction or a temporary restraining order "only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." The purpose of the Rule is "to provide a mechanism for reimbursing an enjoined party for harm it suffers as a result of an improvidently issued injunction". *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 (4th Cir. 1999). A "district court retains the discretion to set the bond amount as it sees fit or waive the security requirement." *Pashby v. Delia*, 709 F.3d 307, 332 (4th Cir. 2013), *abrogated on other grounds, as recognized by Stinnie v. Holcomb*, 37 F.4th 977, 981 (4th Cir. 2022). The amount normally depends on the gravity of the potential harm to the enjoined party. *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 n. 3 (4th Cir. 1999). Failure to consider issuance of a bond in conjunction with a preliminary injunction ordering immediate release in a habeas case is legal error. *Hope v. Warden York Cty. Prison*, 972 F.3d 310, 322 (3d Cir. 2020).

[4] Respondents agree that if the Court grants immediate release, the earlier motion to require Suri's detention in Virginia should be denied as moot.

If the Court orders the release Suri requests, it should require bond in the amount of $10,000 and/or impose reasonable conditions on that release, including the following:

- Petitioner must report to Washington Field Office, Enforcement and Removal Operations (ERO) by calling (703) 633-2100 within 48 hours of the issuance of this order for further reporting instructions. If required to report in person, the address is 14797 Murdock Street, Chantilly, VA 20151.
- Comply with Alternative to Detention monitoring requirements, including possible GPS monitoring.
- Petitioner must surrender for removal from the United States if so ordered.
- Petitioner must not change his place of residence without first securing written permission from the officer listed above.
- Petitioner must advise the office listed above in advance of any overnight travel outside the states of Virginia or Washington, DC.
- Petitioner must not violate any local, State or Federal laws or ordinances, including but not limited to:
    - 18 U.S.C. § 922(g)(5) (relating to possessions of firearms by aliens);
    - 8 U.S.C. § 1302 (relating to registration as an alien);
    - 8 U.S.C. § 1304(e) (relating to the need to carry proof of registration); and
    - 8 U.S.C. § 1305(a) (relating to timely updating address changes).
- Petitioner must assist ICE in obtaining any necessary travel documents.
- Petitioner must not associate with known gang members, criminal associates, or be associated with any such activity.
- Petitioner must continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- Petitioner must provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- Petitioner must provide ICE with written responses from the Embassy or Consulate regarding your request.
- Any violation of these conditions will result in revocation of your employment authorization document.

CONCLUSION

For the foregoing reasons and those already briefed (ECF #28-29), this Court should deny Suri's motions.

DATE: May 12, 2025

Respectfully Submitted,

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