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**ORDER IMPOSING ATTORNEY SANCTIONS,
U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
(JUNE 3, 2026)**

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MALKEET LNU; SUNITA RANI LNU;
JAIVIN LOHAN,

Petitioners,

v.

TODD BLANCHE, Acting Attorney General,

Respondent,

MIKE SINGH SETHI; WILLIAM ROUNDS,

Interested Parties.

No. 24-4790

Agency Nos. A241-692-761,
A241-692-762, A241-692-763

Before: Richard A. PAEZ, Carlos T. BEA, and
Danielle J. FORREST, Circuit Judges.

ORDER

Attorneys Mike Singh Sethi and William Rounds filed briefs in this Court with multiple nonexistent cases, misattributed quotations, and gross misrepresentations of real cases. Sethi and Rounds claimed that the errors were the product of innocent typographical mistakes. And they repeatedly denied the possibility that generative artificial intelligence (“AI”) might have produced the errors. Having identified other cases in which Sethi or Rounds filed briefs that presented similar problems, we ordered them to show cause why they should not be sanctioned, suspended, or disbarred from practice before this Court. We have considered their response, and we now impose discipline.

We have previously stricken a brief in its entirety where the brief was composed almost entirely of fabricated or inaccurate citations. *Grant v. City of Long Beach*, 96 F.4th 1255, 1257 (9th Cir. 2024). But we have yet to explain the proper course when the brief as a whole does not merit such a consequence, or what disciplinary consequences might be warranted in such a case. We issue this disciplinary order, and explain our reasoning at some length, as a warning to the members of this Court’s bar: be aware of the risks of overreliance on generative AI, read everything cited in a court filing—whether drafted by generative AI or not—and disclose quickly and transparently generative AI hallucinations that are inadvertently included in court filings.

I. Background

A. Briefing and Motion to Correct

Sethi and Rounds are attorneys licensed to practice law in the State of California and before this Court. They are part of Sethi Law Group/US Legal Group, APC (“Sethi Law Group” or “the Firm”), a law firm that primarily handles immigration matters and is based in Orange County, California.¹ We assume, based on the Firm’s website and Rounds’s representations at oral argument, that Sethi is the managing attorney. Oral Argument at 12:53–12:59, *Lnu, et al. v. Bondi* (No. 24-4790), <https://www.ca9.uscourts.gov/media/video/?20251020/24-4790/> [<https://perma.cc/ZC5H-H26T>].

Sethi and Rounds served as counsel for the petitioners in this case, *Lnu, et al. v. Blanche*, No. 24-4790. Petitioners sought review of an order of the Board of Immigration Appeals (“BIA”), which dismissed their appeal from an Immigration Judge’s denial of their applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). The petition for review, which we granted, principally concerned an adverse credibility determination and the sufficiency of independent documentary evidence. *Lnu v. Bondi*, No. 24-4790, 2025 WL 3079970 (9th Cir. Nov. 4, 2025).

Sethi filed an opening brief in this case with multiple fabricated citations and quotations.² Sethi

¹ Sethi Law Group, <https://www.sethilawgroup.com/> [<https://perma.cc/3JHF-EQVQ>] (last visited May 14, 2026).

² Only Sethi’s name appears on the briefs.

cited two cases that do not exist and never existed: “*Eduardo v. Garland*, 28 F.4th 742 (9th Cir. 2022),” and “*Lay v. Holder*, 729 F.3d 962 (9th Cir. 2013).”³ And Sethi twice attributed quotations to real opinions in which the quoted language does not appear: *Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001), and *Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1080 (9th Cir. 2015).⁴ The Attorney General did not flag the fabricated citations in the answering brief.

After we denied the parties’ joint motion to submit *Lnu* on the briefs, Sethi filed a Motion to Correct the Record Re: Errata to Petitioner’s Opening Brief (“Motion to Correct”). The Motion to Correct represented that the two nonexistent cases—“*Eduardo v. Garland*” and “*Lay v. Holder*”—were “typographical errors.” Sethi sought to replace those cases with two cases that have similar names, different reporter numbers, and in the case of “*Lay*,” a different year: *Udo v. Garland*, 32 F.4th 1198 (9th Cir. 2022), and *Lai v. Holder*, 764 F.3d 1098 (9th Cir. 2014). He also sought to “correct” the holding for which “*Lay*” was cited. Sethi did not explain how such significant typographical errors might have occurred. Nor did he address the quotations misattributed to *Kamalthas* and *Avendano-Hernandez*.

³ We add quotation marks to the names of fabricated cases to distinguish them from real cases.

⁴ Sethi quoted *Kamalthas* as stating: “An adverse credibility determination is not necessarily a death knell to CAT protection.” And he quoted *Avendano-Hernandez* as stating: “The BIA must consider all evidence of record, including evidence of country conditions, in assessing the possibility of future torture.”

The replacement citations do not support their intended propositions. Sethi twice cited “*Eduardo*” for the proposition that “country conditions reports” can corroborate an applicant’s fear of persecution. *Udo*, however, does not discuss country conditions reports or the issue of particularity in such reports. *See* 32 F.4th at 1202, 1205. The case mentions country conditions reports once, but only to distinguish a prior case, and only to say that the country reports in that case had “little probative value.” *Id.* at 1205.⁵

As modified by the Motion to Correct, Sethi apparently intended to cite *Lai*, 764 F.3d at 1108, not “*Lay*,” for the proposition that “[t]he Ninth Circuit has held that corroboration from witnesses who cannot appear in person should not be discounted solely due to their absence.”⁶ But *Lai* does not discuss the weight of testimony from absent witnesses.⁷

⁵ Sethi also cited “*Eduardo*” for the standard of review for CAT claims, which *Udo* does recite, 32 F.4th at 1202.

⁶ The opening brief originally cited “*Lay*” for a proposition regarding “affidavits” specifically rather than “corroboration” generally. Perhaps recognizing that *Lai* does not mention affidavits, the Motion to Correct asked that the substance of the opening brief be “corrected,” substituting “corroboration” for “affidavits.” Sethi neglected to ask us to correct a second citation to “*Lay*” following a reference to affidavits later in the brief.

⁷ In *Lai*, the BIA affirmed an adverse credibility determination in part because *Lai* claimed that his wife was arrested, but he did not produce corroborating evidence from his wife to support that claim. 764 F.3d at 1107. We held that the lack of corroboration did not support the adverse credibility determination, and even if it did, the agency erred in relying on it because it did not put *Lai* on notice of the need for corroboration. *Id.* at 1107–08.

B. Oral Argument

Sethi did not appear for oral argument. Rounds appeared on behalf of Petitioners instead. At oral argument, we asked Rounds to explain the errors identified in the Motion to Correct. Oral Argument at 8:47–9:00. Rounds stated that the intended citations were “somewhat garbled” and reiterated the claim that Sethi had intended to cite real cases. *Id.* at 9:05–9:14. Rounds claimed that the real cases “stand for the same proposition.” *Id.* at 9:14–9:20. As for the source of the errors, Rounds asserted that he was “not sure” but that “it looks like it was a copy and paste error or something like that.” *Id.* at 9:05–9:28.

We then asked Rounds whether the errors might have been the product of generative AI, to which Rounds said that AI “was not used.” *Id.* at 9:28–9:31. Rounds explained that the quotation misattributed to *Kamalthas* appeared in a different case, but did not explain how the misattribution occurred. *Id.* at 9:33–10:00. We again asked Rounds whether generative AI might have been used to supplement the briefs, to which Rounds again said: “No. AI was not used. . . .” *Id.* at 10:05–10:16. We raised the other quotation misattributed to *Avendano-Hernandez* and again asked whether the error was the product of generative AI, to which Rounds again said “No.” *Id.* at 10:17–45.

After further questioning on the source of the errors, Rounds finally conceded that it was “possible” that AI might have been used by the individual who drafted the briefs. *Id.* at 10:59–11:11. He clarified that although Sethi’s name was on the briefs, Sethi did not draft the briefs, but only “reviewed” them. *Id.* at 12:28–12:40. Rounds later revealed that the brief writer was not yet licensed to practice law, *id.* at 13:01,

and that no licensed attorney read the cases cited by the unlicensed brief writer, *id.* at 25:11–25:38.

C. Order to Show Cause & Response

After oral argument, we ordered Sethi and Rounds to show cause (“Order to Show Cause”) why they should not be sanctioned, suspended, or disbarred from practice before this court for “conduct unbecoming a member of [this] court’s bar,” Fed. R. App. P. 46(b)(1)(B), and for “violating applicable rules of professional conduct,” 9th Cir. R. 46-2(a). No. 24-4790, Dkt. 41.

In the Order to Show Cause, we identified additional issues in the *Lnu* reply brief. Part of the quote attributed to *Bandari v. INS*, 227 F.3d 1160, 1167 (9th Cir. 2000), does not appear in that opinion.⁸ Sethi cited *Singh v. Gonzales*, 491 F.3d 1090, 1096–97 (9th Cir. 2007), for a proposition related to adverse credibility, but the case does not discuss adverse credibility. Sethi represented the holding of *Zahedi v. INS*, 222 F.3d 1157, 1165 (9th Cir. 2000), as concerning affidavits, but the opinion does not discuss affidavits.

We also identified similar issues in briefs filed by Sethi in other cases pending in this Court. In the opening brief for *Anguiano Alvarado v. Bondi*, No. 25-2485, Sethi cited three cases that do not exist: “*Garcia v. Garland*, 60 F.4th 1239 (9th Cir. 2023)”; “*Hernandez*

⁸ The opinion states that “[a] minor inconsistency in identifying the location of a person’s persecution, in light of otherwise consistent testimony, cannot form the basis of an adverse credibility finding.” *Bandari*, 227 F.3d at 1166. The reply brief states: “*See Bandari v. INS*, 227 F.3d 1160, 1167 (9th Cir. 2000) (holding that an asylum applicant’s ‘failure to remember non-material details [about his mistreatment] cannot form the basis of an adverse credibility finding’).”

v. Sessions, 873 F.3d 1120 (9th Cir. 2017)”; and “*Vasquez-Zavala v. Garland*, 69 F.4th 1086 (9th Cir. 2023).” In the opening brief for *Contreras Pelayo v. Bondi*, No. 24-5168, Sethi cited two cases that do not exist: “*Eduardo v. Garland*, 28 F.4th 742 (9th Cir. 2022)” and “*Gutierrez-Alm v. Garland*, 72 F.4th 446 (9th Cir. 2023).”⁹

Sethi and Rounds timely filed a joint response to our Order to Show Cause with individual declarations (collectively, “Response”).¹⁰ In the Response, Sethi and Rounds first explained the Firm’s brief writing process. Sethi Law Group employs law school graduates, who are not yet licensed attorneys, to write briefs (“Brief Writers”). While the statement of facts for each brief is prepared by an attorney, the Brief Writers are left to write the legal arguments and identify supporting authority for those arguments. Sethi and Rounds explain that they “do not normally vet citations used by the Brief writer during [their] review.”

Sethi and Rounds also explain why, at the time Sethi filed the Motion to Correct and Rounds appeared at oral argument, they believed that the errors were not the product of generative AI but innocent typographical mistakes. Rounds discovered the “*Eduardo*” and “*Lay*” errors while preparing for oral argument.

⁹ Rounds did not enter an appearance or sign the briefs in either of these cases. We do not present this as an exhaustive list of all past or present falsities in Sethi and Rounds’s briefs. Rather, we limit our discussion and sanctions to the issues identified in the Order to Show Cause.

¹⁰ Sethi and Rounds waived their right to an evidentiary hearing by not requesting one in their response. Fed. R. App. P. 46(c); 9th Cir. R. 46-2(d).

Rounds then notified Sethi. They assumed the irregularities were innocent typographical errors, either from copying and pasting only part of a citation from a prior brief, or from incorrectly typing in a citation from the firm's legal research service or a prior brief. Neither of them suspected the use of generative AI because the Firm prohibited its use and required the Brief Writers to check all their citations.

To support the assertion that they innocently believed the “*Eduardo*” and “*Lay*” errors were typographical, Sethi and Rounds state that “it was believed that the replacement citations provided support [for the claims in the briefs], however marginal, and were the ones originally intended.” Rounds argues that *Udo* supports the proposition that “country conditions” “can corroborate an applicant’s claims . . . even if they do not mention the applicant by name.” To that end, Rounds characterizes *Udo* as reaching an analogous holding: the agency there should have considered written statements from Udo’s family members even though the family misidentified the name of the hotel where Udo was persecuted. This is a gross mischaracterization of *Udo*.¹¹

As for *Lai*, Rounds argues that it indirectly supports the claims in the brief because *Lai* reiterates the general “totality of the circumstances” rule in adverse

¹¹ It was Udo who gave the wrong hotel name, not his family. *Udo*, 32 F.4th at 1201. The family statements did not describe “country conditions,” but corroborated Udo’s account of his own persecution. *Id.* at 1204–05. The agency did not neglect to consider the statements in the CAT analysis because of any mismatch in the hotel name, but simply failed to mention them at all. *Id.* at 1205.

credibility determinations. But Sethi cited “*Lay*” for a specific holding, not a general standard.

Notwithstanding these explanations and arguments, Sethi and Rounds now concede it is “more likely than not” or “probable” that the errors were the product of unauthorized AI use by their Brief Writers and a failure to cite check. They apologize to the Court and its staff and note their embarrassment. And they note that they have hired a licensed attorney to read all briefs prepared by the Brief Writers in future cases.

Sethi and Rounds also stated their intention to remedy similar errors in other pending matters. In at least one of those cases, Sethi filed a motion to correct that did not identify the original citations as fabricated or the product of generative AI, but simply as “errors.” *See, e.g.*, No. 24-5168, Dkt. 21.

II. Authority to Impose Discipline

We have the authority to impose discipline authorized by rule and statute. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 40 (1991). Federal Rule of Appellate Procedure (“FRAP”) 46(b)(1)(B) authorizes us to suspend or disbar attorneys from practice in this court for “conduct unbecoming a member of the court’s bar.” Ninth Circuit Rule 46-2(a) authorizes us to “impose discipline on any attorney practicing before this Court who engages in conduct violating applicable rules of professional conduct, or who fails to comply with rules or orders of this Court.” Because Sethi and Rounds maintain their principal office in California, we apply the California Rules of Professional Conduct and California’s State Bar Act as the “applicable rules

of professional conduct.” 9th Cir. Gen. Ord. 12.9(a); 9th Cir. R. 46-2(a); Cal. R. Pro. Conduct 1(b)(2).

Our Circuit Rules authorize discipline consisting of “disbarment, suspension, reprimand, counseling, education, a monetary penalty, restitution, or any other action that the Court deems appropriate and just.” 9th Cir. R. 46-2(a).

III. Discussion

Sethi and Rounds violated multiple rules of appellate procedure and professional conduct. Sethi did so when he signed and filed briefs in this Court with nonexistent cases, misattributed quotations, and gross misrepresentations of real cases. The contentions associated with these falsities lacked “citations to the authorities,” Fed. R. App. P. 28(a)(8)(A), and Sethi’s conduct violated his duties of competence and diligence, Cal. R. Pro. Conduct 1.1, 1.3, as well as his duty to present meritorious claims, *id.* 3.1(a)(2). Sethi and Rounds also violated their duty of candor when they represented the errors as innocent typographical mistakes and when they affirmatively denied that generative AI might have been the source of the errors. Cal. R. Pro. Conduct 3.3(a)(1). We detail each violation in turn.

A. Generative AI

We first clarify what this order is *not* about. We do not sanction Sethi and Rounds for the simple fact that they or their subordinates used generative AI. The Federal Rules of Appellate Procedure and our Circuit Rules “do not directly regulate the process by which a party or an attorney produces [a] filing—such as writing it personally with no assistance,

delegating part of its preparation to a subordinate, or employing generative artificial intelligence.” 9th Cir. R. 32-1, Advisory Comm. Note (Dec. 1, 2025) [“Rule 32-1 Adv. Comm. Note”]. California’s State Bar Standing Committee on Professional Responsibility and Conduct has acknowledged that “[g]enerative AI is a tool that has wide-ranging application for the practice of law,” and has published a guide on how to use responsibly generative AI consistent with the Rules of Professional Conduct (“Cal. Bar Practical Guidance”). State Bar of Cal. Standing Comm. On Prof. Resp. & Conduct, *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law 1* (2025), <https://www.calbar.ca.gov/sites/default/files/2025-09/Generative-AI-Practical-Guidance.pdf> [<https://perma.cc/UAS5-8XXP>]; see also *Noland v. Land of the Free, L.P.*, 114 Cal. App. 5th 426, 446 (2025) (“[T]here is nothing inherently wrong with an attorney appropriately using AI in a law practice.”).

While not inherently unethical or irresponsible, using generative AI without rigorously checking its output does present a higher risk of violating certain ethical and procedural rules. This is due to the nature of mistakes that generative AI is prone to make, at least in its current stage of advancement. Two types of mistakes, or “hallucinations,” are most relevant: fabrications and inaccuracies. Magesh et al., *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, 22 J. Empirical Legal Stud. 216, 221 (2025). Fabrications are instances in which the generative AI tool provides cases or quotations that do not exist at all. *Id.* at 221, 230. Inaccuracies are more subtle. *Id.* at 222. The generative AI tool might cite to real authorities but provide an

answer that is legally or factually inaccurate or not supported by the citation. *Id.* at 221–22.¹²

Fabrications are the most notorious hallucinations, but inaccuracies may prove more dangerous to our profession in the long run. Inaccuracies are more likely to go unnoticed by attorneys and judges because they are not always susceptible to facial checks. Rather, “[i]dentifying these misunderstandings often requires close analysis of cited sources.” *Id.* at 225. With close analysis, some inaccuracies might be clear—for instance, claiming that a case expressly stands for a proposition about a certain topic when the case does not discuss that topic at all. Others may be difficult to distinguish from poor legal reasoning.

And inaccuracies are common, even in newer generation models that produce fewer fabrications. Including inaccuracies, legal-specific generative AI tools from Westlaw and Lexis hallucinated 17% and 33% of answers, respectively, to a representative set of queries run in 2024.¹³ *Id.* at 222–23, 225. The most

¹² Courts, commentators, and industry actors have used the term “hallucination” to describe a range of generative AI errors, but the term is “currently being used inconsistently.” Magesh et al., *supra*, at 221. Popular legal AI tools have apparently adopted a definition of hallucination that only includes fabrications. We agree with Magesh et al. that this is “plainly irrational,” as such a definition “would require us to conclude that a tool that links only to *Brown v. Board of Education* on every query . . . has provided ‘hallucination-free’ citations.” *Id.* We thus adopt the broader definition of hallucinations proposed by Magesh et al.

¹³ To our knowledge, these are the most recent independent data available. Generative AI is improving rapidly, so it is possible that these hallucination rates have decreased. *See* Magesh et al., *supra*, at 231. Until the technology fundamentally changes, however, even advanced legal-specific AI models are “unlikely to fully

common error modes of the latest generation tools include misunderstanding holdings, failing to distinguish between legal actors (*e.g.*, presenting a rejected party argument as the holding of the court), and failing to respect the hierarchy of authorities. *Id.* at 225–30. In other words, the sort of errors that we might expect a first-semester law student to make, but certainly not licensed attorneys appearing before this court.

As we will explain, filing briefs with hallucinated fabrications and inaccuracies violates procedural and ethical rules. Lawyers using generative AI must thus be aware of the tendency of generative AI to make these mistakes and guard against them. *See, e.g., Noland*, 336 Cal. App. 5th at 446 (“Before filing any court document, an attorney must carefully check every case citation, fact, and argument to make sure that they are correct and proper. Attorneys cannot delegate that role to AI, computers, robots, or any other form of technology.” (citation modified)).

It is ultimately irrelevant to the disciplinary analysis (except for the duty of candor), however, whether Sethi, Rounds, or anyone at the Firm actually used generative AI or was aware of its tendency to make mistakes. Attorneys do not need cutting-edge technology to fabricate citations and make demonstrably false and unsupported statements. And the ethical and procedural rules we apply today do not turn on the source of such error. That is, the rules are not violated at the point of research and drafting, but at the point of signing and filing. If an attorney files a

solve the hallucination problem,” due to, among other things, the complexity of our common law system. *Id.* at 219–20.

brief with cases or quotations that do not exist, or completely misrepresents what a real authority stands for, it generally does not matter if he pulled the hallucination or misrepresentation from the output of an artificial intelligence tool or from his own natural intelligence.

However legal papers are prepared, and however legal technology develops, our procedural and ethical rules apply with equal force. Just as faithful adherence to those rules would prevent the submission of generative AI hallucinations, such adherence would also prevent the submission of similar human-generated errors. Sethi and Rounds failed to adhere to the rules. It is for those failures that we impose discipline, as discussed below.

B. Filing

Sethi violated the Federal Rules of Appellate Procedure and the California Rules of Professional Conduct when he filed briefs with nonexistent cases, misattributed quotations, and gross misrepresentations of real cases.

1. Applicable Rules

The Federal Rules of Appellate Procedure provide that “contentions” must be supported “with citations to the authorities . . . on which the [party] relies.” Fed. R. App. P. 28(a)(8)(A); *id.* 28(b). FRAP Rule 32(d) in turn provides that “[e]very brief, motion, or other paper filed with the court must be signed by the party filing the paper or, if the party is represented, by one of the party’s attorneys.”

Our Circuit Advisory Committee recently explained that the signature requirement of FRAP 32(d) is our

Court's primary guard against inaccurate filings. "Regardless of how the filing is prepared, the signature is an attestation that the signer has reviewed the filing and is responsible for the accuracy of its contents." Rule 32-1 Adv. Comm. Note. In other words, no matter how a filing is prepared—whether by delegation, partnership, solo work, or generative AI—the party or attorney who submits the filing with this Court must read the authorities cited therein to ensure that they are real, properly attributed, and accurately represented.

The California Rules of Professional Conduct impose duties of competence and diligence. Cal. R. Pro. Conduct 1.1, 1.3. These duties apply to attorneys who prepare filings with generative AI and review such filings. Cal. Bar Practical Guidance 2–3 (Duties of Competence and Diligence). At a bare minimum, these duties require lawyers to review the output of generative AI for fabrications and basic accuracy: Are these cases and quotations real? Does this case discuss the issue at hand?

But a competent and diligent attorney must do more than prompt generative AI, check that the citations provided by the AI are real and the subject matter roughly on point, and call it a day. Cal. Bar Practical Guidance 3 (Duties of Competence and Diligence) ("The duty of competence requires more than the mere detection and elimination of false AI-generated results."). A competent and diligent attorney must also *read* and *reason*. The California Court of Appeal put it well: "To state the obvious, it is a fundamental duty of attorneys to *read* the legal authorities they cite in appellate briefs or any other court filings to determine that the authorities stand for the propo-

sitions for which they are cited.” *Noland*, 114 Cal. App. 5th at 445 (original emphasis). This exercise of professional judgment “cannot be delegated to generative AI and remains the lawyer’s responsibility at all times.” Cal. Bar Practical Guidance 3 (Duties of Competence and Diligence). That is, there is no substitute for “critical attorney analysis fostered by traditional research and writing.” *Id.*

The duties of competence and diligence also apply, of course, to attorneys who do not use generative AI and do not suspect its use in the drafts they review. And the substance of the duties is the same. “Simply stated, no brief, pleading, motion, or any other paper filed in any court should contain *any* citations—whether provided by generative AI or any other source—that the attorney responsible for submitting the pleading has not personally read and verified.” *Noland*, 114 Cal. App. 5th at 430 (original emphasis).

The California Rules of Professional Conduct also provide that “[a] lawyer shall not . . . present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of the existing law.” Cal. R. Pro. Conduct 3.1(a)(2). A legal argument supported only by hallucinations is neither “warranted under existing law” nor a “good faith argument,” Cal. R. Pro. Conduct 3.1(a)(2). That is, “[a] fake opinion is not ‘existing law’ and citation to a fake opinion does not provide a non-frivolous ground for extending, modifying, or reversing existing law, or for establishing new law.” *Noland*, 114 Cal. App. 5th at 445 (quoting *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 461 (S.D.N.Y. 2023)).

2. Sethi's Conduct

Sethi violated these procedural and ethical rules when he cited cases that do not exist. The claims that those cases were meant to support were presented without “citations to the authorities,” Fed. R. App. P. 28, because a fabricated citation is not an authority. And the claims were neither supported by existing law nor good faith arguments. Cal. R. Pro. Conduct 3.1(a)(2); *Noland*, 114 Cal. App. 5th at 445.

It is irrelevant that other cases may stand for the propositions asserted. If other cases supported Sethi's “contentions,” it was his responsibility to cite them. Fed. R. App. P. 28(a)(8)(A); *see also Noland*, 114 Cal. App. 5th at 447 (“It is counsel's job—*not* this court's—to identify legal authority to support appellant's contentions. The existence of (uncited) cases in support of plaintiff's legal contentions does not excuse the fraudulent case cites.” (original emphasis)).

Nor do we see how it might matter, as urged in the Response, that the citations were purportedly offered for points that were “not regarded as case determinative, or hotly contested.” Insertion of useless bulk in a brief serves only to distract the Court and perhaps pad the client's bill. And all claims in a brief, no matter how minor, must be made with citations to real authority or a good faith argument for a change in the law.

Sethi also violated these rules when he attributed quotations to opinions in which the quoted language does not appear. For instance, Sethi cited *Kamalthas*, 251 F.3d at 1284, for the following proposition: “An adverse credibility determination is not necessarily a death knell to CAT protection.” This quotation does

not appear in *Kamalthas*. The substance of the quotation is thus a “contention[]” provided without “citation[].” Fed. R. App. P. 28(a)(8)(A). It makes no difference that the quotation does in fact appear in another case or that the misquoted language is supported generally by *Kamalthas*. See *Shrestha v. Holder*, 590 F.3d 1034 (9th Cir. 2010). Rather, that only underscores that it was possible for Sethi to provide the correct citation and that he failed to do so.¹⁴

Sethi’s gross misrepresentations of real authorities also violate these rules. For example, Sethi argued in the reply brief that “minor linguistic variations in describing one’s role within a political party do not justify an adverse credibility finding.” In support of this contention, Sethi cited a real case, *Singh*, 491 F.3d at 1096–97, and described the case in a parenthetical as “recognizing that minor translation errors and misunderstandings do not support an adverse credibility finding where the record otherwise supports the claim.” There is no colorable argument that *Singh* is an “authorit[y]” that supports either of these contentions. Fed. R. App. P. 28(a)(8)(A). *Singh* concerned the denial of an untimely motion to reopen and equitable tolling. 491 F.3d at 1093–94. It does not discuss adverse credibility or translation errors other than by noting that the petitioner was not found

¹⁴ The California Rules of Professional Conduct provide that, as part of an attorney’s duty of candor, an attorney may not “knowingly misquote to a tribunal the language of a book, statute, decision, or other authority.” Cal. R. Pro. Conduct 3.3(a)(1)–(2). This duty could be implicated by the unchecked use of generative tools that are known to be unreliable. See Cal. R. Pro. Conduct 1.0.1(f); see also *In re Domestic P’ship of Campos & Munoz*, 118 Cal. App. 5th 1112, 1128–30 (2026).

credible and his prior counsel initially failed to submit complete translations of supporting documents. *Id.* at 1092–93. To the extent that Sethi’s argument, or the description of the holding in the parenthetical, was “warranted under existing law,” Sethi failed to identify that law. Cal. R. Pro. Conduct 3.1(a)(2). And his citation to a wholly inapposite case was not a good-faith argument for changing the law. *Id.*

Had Sethi acted with competence and diligence, he would have read the *Lnu* briefs before submitting them to this Court, including the authorities cited in the briefs. “Plainly,” however, “counsel did not read the cases he cited before filing his appellate briefs: Had he read them, he would have discovered, as we did, that the cases did not contain the language he purported to quote, did not support the propositions for which they were cited, or did not exist.” *Noland*, 114 Cal. App. 5th at 445.

It is no excuse that Sethi entrusted substantive cite checking to subordinates, and it is no excuse that Sethi purportedly did not know his subordinates had used generative AI.¹⁵ It was Sethi’s signature, and his alone, on the briefs. So, it was Sethi who “present[ed]” the unwarranted contentions. Cal. R. Pro. Conduct 3.1(a)(2); Fed. R. Civ. P. 11(b). And Sethi’s signature

¹⁵ To the contrary, before the corrective actions noted in the Response, the Firm’s system of delegation may have violated California’s responsibilities for supervising nonlawyers and its prohibition on the unauthorized practice of law. Cal. R. Pro. Conduct 5.3(a)–(b), 5.5(a). Without reading the cases cited in the drafts, it was not possible for Sethi and Rounds to have “merged” the preparatory work of the Brief Writers into their own final work product. *See Crawford v. State Bar of Cal.*, 54 Cal. 2d 659, 668 (1960) (quoting *Ferris v. Snively*, 172 Wash. 167, 177 (1933)).

was an attestation that he personally reviewed the contents of the brief, including the cited authorities, and that they were accurate. Rule 32-1 Adv. Comm. Note; *see* Fed. R. App. P. 32(d). Sethi did no such review, and his attestation was not conditional on the tools that his subordinates might have used to prepare the first draft, nor could it be. *See* Fed. R. Civ. P. 11(b).

To the contrary, Sethi attests that he and Rounds “do not normally vet citations used by the Brief writer during our review.” That is an extraordinary confession. A competent and diligent attorney cannot decline to “vet” citations, in a brief he signs, for substantive validity—in other words, to read the cited authorities and ensure that they are on point. Cal. R. Pro. Conduct 1.1, 1.3; Cal. Bar Practical Guidance 3 (Duties of Competence and Diligence); Rule 32-1 Adv. Comm. Note.

We do not suggest that every minor typographical error in a citation gives rise to a violation of the ethical and procedural rules. The errors we identify, however, are not plausibly typographical. The two nonexistent cases that Sethi cited bear no reasonable resemblance to real cases. The closest possible cases have different names, reporter numbers, and years of publication. And we have not identified a plausible explanation for how typographical errors might have resulted in the misrepresentations of *Singh*, 491 F.3d at 1096–97, and *Zahedi*, 222 F.3d at 1165. Nor has Sethi offered one. While misattributing a quotation can be a typographical error that lawyers might be more familiar with—citations may be misplaced when sentences are rearranged in a brief—Sethi does not contend that the misattributed quotations were typographical

errors, so we do not address how our sanctions analysis might have differed with a plausible typographical explanation.

C. Candor

The misconduct in this case did not end with the initial filing of the *Lnu* briefs. At every subsequent step—including the Motion to Correct, oral argument, the Response to our Order to Show Cause, and more recent filings in other cases—Sethi and Rounds have knowingly or recklessly made false statements to this Court.

Again, under the California Rules of Professional Conduct, “[a] lawyer shall not . . . knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.” Cal. R. Pro. Conduct 3.3(a)(1). Knowledge “means actual knowledge of the fact in question.” Cal. R. Pro. Conduct 1.0.1(f). “A person’s knowledge may be inferred from circumstances.” Cal. R. Pro. Conduct 1.0.1(f); *see also In re Domestic P’ship*, 118 Cal. App. 5th at 1128.

1. Innocent Typographical Errors

Sethi and Rounds each violated their duty of candor when they claimed that the nonexistent cases in the *Lnu* opening brief were the result of typographical or copy-paste errors. Sethi described the hallucinations as “typographical errors” in the Motion to Correct. At oral argument, Rounds stated that the intended citations were “somewhat garbled” and that “it looks like it was a copy and paste error or something like that.” Oral Argument at 9:05–9:28. And in the Response, Sethi and Rounds continue to insist that at

the time of the Motion to Correct and oral argument, they believed the errors were the product of innocent typographical mistakes.

As we have explained, we have not identified any plausible explanation for how innocent typographical or copy-paste errors could turn *Udo v. Garland*, 32 F.4th 1198 (9th Cir. 2022), and *Lai v. Holder*, 764 F.3d 1098 (9th Cir. 2014)—the real cases—into “*Eduardo v. Garland*, 28 F.4th 742 (9th Cir. 2022),” and “*Lay v. Holder*, 729 F.3d 962 (9th Cir. 2013)” —the clearly hallucinated citations in the opening brief. *See, supra*, Section III.B.2. Further, Sethi and Rounds’s practice of not reading the cases in the Brief Writers’ briefs before filing them created an “inherent risk” of citing fake cases and authorities. *In re Domestic P’ship*, 118 Cal. App. 5th at 1130 (quoting *Shayan v. Shakib*, 116 Cal. App. 5th 619, 625 (2025)). We thus infer from the circumstances that Sethi and Rounds knew as early as the Motion to Correct that the errors were not innocent typographical or copy-paste errors. Sethi and Rounds thus knowingly made a false statement to this Court by claiming otherwise and knowingly made a false statement by denying their prior knowledge in the Response.

We also infer that Sethi and Rounds identified *Udo* and *Lai* as the closest possible citations not to correct an innocent error, but to cover up the true source of the errors. Rounds insists on his innocent prior state of mind by defending the substantive validity of the replacement citations. But Rounds only digs himself into a deeper hole. His analysis of *Udo* is either grossly incompetent or knowingly deceptive. *Supra*, Section I.C. He either recklessly or deliberately mischaracterizes how the *Lnu* briefs relied on “*Lay*”

and *Lai. Id.* The post-hoc rationalizations are thus not forthright. Instead, they add to our inference that Sethi and Rounds have knowingly and repeatedly misled this Court as to the source of the errors and their awareness of the source.

In circumstances such as these, the duty of candor requires a transparent disclosure of the source of the errors. An attorney who erroneously submits a hallucination in a brief must notify the Court and opposing counsel immediately, describe the nature of the error (a fabrication, a gross misrepresentation, etc.), and disclose how the error came about—here, misused generative AI.

Instead of transparency, and despite our Order to Show Cause, Sethi has apparently chosen to engage in more subtle subterfuge. In one of the matters we identified in our Order to Show Cause, *Contreras Pelayo v. Bondi*, No. 24-5168, Sethi filed a “Notice of Errata” that identified two hallucinated citations and requested to replace them with real citations.¹⁶ No. 24-5168, Dkt. 21. The motion did not represent the errors as “typographical.” But nowhere in that motion did Sethi disclose that the prior citations were hallucinations. Instead, Sethi merely said that the brief “contains errors in two of the case citations.” *Id.* He then simply listed the fabricated citations and said that each was “an error” or “incorrect,” and then identified what the real citation “should be.” *Id.*

¹⁶ As in *Lnu*, Sethi sought to replace a citation to “*Eduardo v. Garland*, 28 F.4th 742, 748 (9th Cir. 2022),” with one to *Udo v. Garland*, 32 F.4th 1198, 1202 (9th Cir. 2022). *See, supra*, Section I.A.

This is not sufficient disclosure. By citing the hallucinations in the opening brief and signing the brief, Sethi previously attested to the accuracy, *and thus the existence of*, the hallucinated citations. 9th Cir. R. 32-1; Rule 32-1 Adv. Comm. Note. Swapping a hallucination out for a real case does not correct the prior false claim that “this is a real case.” By failing to notify the Court that Sethi previously cited cases that do not exist, Sethi “fail[ed] to correct false statements of . . . law previously made to the tribunal.” Cal. R. Pro. Conduct 3.3(a)(1). Of course, this Court has the discretion to accept replacement citations in such circumstances. But failing to disclose the nature and source of the errors is conduct unbecoming of a member of this Court’s bar. *See* Fed. R. App. P. 46(b)(1).

2. Denying the Use of Generative AI

Sethi and Rounds also violated their duties of candor by categorically denying the use of AI at oral argument (Rounds) and failing to disclose the use of AI in the Motion to Correct (Sethi). Rounds definitively asserted at oral argument, three times, that generative AI “was not used” to prepare the *Lnu* briefs. Oral Argument at 9:28–9:32, 10:05–10:15, 10:40–10:44. We infer that Rounds had actual knowledge that this was a false statement because he later admitted as much. Only minutes after definitively and unflinchingly disclaiming any use of AI, and only under continued questioning, Rounds admitted that it was “possible” that the errors could have been the product of generative AI. *Id.* at 11:06. The nature of the errors we have identified, and the lack of any plausible alternative explanation, further support the inference of actual knowledge. And, again, the Firm attorneys’ practice of not reading cases in draft filings created a

high risk that generative AI might have been inappropriately used. *See In re Domestic P'ship*, 118 Cal. App. 5th at 1130. Even if Rounds was not yet definitively aware that generative AI had been used, it is beyond belief that he knew for a fact that it was *not* used. Candor requires admissions of uncertainty just as much as it requires revealing facts known for certain.

Sethi and Rounds claim that, at the time of the Motion to Correct and oral argument, they did not believe that the errors were the product of generative AI because they had a policy against the use of AI in their firm. The fact of any such policy, which Sethi and Rounds did not attach in written form to their Response, is irrelevant. It does not change the fact that the errors could not plausibly have resulted from innocent typographical or copy-paste errors. And it does not change the fact that Rounds could not have honestly believed that there was *no* possibility of generative AI misuse at the beginning of oral argument, given his later pivot and the nature of the errors.

We stress that when an attorney learns of any error in a filing—including generative AI hallucinations—he should immediately alert the court and opposing counsel of the error and disclose its source. There is no upside to denying the use of generative AI or to passing off an AI hallucination as an innocent typographical error. The other rules discussed in this order—competence, diligence, meritorious arguments, citations to authority, attestations to accuracy—do not turn on the source of the error. *Supra*, Section III.A.

If, in the Motion to Correct, Sethi and Rounds had disclosed that AI was used in the opening brief against firm policy and apologized for failing to check the brief, lesser sanctions may have been warranted. But

that is not what they did. The gravity of discipline we impose, including the temporary suspension of practice, is owed to this repeated failure of candor.

IV. Discipline

For the foregoing reasons, we impose the following discipline under Federal Rule of Appellate Procedure 46(b) and Ninth Circuit Rule 46-2:

1. Sethi and Rounds are each personally sanctioned in the amount of \$2,500. Within twenty-one days of the date of this Order, each shall pay these sanctions by check or money order payable to “Clerk, US Courts” and mailed to this Court’s Clerk’s office in San Francisco. The case number and a copy of this Order should be included with the payment.
2. Sethi and Rounds are hereby suspended from practice before this Court for a period of six months starting ten days after this Order is filed.
3. Sethi and Rounds are ordered to provide a copy of this Order to their clients, opposing counsel, and the presiding judge in every pending state or federal case in which they are counsel of record. They shall also provide a copy of this Order to every attorney in their law firm. They must comply with this requirement within ten days from the date of this Order and must certify to the Court within twenty-four hours of that compliance that the requirement has been met.
4. Sethi, Rounds, and all attorneys at the Firm are ordered to include in all future filings a

statement, made under penalty of perjury, addressing whether generative AI was used, disclosing the name of the tool used, and certifying that the attorney signing the brief or other filing has personally reviewed the filing and that all citations and quotations therein refer to existing authority. This requirement shall remain in place for two years from the date of this Order.

5. The Court orders the Clerk of Court to serve a copy of this Order on the State Bar of California and any other applicable licensing authorities for further proceedings as appropriate.

IT IS SO ORDERED.

**ORDER TO SHOW CAUSE ON ATTORNEY
DISCIPLINE, U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
(NOVEMBER 4, 2025)**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MALKEET LNU; ET AL.,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 24-4790

Agency Nos. A241-692-761,
A241-692-762, A241-692-763

Before: PAEZ, BEA, and FORREST, Circuit Judges.

ORDER

On behalf of Petitioners, Attorney Mike Singh Sethi filed an opening brief with multiple fabricated citations and quotations. Sethi cited two cases that do not exist: *Eduardo v. Garland*, 28 F.4th 742 (9th Cir. 2022), cited at pages 5 and 16 of Petitioners' opening brief, and *Lay v. Holder*, 729 F.3d 962 (9th Cir. 2013), cited and discussed at page 16. And Sethi twice attributed quotations to opinions in which the quoted

language does not appear: *Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001), at page 17 of the opening brief, and *Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1080 (9th Cir. 2015), at page 19.

After the panel denied the parties' joint motion to submit this case on the briefs, Sethi filed a motion to correct the record regarding errata in the opening brief. That motion represented the two nonexistent cases—*Eduardo v. Garland* and *Lay v. Holder*—as typographical errors. Sethi sought to replace those cases with two cases that have similar names, entirely different reporter numbers, and in the case of *Lay*, a different year and a different holding. Both replacement cases either do not support or are weak support for their intended propositions. The motion does not explain how such significant typographical errors occurred.

Sethi did not appear for oral argument. Attorney William Rounds appeared on behalf of Petitioners instead. At oral argument, confronted with the above issues, Rounds at first insisted that artificial intelligence was not used to draft Petitioners' briefs and that the errors were typographical.¹ He later conceded that artificial intelligence might have been used by the individual who drafted the briefs, and that said individual was not yet licensed to practice law.² Since oral argument, we have identified further issues in Petitioners' reply brief,³ and we have identified at least

¹ Video Recording of Oral Argument, *Lnu, et al. v. Bondi*, No. 24-4790, at 8:47–10:54, <https://www.ca9.uscourts.gov/media/video/?20251020/24-4790/>.

² *Id.* at 11:00, 13:01.

³ Part of the quote attributed to *Bandari v. INS*, 227 F.3d 1160,

two other opening briefs filed in pending cases in which Sethi cites cases that do not exist.⁴

Attorneys Sethi and Rounds are each ORDERED to show cause in writing, separately, why they should not be sanctioned, suspended, or disbarred from practice before this court under Federal Rule of Appellate Procedure 46(b)(1)(B) for “conduct unbecoming a member of this court’s bar,” and under Ninth Circuit Rule 46-2(a) for “violating applicable rules of professional conduct.” See Cal. R. Pro. Conduct 3.1(a)(2) (“A lawyer shall not . . . present a claim or defense in litigation that is not warranted under existing law. . . .”); *id.* R. 3.3(a)(1) (“A lawyer shall not . . . knowingly make a false statement of fact or law to a tribunal. . . .”); see also *Chambers v. Nasco, Inc.*, 501 U.S. 32, 45–50 (1991) (describing “the inherent power to impose sanctions for . . . bad faith conduct”). The response is due within 28 days of the filing of this order. 9th Cir. R. 46-2(d); 9th Cir. Gen. Ord. 12.9(a).

1167 (9th Cir. 2000), on page 4 and 5 of the reply brief does not appear in the opinion. On page 2 of the reply brief, counsel cites *Singh v. Gonzales*, 491 F.3d 1090, 1096–97 (9th Cir. 2007), for a proposition related to adverse credibility, but the case does not discuss adverse credibility. On page 5, counsel represents the holding of *Zahedi v. INS*, 222 F.3d 1157, 1165 (9th Cir. 2000), as concerning affidavits, but the opinion does not discuss affidavits.

⁴ In *Anguiano Alvarado v. Bondi*, No. 25-2485, Sethi cited three cases that do not appear to exist: *Garcia v. Garland*, 60 F.4th 1239 (9th Cir. 2023); *Hernandez v. Sessions*, 873 F.3d 1120 (9th Cir. 2017); and *Vasquez-Zavala v. Garland*, 69 F.4th 1086 (9th Cir. 2023). In *Contreras Pelayo v. Bondi*, No. 24-5168, Sethi cited two cases that do not appear to exist, at least at these reporter numbers: *Eduardo v. Garland*, 28 F.4th 742 (9th Cir. 2022) and *Gutierrez-Alm v. Garland*, 72 F.4th 446 (9th Cir. 2023).

If counsel do not file responses within 28 days, the court will take disciplinary action without further notice. *See* Fed. R. App. P. 46(b), (c); 9th Cir. R. 46-2(d). If counsel file responses that do not include requests for hearings, the right to a hearing will be deemed waived. Fed. R. App. P. 46(c); 9th Cir. R. 46-2(d).

In addition, for the foregoing reasons, Petitioners' Motion to Correct the Record, Dkt. 35, is DENIED.

**MEMORANDUM OPINION IN THE
UNDERLYING IMMIGRATION MATTER,
U.S. COURT OF APPEALS FOR
THE NINTH CIRCUIT
(NOVEMBER 4, 2025)**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MALKEET LNU;
SUNITA RANI LNU; JAIVIN LOHAN,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 24-4790

Agency Nos. A241-692-761,
A241-692-762, A241-692-763

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted October 20, 2025
San Francisco, California

Before: PAEZ, BEA, and FORREST, Circuit Judges.

MEMORANDUM

Petitioners Malkeet, Sunita Rani, and Jaivin Lohan petition for review of a decision of the Board of Immigration Appeals (“BIA”) dismissing an appeal from an order of an Immigration Judge (“IJ”) denying asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).¹ Malkeet is the primary asylum applicant and was the primary respondent before the IJ and the BIA; Sunita Rani and Jaivin Lohan are derivative beneficiaries of Malkeet’s asylum application.

We review the BIA opinion and the portions of the IJ decision which the BIA incorporated as its own. *Kalulu v. Bondi*, 128 F.4th 1009, 1013 (9th Cir. 2024). We review factual findings, including adverse credibility determinations, for substantial evidence. *Kumar v. Garland*, 18 F.4th 1148, 1153 (9th Cir. 2021). We review de novo the BIA’s resolution of legal questions. *Zheng v. Ashcroft*, 332 F.3d 1186, 1193–94 (9th Cir. 2003).

Exercising jurisdiction pursuant to 8 U.S.C. § 1252(a), we grant the petition for review and remand to the BIA for further proceedings consistent with this disposition.

1. The IJ denied the asylum and withholding claims primarily on the basis of an adverse credibility

This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

¹ Malkeet and Sunita Rani do not have last names. Immigration officials added the acronym LNU (presumably for “Last Name Unknown”) to their paperwork when they entered this country.

determination. The BIA affirmed the IJ's determination on four bases. Each of the four bases is infirm.

First, the agency relied on the fact that all the affidavits Malkeet submitted, as well as his own translated declaration, were notarized on the same day by the same notary in India. But the IJ erred by not addressing Malkeet's reasonable explanation for this purported irregularity. Where an applicant's explanation for a purported irregularity is "reasonable and plausible," "the agency 'must provide a specific and cogent reason for rejecting it.'" *Munyuh v. Garland*, 11 F.4th 750, 758 (9th Cir. 2021) (quoting *Rizk v. Holder*, 629 F.3d 1083, 1088 (9th Cir. 2011)).

Here, when asked why the same notary was responsible for his declaration and all the affidavits, Malkeet explained that his home, Pehwah, "is a really small city," with one or two notaries co-located with all the local attorneys. Moreover, Malkeet explained that his father, who helped him prepare the supporting documentation, arranged for the documents to be notarized together once they were all ready. Neither the IJ nor the BIA mentioned this reasonable explanation, let alone offered a "specific and cogent reason for rejecting it." *Id.* (quoting *Rizik*, 629 F.3d at 1088).

Second, the agency relied on the fact that two of Malkeet's supporting affidavits—from his father, Ram Kala, and the leader of his village's council, Jarnail Singh—share an identical statement. But the agency overlooked an obvious explanation for the identical statements—one affiant is quoting the other. Ram Kala attests: "Knowing the police is not going to help my son Malkeet, he no [sic] other option left but to leave from India with his family." And Jarnail Singh attests: "Knowing the police is not going to help my

son Malkeet, he no [sic] other option left but to leave from India with his family, *his father Ram Kalan told me on December 15th, 2022 at the market.*” Petitioners’ counsel offered this explanation before the IJ rendered his oral decision.²

The agency thus erred on at least two matters. As with the notarization irregularities, the agency failed to address and specifically reject Petitioners’ reasonable explanation for the purported irregularity. *See Munyuh*, 11 F.4th at 758. And “the agency discounted the [declarations’] evidentiary value based on a clear misreading of them.” *See Kalulu*, 128 F.4th at 1023 (remanding to reconsider misread documentary evidence as independent evidence of persecution). The agency’s concern that Malkeet is not the “son” of Jarnail Singh suggests that both the IJ and BIA neglected to read, or grossly misread, Jarnail Singh’s affidavit.

Third, the agency found that Malkeet’s “testimony describing his alleged shoulder injury was inconsistent with the description of his injuries in his medical records.” This purported inconsistency was not an appropriate basis for the adverse credibility determination because “[t]he IJ never asked for an explanation, and [he] was required to.” *Munyuh*, 11 F.4th at

² Petitioners’ counsel failed to raise this explanation in his brief before this court and advanced a less persuasive argument. Given that this explanation appears on the face of the two affidavits and was raised before the IJ, we decline to ignore the full text of the relevant statements or to treat this explanation as waived. Although we do not normally consider arguments not raised in opening briefs, we may do so “if a failure to do so would result in manifest injustice.” *Alcaraz v. I.N.S.*, 384 F.3d 1150, 1161 (9th Cir. 2004) (quoting *United States v. Ullah*, 976 F.2d 509, 514 (9th Cir. 1992)).

762. Although Malkeet described his shoulder injuries twice, the IJ did not bring this purported inconsistency to Malkeet's attention during the hearing; rather, the first mention of it is in the IJ's oral decision.

Nor is the inconsistency supported by the record. *Kumar*, 18 F.4th at 1154 (granting petition as to adverse credibility determination based in part on two inconsistencies where "neither was, in fact, an inconsistency"). When first asked about his shoulder injury, Malkeet said he "injured" and experienced "swelling" on his right shoulder and that he "receive[d] scratches" "*on both shoulders*." Later on, Malkeet testified that he "got injury" on "both my shoulders." Looking at each description of his injuries in context, Malkeet consistently testified that both of his shoulders were hurt. Accordingly, Malkeet's testimony is also consistent with his medical records, which note that "both shoulder [sic] were injured."

Fourth, the agency relied on the fact that Malkeet testified to being a "worker" for the INLD Party, but in one of two relevant entries on his asylum application, he described himself as a "volunteer member." The agency did not give "a specific and cogent reason" for rejecting Malkeet's "reasonable and plausible explanation" for this discrepancy. *Munyuh*, 11 F.4th at 758 (quoting *Rizk*, 629 F.3d at 1088). Malkeet explained that, because he does not speak English, an interpreter spoke Hindi with him to fill out and review the form. He further explained that in every other mention of his involvement with the INLD Party, Malkeet consistently referred to himself as a "worker," including one page below the offending entry on his asylum applica-

tion, in his testimony, and in his written declaration.³ Neither the IJ nor the BIA mentioned any of Petitioners' proffered explanations or explained why they were unpersuasive.

Accordingly, we remand to the BIA to reconsider whether the IJ's adverse credibility determination is supported by substantial evidence in light of the above infirmities and whether the other elements of Malkeet's asylum and withholding claims are satisfied.

2. After finding Malkeet not credible, the agency held that the documentary evidence was insufficient to independently establish past persecution or a well-founded fear of persecution. Because we grant the petition for review as to the adverse credibility determination, we need not address the propriety of the agency's independent evidence determinations. In the event the agency denies relief on remand, Malkeet may raise this issue in a future appellate court proceeding.

3. The agency denied Malkeet's CAT claim largely on the basis of its adverse credibility determination and its discrediting of the independent evidence. Therefore, we grant the petition as to the CAT claim and remand for reconsideration alongside the new credibility determination and reconsideration of the independent evidence.

PETITION GRANTED; REMANDED.

³ The BIA also noted that Petitioners' brief on appeal referred to Malkeet as a "member." What matters, however, is Malkeet's testimony, not how his counsel described or characterized him in an appellate brief before the BIA.

**ORDER DENYING MOTION TO STAY ORAL
ARGUMENT OR APPEAR REMOTELY FOR
ORAL ARGUMENT, U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
(OCTOBER 8, 2025)**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MALKEET LNU; ET AL.,

Petitioners,

v.

PAMELA BONDI, Attorney General,

Respondent.

No. 24-4790

Agency Nos. A241-692-761,
A241-692-762, A241-692-763

ORDER

Respondent's motion to stay oral argument in this case, Dkt. 32, is DENIED. Respondent's alternative request for permission to appear remotely for oral argument is DENIED.

FOR THE COURT:

/s/ Molly C. Dwyer

Clerk of Court

**DOCKET ENTRY 28.
NOTICE OF CASE BEING CONSIDERED
FOR ORAL ARGUMENT
(JUNE 3, 2025)**

6/3/2025

28 NOTICE: This case is being considered for an upcoming oral argument calendar in San Francisco. Please review the San Francisco sitting dates for October 2025 and the subsequent sitting month in that location at http://www.ca9.uscourts.gov/court_sessions. Absent an irreconcilable conflict, the court expects you to appear and argue your case during one of these two months. If you have an irreconcilable conflict on any of the dates, please consult with opposing counsel to propose an alternate date and/or location and file Form 32 (<http://www.ca9.uscourts.gov/forms/form32.pdf>) within 3 business days of this notice using the ACMS filing type Response to Case Being Considered for Oral Argument. Please follow the form's instructions (<http://www.ca9.uscourts.gov/forms/form32instructions.pdf>) carefully.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a motion within 3 business days of this notice, using the filing type: Motion to Refer to Mediation.

App.41a

You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date. [24-4790] [Entered: 06/03/2025 03:45 PM]

**DOCKET ENTRY 29. NOTICE OF ORAL
ARGUMENT SCHEDULING
(AUGUST 10, 2025)**

8/10/2025

- 29 NOTICE OF ORAL ARGUMENT *on Monday, October 20, 2025 - 09:00 A.M. - Courtroom 3 - Scheduled Location: San Francisco CA*

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you are expected to appear in person at the Courthouse. If an in person appearance would pose a hardship, you must file a motion for permission to appear remotely by video, using ACMS filing type Motion to Appear Remotely for Oral Argument. Such a motion must be filed within 7 days of this notice, absent exigent circumstances. Everyone appearing in person must review and comply with our Protocols for In Person Hearings, available [here](#). If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for a remote appear-

ance that has been approved or directed by the panel.

Please note that if you do file a motion to appear remotely, the court strongly prefers video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to justify that request in your motion and receive explicit permission to do so.

Be sure to review the GUIDELINES for important information about your hearing.

If you are the specific attorney or self-represented party who will be arguing, use the ACKNOWLEDGMENT OF HEARING NOTICE filing type in ACMS no later than 28 days before the hearing date. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice. [24-4790] [Entered: 08/10/2025 12:19 PM]

**CONSTITUTIONAL PROVISIONS,
JUDICIAL RULES, AND RULES OF
PROFESSIONAL CONDUCT**

U.S. Const, amend. V. (Due Process Clause)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fed. R. App. P. 28(a)(8)(A)

(a) Appellant's Brief. The appellant's brief must contain, under appropriate headings and in the order indicated:

(8) the argument, which must contain:

(A) appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies[.]

Fed. R. App. P. 46(c)

(c) Discipline. A court of appeals may discipline an attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with any court rule. First, however, the

court must afford the attorney reasonable notice, an opportunity to show cause to the contrary, and, if requested, a hearing.

Fed. R. App. P. 46(b)

- (b) Suspension or Disbarment.
 - (1) *Standard.* A member of the court's bar is subject to suspension or disbarment by the court if the member:
 - (A) has been suspended or disbarred from practice in any other court; or
 - (B) is guilty of conduct unbecoming a member of the court's bar.
 - (2) *Procedure.* The member must be given an opportunity to show good cause, within the time prescribed by the court, why the member should not be suspended or disbarred.

Fed. R. App. P. 47(b)

(b) Procedure When There Is No Controlling Law. A court of appeals may regulate practice in a particular case in any manner consistent with federal law, these rules, and local rules of the circuit. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local circuit rules unless the alleged violator has been furnished in the particular case with actual notice of the requirement.

Fed. R. App. P. 47(a)

- (a) Local Rules.
 - (1) Each court of appeals acting by a majority of its judges in regular active service may, after giving appropriate public notice and opportunity for comment, make and amend rules governing its practice. A generally applicable direction to parties or lawyers regarding practice before a court must be in a local rule rather than an internal operating procedure or standing order. A local rule must be consistent with—but not duplicative of—Acts of Congress and rules adopted under 28 U.S.C. § 2072 and must conform to any uniform numbering system prescribed by the Judicial Conference of the United States. Each circuit clerk must send the Administrative Office of the United States Courts a copy of each local rule and internal operating procedure when it is promulgated or amended.
 - (2) A local rule imposing a requirement of form must not be enforced in a manner that causes a party to lose rights because of a nonwillful failure to comply with the requirement.

Ninth Circuit Rule 46-2(b)

- (b) The Chief Judge or a panel of judges may initiate disciplinary proceedings based on conduct before this Court by issuing an order to show cause under this rule that identifies the basis for imposing discipline.

Ninth Circuit Rule 46-2(d)

(d) Response. An attorney against whom an order to show cause is issued shall have 28 days from the date of the order in which to file a response. The attorney may include in the response a request for a hearing pursuant to FRAP 46(c). The failure to request a hearing will be deemed a waiver of any right to a hearing. The failure to file a timely response may result in the imposition of discipline without further notice.

Ninth Circuit Rule 46-2(e)

(e) Hearings on Disciplinary Charges. If requested, the Court will hold a hearing on the disciplinary charges, at which the attorney may be represented by counsel. In a matter based on an order to show cause why reciprocal discipline should not be imposed, an appellate commissioner will conduct the hearing. In a matter based on an order to show cause based on conduct before this Court, the Court may refer the matter to an appellate commissioner or other judicial officer to conduct the hearing. In appropriate cases, the Court may appoint an attorney to prosecute charges of misconduct.

Cal. R. Prof. Conduct 3.1(a)(2)

(a)(2) A lawyer shall not . . . present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of the existing law.

Cal. R. Prof. Conduct 3.3(a)(1)

(a)(1) A lawyer shall not . . . knowingly make a false statement of fact or law to a tribunal or fail

to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

Cal. R. Prof. Conduct 1.0.1(f)

(f) “Knowingly,” “known,” or “knows” means actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.

**RESPONSE TO COURT ORDER OF
NOVEMBER 4, 2025: ANNEXED
DECLARATIONS OF WILLIAM B. ROUNDS
AND MICHAEL SINGH SETHI
(DECEMBER 2, 2025)**

CHARLSTON, REVICH,
HARRIS & HOFFMAN LLP
1925 Century Park East, Suite 320
Los Angeles, California 90067-1762
Tel: (310) 551-7002
E-mail: tharris@crw11p.com

Attorneys for Respondents
Mike Sehti and William Rounds

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MALKEET LNU; ET AL.,

Petitioners,

No. 24-4790

Agency Nos.

A241-692-761

v.

A241-692-762

A241-692-763

PAMELA BONDI, Attorney General,

Respondent.

**RESPONSE TO COURT ORDER
OF NOVEMBER 4, 2025: ANNEXED
DECLARATIONS OF WILLIAM B.
ROUNDS AND MICHAEL SINGH SETHI**

TO THE NINTH CIRCUIT COURT OF APPEALS:

Respondents Mike Sethi and William Rounds (“Respondents”) respectfully respond herein to the Court’s Order of November 4, 2025 (“Order”), by way of the declarations annexed.

Respondents apologize to the Court and its staff for the time and the imposition caused by this motion. The Order and the circumstances outlined therein, are obviously greatly embarrassing to Respondents, and none of this was intended.

As explained in the attached declarations of Mike Sethi and William Rounds, neither Mr. Sethi nor Mr. Rounds had any idea that any artificial intelligence (“AI”) had been used in the brief submitted in this matter (“Brief”). The Firm has prohibited, and does prohibit the use of any AI in the preparation of its briefs.

Both Mr. Sethi and Mr. Rounds have practiced long enough to have read articles and/or cases reciting humiliating incidents involving the use of AI in court filings. No lawyer wishes to be in such a position. Neither Mr. Sethi nor Mr. Rounds has ever wanted be in the position of being called to court for AI in a brief they submitted. Hence as noted, the firm has prohibited and does prohibit use of AI in the briefs it submits.

The firm’s briefs are based on Lexis research, and on the underlying papers, and the firm’s “brief bank,” that provides previously submitted briefs from which legal support and supporting citations can be obtained. Those methods were believed to prevent the risk of any AI contamination. As another safeguard, the firm requires its brief writers to check citations in a completed brief by using the firm’s Lexis subscription, and

Respondents expected that procedure to have been followed.

The Brief and other briefs were filed with the belief that all of the legal contentions were supported by existing law (or a nonfrivolous argument for changing it), in part since the authorities are to be from our brief bank of researched cases, or from Lexis research, and citations are to be checked on Lexis.

Thus, when the irregular citations were detected, Respondents felt certain that the issue was a corruption of citations from rooted in carelessness: *e.g.*, a failure to copy citations accurately when inserting them, or an inadvertent cutoff and restoration of citations when citations were copied and pasted.

Cases that appeared to be the cases originally intended were located and believed to be those that must have been intended. The errata submitted was to provide those citations, as opposed to the corrupted citations. The points involved were not regarded as case determinative, or hotly contested, and it was believed that the replacement citations provided support, however marginal, and were the ones originally intended.

When the Errata and request to modify the record in this case was submitted, both Mr. Sethi and Mr. Rounds believed that citations had been corrupted during brief preparation by carelessness. Both relied on the firm's ban on the use of AI, and the firm's requirement that brief citations be checked on Lexis.

The process and safeguards appear to have failed, and Respondents recognize that it is likely that the corrupted citations resulted from an unauthorized use of AI, and a failure to check those citation on Lexis.

Respondents have acted to prevent a recurrence. The brief writer for this Brief has been disciplined. The firm has also hired a California lawyer to act as a “review counsel” for the brief writers, and to detect any violation of the firm’s ban on AI use.

Respondents respectfully express their appreciation to the Court for the opportunity to explain this embarrassing event.

Respondents also respectfully request that the Court consider Respondents’ obvious good intentions, firm policy, and lack of awareness of the AI use that the firm had prohibited, and indeed, tried to prevent.

Dated: December 2, 2025

Respectfully submitted,

CHARLSTON, REVICH,
HARRIS & HOFFMAN LLP

By: /s/ Tim Harris

Tim Harris

Attorneys for Respondents

Mike Sethi and William Rounds

**SETHI DECLARATION
(NOVEMBER 26, 2025)**

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MALKEET LNU; ET AL.,

Petitioners,

No. 24-4790

Agency Nos.

A241-692-761

v.

A241-692-762

A241-692-763

PAMELA BONDI, Attorney General,

Respondent.

**DECLARATION OF MIKE
SINGH SETHI IN SUPPORT OF
RESPONSE TO COURT
ORDER OF NOVEMBER 4, 2025**

DECLARATION OF MIKE SINGH SETHI

I, Mike Singh Sethi, declare as follows:

1. I am an attorney at law duly licensed to practice in the State of California and before the Ninth Circuit Court of Appeals. I am an attorney at Sethi Law Group/ US Legal Group, APC, attorneys of record for Petitioners. I am familiar with the facts and pleadings herein. The following is within my personal knowledge and if called and sworn as a witness, and would competently testify thereto.

2. I respectfully and profusely apologize to the Court for the time, burden and diversion that have been caused by the matters identified in the November 4, 2025 Order (“Order”).

3. I have practiced law in CA for over 10 years, and am experienced in immigration law. I am familiar with most of the issues that are usually involved in an immigrational appeal, and am familiar as well with the main cases cited in any discussion of these issues.

4. Like many other firms of our size and that concentrate in immigration law, our firm uses law school graduates to prepare briefs. Those briefs are based on the papers submitted in any trial or hearing, as supplemented by briefs our firm has done in similar cases, with similar issues. The brief writers have prepared briefs at other firms before being hired, or were trained here. They are given a statement of facts.

5. Brief writers also receive a briefing from myself or Mr. Rounds as to the principal issues to be addressed on the specific appeal. The writer is also able to access our Firm’s earlier briefs, which allows briefing a focused legal argument to be added to the brief being prepared. The writer prepares the appellate brief using those resources, and independent research on LEXIS.

6. When the brief is completed, the writer is to check all citations on Lexis, to which the Firm subscribes, to ensure that the cited authorities are accurately cited. The lexis check is also intended to ensure that no typographical errors occurred, including the partial cut-off of case citations when authorities are pasted into a Brief from an earlier document, and that the principal basis for the cited case has support in the

authority. I have given those admonitions and have listened as Mr. Rounds has done so.

7. The writers are supposed to check cases before returning the brief to myself or Mr. Rounds. The brief is then reviewed to ensure that earlier edits made by me or Mr. Rounds have been made and is approved for filing. We do not normally vet citations used by the Brief writer during our review, and aim to see that all appropriate arguments are presented.

8. Our Brief writers are not supposed to use any AI to prepare a brief. There no “exceptions” to that rule.

9. It seems clear that the process went astray in the preparation of the brief identified by the Court in its November 4, 2025 Order (“Order”). After this Court’s Order was issued, we examined the briefs in the other three cases identified in the Order, and the brief in this matter.

10. When I prepared the motion to modify the record in this case, No. 24-4790, Mr. Rounds told me that he had selected the brief to review, and had detected errors in some of the cases cited. His impression was that the names and citations in a few cases were “all wrong,” and that this had most likely occurred when the brief was assembled using in part, cut and paste argument from earlier briefs, or that a Brief writer had typed citations from LEXIS or an earlier Brief, making errors in that process.

11. Neither Mr. Rounds nor I suspected use of AI, because the firm prohibits AI. We have read enough to know that using AI is asking for trouble with opposing counsel and the Court. As well, permitting staff to use AI puts Mr. Rounds and myself in the position of

having to vet briefs for AI, which we have never wished to do.

12. When I prepared the motion to modify the record and substitute cases, I had no idea that the errant cases were the product of AI. I am not completely certain of it now but I agree it seems more likely than not.

13. After reviewing this brief and the briefs in the other cases cited by this Court in its Order, it seems highly likely that a brief writer used AI in violation of firm policy must have used AI at some point in the brief preparation. In addition, it seems highly likely that the brief writer did not faithfully vet the briefs by using LEXIS as instructed.

14. I apologize profusely to the Court and its staff for the imposition of their time by this event. It should not have happened; we tried to prevent it from happening and it appears very likely that our firm's policy failed us.

15. It is our intention to protect our client's case in the other matters by seeking to file an errata to remove the incorrect citations from the briefs. Our obligation to our clients requires that we remedy those briefs to remove the incorrect citations.

16. I respectfully wish to assure the Court of how seriously we take this. To prevent any further reoccurrence of the events cited in the Order, we have hired a lawyer licensed to practice in California to review all briefs prepared by a Brief writer before the briefs are given to me or to Mr. Rounds, to review. This new reviewing lawyer will ensure that in addition to the writer, a lawyer will review the completed briefs. We have instructed this lawyer to be on the alert for

suspect citations, and to alert us if such citations are found.

17. We have disciplined the writer responsible for the briefs in this case and those identified by the Court. And we have done our best to examine pending briefs to determine if there are any other corrupted citations.

18. I again apologize to the Court and its staff. In addition to the imposition on the Court, this is very embarrassing to us. We assure the court that we have taken very firm actions to repent any repetition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 26th, 2025, at Los Angeles, California.

/s/ Mike Singh Sethi

Mike Singh Sethi