No. 26-530

In the Supreme Court of the United States

MAHMOUD KHALIL, PETITIONER

v.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

BRIEF FOR THE RESPONDENTS

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QUESTION PRESENTED

The Immigration and Nationality Act strips district courts of jurisdiction over any claims by an alien "arising from" "any action taken or proceeding brought to remove an alien from the United States," 8 U.S.C. 1252(b)(9), or "the decision or action" "to commence [such] proceedings," 8 U.S.C. 1252(g), and instead makes a "petition for review filed with an appropriate court of appeals" the "sole and exclusive means for judicial review" of such claims, 8 U.S.C. 1252(a)(5).

The question presented is whether, notwithstanding 8 U.S.C. 1252, an alien detained pending his removal proceedings may challenge that detention in a habeas petition based on claims that also go to the validity of his being removed.

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-63a) is reported at 164 F.4th 259. The memorandum opinion of the district court (Pet. App. 248a-403a) is reported at 780 F. Supp. 3d 476. Additional opinions of the district court (Pet. App. 96a-247a, 78a-95a) are reported at 784 F. Supp. 3d 705 and 786 F. Supp. 3d 871. Other opinions of the district court (Pet. App. 64a-77a) are available at 2025 WL 1262349, 2025 WL 1981392, 2025 WL 1983755, and 2025 WL 2092376.

JURISDICTION

The judgment of the court of appeals was entered on January 15, 2026. A petition for rehearing was denied on May 22, 2026 (Pet. App. 404a-405a). On July 27, 2026, Justice Alito extended the time within which to file a petition for a writ of certiorari to and including September

21, 2026. On September 17, 2026, Justice Alito further extended the time to and including October 19, 2026, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. The Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, governs "how persons are admitted to, and removed from, the United States." *Pereida* v. *Wilkinson*, 592 U.S. 224, 227 (2021). Except where the INA otherwise specifies, a removal proceeding under 8 U.S.C. 1229a is the "sole and exclusive procedure" for determining whether an alien may be "removed from the United States." 8 U.S.C. 1229a(a)(3). Such proceedings typically include a hearing before an immigration judge (IJ) and can include an appeal to the Board of Immigration Appeals (BIA). See 8 U.S.C. 1229a. Once an IJ issues an order of removal, that order becomes "final" upon the earlier of when the BIA affirms it, or when the period of time to appeal to the BIA runs out. 8 U.S.C. 1101(a)(47)(B).

The INA also establishes a framework for "[j]udicial review of a final order of removal." 8 U.S.C. 1252(a)(1). That review is initiated by the filing of a "petition for review" in the "appropriate court of appeals." 8 U.S.C. 1252(a)(5). Subject to exceptions not relevant here, the INA provides that such a petition for review "shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of [the INA]." *Ibid.*

The INA's jurisdiction-stripping or channeling provisions ensure the exclusivity of the PFR process. In particular, Section 1252(b)(9) provides: "Judicial review of all questions of law and fact * * * arising from any action taken or proceeding brought to remove an alien

from the United States * * * shall be available only in judicial review of a final order under this section." 8 U.S.C. 1252(b)(9). This Court has described that provision as a "zipper clause," because it is designed to "consolidate[]"—that is, zip—an alien's "various challenges arising from [a] removal proceeding" into a single "petition for review * * * considered by the courts of appeals." *Nasrallah* v. *Barr*, 590 U.S. 573, 580, 589 (2020) (citation omitted).

That prohibition on judicial review outside the PFR process is confirmed by Section 1252(g), which states that, except as otherwise provided in the INA, "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action * * * to commence proceedings, adjudicate cases, or execute removal orders against any alien." 8 U.S.C. 1252(g). That provision, too, fits within the INA's aim of curbing "the deconstruction, fragmentation, and hence prolongation of removal proceedings." *Reno* v. *American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 487 (1999).

Finally, the INA contains various provisions vesting the Executive with significant authority to detain aliens pending removal proceedings and before final removal. In particular, 8 U.S.C. 1226 authorizes the government to "arrest[]" and "detain[]" "an alien" "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. 1226(a). The government must decide whether to detain an alien under Section 1226 upon making the decision to initiate removal proceedings. See 8 C.F.R. 236.1(b).

2. Petitioner, a native of Syria and citizen of Algeria, entered the United States on a student visa in December 2022 and enrolled in Columbia University's School

of International and Public Affairs. C.A. J.A. 421, 429. He obtained lawful permanent resident (LPR) status on November 16, 2024, as the spouse of a United States citizen. *Id.* at 527.

Petitioner has long participated in issues and groups relating to Palestine. C.A. J.A. 1033. From June through November 2023, he was part of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) as a political affairs officer—a fact he failed to disclose on his application for LPR status. See *id.* at 591. Since 2023, petitioner has characterized "Israel's actions in Gaza" as a "genocide." *Id.* at 1033. At Columbia, he reportedly participated in the pro-Hamas encampments—unofficially referred to as the "student intifada"—on the university campus in the spring of 2024. 25-cv-10685 D. Ct. Doc. 315-15, at 15 (D. Mass. Jan. 22, 2026); 25-cv-10685 D. Ct. Doc. 315-14, at 39. By his own account, he played a key role in negotiations for the protestors, including Columbia University Apartheid Divest, in dealings with university administrators. C.A. J.A. 1104-1105. His involvement took place even as the university sought to put a stop to encampments that had resulted in property damage, numerous violent incidents, and even hostage situations. 25-cv-10685 D. Ct. Doc. 315-14, at 38. All the while, participants in the encampments and nearby activists engaged in antisemitic slurs and championed violence against Jews and pro-Israeli crowds. *Id.* at 38-39.

In March 2025, Secretary of State Marco Rubio determined that petitioner was deportable under 8 U.S.C. 1227(a)(4)(C)(i). C.A. J.A. 1023-1024. That provision renders deportable aliens "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." 8 U.S.C. 1227(a)(4)(C)(i). Secretary Rubio determined that petitioner fell into that category given his "participation" and "role[]" "in antisemitic protests and disruptive activities," which "foster[ed] a hostile environment for Jewish students in the United States." C.A. J.A. 1024. The Secretary found that petitioner's "public actions" and "continued presence" in the United States "undermine[d] U.S. policy to combat anti-Semitism around the world and in the United States" as well as the United States' "efforts to protect Jewish students from harassment and violence." *Ibid.*

Shortly thereafter, DHS arrested petitioner and served him with a "Notice to Appear." C.A. J.A. 421, 532. The notice described the charge of removal against him—namely, the Secretary's determination and his removability based on that ground. *Id.* at 532. It also ordered petitioner to appear before an immigration court located at the LaSalle Detention Facility in Jena, Louisiana. *Ibid.*

Upon arrest, petitioner was brought to 26 Federal Plaza in Manhattan, New York, for initial processing. C.A. J.A. 421. Because that facility does not contain long-term bedspace, and because the broader New York Field Office generally lacked detention space, DHS obtained bedspace in the New Orleans Field Office for petitioner and fifteen other aliens detained in New York. *Id.* at 422, 528. Petitioner was booked into the Louisiana facility a little more than 24 hours after his initial arrest. *Id.* at 527-529. On the way, he made an overnight stop at Elizabeth Detention Facility in Newark, New Jersey, because (unlike 26 Federal Plaza) that fa-

cility was equipped with overnight accommodations. *Id.* at 529.

The government commenced proceedings in immigration court. On March 17, 2025, the government added an additional charge of removability based on willful misrepresentations on his application for LPR status, including his failure to disclose his prior role with UNRWA. C.A. J.A. 591. On April 11, the IJ held a hearing on removability and orally sustained the foreign policy charge. Pet. App. 7a. A little more than two months later, on June 20, the IJ issued a written opinion sustaining petitioner's removability based on both the foreign policy charge and the willful misrepresentation charge. *Ibid.* The IJ incorporated that ruling into her later decision on September 12, 2025, where she rejected granting petitioner a waiver of removability. C.A. Doc. 152-2, at 4 (Apr. 14, 2026).

Petitioner appealed that last order to the BIA, which affirmed the IJ's rulings as to removability on April 9, 2026. See C.A. Doc. 152-2, at 3. The BIA accordingly dismissed the appeal. *Id.* at 13. Petitioner filed a petition for review of that order in the United States Court of Appeals for the Fifth Circuit. *Khalil* v. *Blanche*, appeal pending, No. 26-60344 (filed May 14, 2026). Proceedings in that court remain ongoing.

3. This case concerns petitioner's parallel habeas proceedings. On March 9, 2025, during petitioner's brief detention in New Jersey, he filed a habeas petition in the United States District Court for the Southern District of New York. C.A. J.A. 390-400. After several amendments, his petition asserted that his detention violated the First Amendment, the Fifth Amendment's Due Process Clause, and the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.* D. Ct. Doc. 382, at 43-

51. In particular, petitioner alleged that his "detention and attempted removal" was in retaliation for his "speech that [was] critical of Israel and U.S. support for Israel," that it was unconstitutionally punitive, and that Secretary Rubio's foreign-policy determination and the government's alleged policy of "detain[ing] and deport[ing] * * * protestors" like himself were unconstitutionally vague and violated the APA. *Id.* at 1, 2, 43-49. Among other things, petitioner asked the court to "[v]acate and set aside" the government's alleged "Policy of targeting noncitizens for removal," as applied through Secretary Rubio's foreign-policy determination. *Id.* at 51.

a. On March 19, 2025, the case was transferred to the United States District Court for the District of New Jersey. C.A. J.A. 568. The district court immediately entered an order under the All Writs Act, 28 U.S.C. 1651, that petitioner "shall not be removed from the United States, unless and until the Court issues a contrary Order." D. Ct. Doc. 81 (Mar. 19, 2025). According to the district court, that order was necessary "to preserve the Court's jurisdiction" to review the habeas petition. *Ibid.*

The district court proceeded in a series of decisions to hold that it had jurisdiction to adjudicate petitioner's habeas claims and order petitioner's release on bail. On April 29, 2025, the court entered a memorandum opinion rejecting the government's arguments that the INA stripped it of jurisdiction to review petitioner's claims. See Pet. App. 248a-403a. The court reasoned that Section 1252(b)(9) "takes away federal district court jurisdiction only after an order of removal has been entered," which had not yet happened in this case. *Id.* at 402a. And because Secretary Rubio's determination did

not itself literally "commence [removal] proceedings," the court held that Section 1252(g) posed no bar to its jurisdiction either. *Id.* at 394a-398a (citation omitted).

The district court followed up with two separate orders. On May 28, 2025, it denied petitioner's motion to preliminarily enjoin his removal based on the willful misrepresentation charge. See Pet. App. 242a. And on June 11, it granted petitioner's motion for a preliminary injunction as to Secretary Rubio's foreign-policy determination, and accordingly prohibited the government from "detaining" or "seeking to remove" petitioner on that ground. *Id.* at 94a. The court later clarified that it understood its injunction to require the IJ in Louisiana "to promptly vacate or amend her June 20 decision to the extent it finds [petitioner] removable from the United States on the [foreign-policy] charge." D. Ct. Doc. 355, at 2 (July 17, 2025).

Finally, on June 20, 2025, the district court ordered petitioner's release on bail from immigration detention in Louisiana. D. Ct. Doc. 316. Petitioner has thus been released for 17 months, and is currently permitted to travel anywhere in the continental United States, with limited reporting to DHS. 25-cv-1963 Docket entry No. 317 (June 20, 2025); D. Ct. Doc. 394 (Oct. 17, 2025).[1] The government filed a notice of appeal the same day the district court entered the bail order. D. Ct. Doc. 318 (June 20, 2025).

b. On January 15, 2026, the court of appeals vacated and remanded with instructions to dismiss petitioner's habeas petition. Pet. App. 1a-38a. Relevant here, the court held that the INA barred petitioner's habeas chal-

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[1] The Third Circuit stayed its mandate pending this Court's disposition of the petition for a writ of certiorari. C.A. Doc. 171 (Sept. 22, 2026).

lenges. *Id.* at 37a-38a. According to the court, the statute was designed to "ensure[] that petitioners get just one bite at the apple—not zero or two," *id.* at 37a, and that they do so through the PFR process. In other words, the INA requires that "when aliens can get review later—by litigating before an immigration judge, the Board of Immigration Appeals, and then by way of a PFR to a court of appeals—they must do so." *Id.* at 21a. Furthermore, the court read Section 1252's reference to "questions of law and fact" to adopt a question-level analysis. *Id.* at 23a (quoting 8 U.S.C. 1252(b)(9)). That is, "[i]t is not enough to assert an injury that cannot be remedied later"; rather, to avoid the INA's jurisdictional bar, a claim "must raise legal or factual *questions* that a court of appeals will not later be able to review meaningfully on a PFR." *Ibid.*

Applying those principles, the court held that petitioner's habeas claims "aris[e] from" an "action taken" and "proceedings brought to remove" him, and were therefore barred by Section 1252(b)(9). Pet. App. 21a (citations omitted). Because petitioner's "arguments against [his detention] [we]re identical to his arguments against removal," "addressing any of [his] claims would require deciding whether removing [petitioner] would be unlawful"—the "very issue decided through the PFR process." *Id.* at 26a, 27a. Thus, "[e]ach of the legal questions" petitioner raised in his habeas challenge could "be decided later, on a PFR." *Id.* at 25a.

The court further rejected the district court's and petitioner's theory that Section 1252(b)(9) bars district court review only when a final order of removal has been entered. Pet. App. 29a-31a. The court read this Court's decision in *Jennings* v. *Rodriguez*, 583 U.S. 281 (2018), to reject that limitation on Section 1252(b)(9). See Pet.

App. 30a. And the court further observed that it was precisely the "balance that Congress struck" in the INA to "require[] bringing legal questions later if they can be answered later" in a PFR. *Id.* at 25a. Because the court of appeals held that Section 1252(b)(9) barred petitioner's claims, it had no occasion to address whether Section 1252(g) did so too. *Id.* at 20a.

Judge Freeman dissented. Pet. App. 39a-63a. In her view, Section 1252(b)(9) applies "only when there is a final order of removal," and channels claims based on "whether the alleged harms can be remedied later" rather than on whether the alien "can seek review of the legal and factual questions later." *Id.* at 39a, 53a (emphasis omitted). As to Section 1252(g), Judge Freeman would have held that Secretary Rubio's foreign-policy determination did not "commence" removal proceedings even though it directly precipitated them. *Id.* at 62a-63a.

On May 22, 2026, the Third Circuit denied en banc review. Pet. App. 404a-405a. Judge Krause, joined by Judge Restrepo and Judge Freeman, dissented. *Id.* at 406a-419a. In particular, she agreed with Judge Freeman's earlier dissent that Section 1252(b)(9) "does not strip federal courts of jurisdiction" when "there is no [removal] order against" the alien and that the relevant inquiry is the injury raised by the alien's claim, not the legal or factual questions. *Id.* at 408a, 411a.

DISCUSSION

The court of appeals correctly held that the INA channels into the PFR process "all questions of law and fact" that go to the validity of an alien's removal. Pet. App. 23a (quoting 8 U.S.C. 1252(b)(9)). A merits panel of the Second Circuit agreed. By contrast, the Fourth Circuit held that aliens detained during their removal

proceedings can immediately challenge that detention in district court, even when it amounts to a collateral attack on their removal. The United States agrees with petitioner that this clear circuit split warrants this Court's review. And, as petitioner suggests (at 38), this Court should also grant certiorari in *Trump* v. *Suri*, petition for cert. pending, No. 26-380 (filed Sept. 21, 2026), to ensure that this important issue of immigration jurisdiction is resolved this Term. However, review should be limited to deciding the scope of the INA's jurisdictional channeling provisions.[2] Whether the Third Circuit's interpretation and application of the INA violates the Constitution is not a question that warrants this Court's review.

1. As the government has explained in its petition in *Suri*, the Third Circuit correctly held that Section 1252(b)(9) bars district courts from reviewing habeas petitions that "raise[] legal questions that a PFR court can meaningfully review later on." Pet. App. 37a-38a; see Pet. at 13-20, *Trump* v. *Suri*, *supra* (No. 26-380). Each of petitioner's habeas claims is entirely derivative of his challenge to being removed, and each raises arguments that would be equally dispositive as to his removal. Accordingly, if a court is to answer those legal questions, it must do so on review of a PFR.

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[2] On July 17, 2026, the government opposed petitioner's request to extend the time to file a petition for a writ of certiorari. See Br. in Opp., *Khalil* v. *Trump*, No. 26A90. At the time, as the government emphasized in its brief, that case did not "satisfy the Court's ordinary certiorari criteria" because there was no "circuit conflict." *Id.* at 8-9. On July 23, the Fourth Circuit created a circuit split in *Suri* v. *Trump*, 184 F.4th 260 (2026). In recognition that certiorari had then become appropriate, the government did not oppose petitioner's second extension request on September 9.

That follows from the INA's plain text. Section 1252(b)(9) says: "Judicial review" of "*all questions of law and fact*" "arising from any action taken or proceeding brought to remove an alien from the United States" is "available *only* in judicial review of a final order" via the PFR process. 8 U.S.C. 1252(b)(9) (emphases added). Those words make clear that Section 1252(b)(9) consolidates "*questions* for judicial review," not simply "claims." Pet. App. 23a (citation omitted). Even when a legal question may *also* go to the validity of an alien's detention, if it goes to "the government's very basis for trying to remove" the alien, it may only be reviewed in the PFR process, regardless of whether it is brought in a habeas petition. *Ibid.*

Section 1252(g) reinforces that conclusion. That provision states that, "[e]xcept as provided in this section," "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action * * * to commence proceedings, adjudicate cases, or execute removal orders." 8 U.S.C. 1252(g). A "cause or claim" that raises the same legal questions that go to removal is, in every way that matters, a challenge to the "decision or action * * * to commence proceedings" in the first place. *Ibid.* Such "cause[s] or claim[s]," even if framed as challenges to detention, may only be heard "as provided in [Section 1252]"—that is, through the PFR process. *Ibid.*

This Court's precedents confirm as much. In *Jennings* v. *Rodriguez*, 583 U.S. 281 (2018), Justice Alito's opinion for the plurality observed that whatever the outer bounds of the zipper clause, it covers aliens "challenging the decision to detain them in the first place or to seek removal." *Id.* at 294; see *id.* at 315-318 (Thomas, J., concurring in part and concurring in the judgment)

(adopting broader reading). Because Section 1226(a) predicates the government's detention authority on a "pending * * * decision on whether the alien is to be removed," 8 U.S.C. 1226(a), the validity of the "decision to detain" an alien is often inextricably intertwined with the decision "to seek removal," *Jennings*, 583 U.S. at 294 (plurality opinion). See also 8 C.F.R. 236.1(b) (providing that an alien "may be arrested" "[a]t the time of issuance of the notice to appear"). That means aliens can virtually always reframe a challenge to their removal as a challenge to their detention on the exact same grounds. Allowing such reframed removal challenges to proceed in district court under the cover of a habeas petition would create a roadmap for circumventing the INA's careful channeling scheme.

Petitioner attempted exactly that below. As the Third Circuit observed, though petitioner "challenges his detention, his arguments against it are identical to his arguments against removal." Pet. App. 27a. Petitioner challenges his detention as based on a purported "Policy" by which the government "seek[s] to detain *and* deport" anti-Israel protestors. D. Ct. Doc. 382, at 2 (emphasis added); see also *id.* at 1, 19, 43-49. The lawfulness of the alleged "Policy" necessarily implicates the validity of petitioner's removal. Whether it violates the Constitution or the APA is thus a "question[] of law or fact" that may be judicially reviewed only on a PFR in a court of appeals. 8 U.S.C. 1252(b)(9). Indeed, the legality of the alleged "Policy" and Secretary Rubio's determination is *currently* before the Fifth Circuit on petitioner's PFR. See *Khalil* v. *Blanche*, appeal pending, No. 26-60344 (filed May 14, 2026). Having two circuits addressing the same legal questions for the same

alien (as petitioner would urge) is antithetical to the INA's channeling scheme.

2. Although the court of appeals' decision in this case is correct, the government agrees with petitioner that this Court should grant certiorari as to the first question presented in this case. The decision below implicates a circuit split on the proper interpretation of the INA's jurisdiction-channeling scheme. Like the Third Circuit, the Second Circuit held that the INA requires that all "legal or factual *questions*" that go to the validity of removal must be channeled through the PFR process. *Mahdawi* v. *Trump*, 183 F.4th 103, 120 (2026) (citation omitted).[3] The Fourth Circuit, however, instead holds that the INA poses no jurisdictional bar to claims even directly implicating the validity of removal, so long as they are framed as challenges to detention. *Suri* v. *Trump*, 184 F.4th 260, 285-297 (2026); see also *id.* at 275 (recognizing that this interpretation "diverges from the Third Circuit's determination" in this case). Only this Court can resolve this express disagreement among the circuits.

It is especially imperative that this Court eliminate this circuit conflict given the mechanics of immigration enforcement. Aliens detained pending their removal proceedings frequently cross state lines while being transferred to their ultimate detention facility, meaning that one court's erroneous interpretation of the INA

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[3] On September 3, 2026, the Second Circuit *sua sponte* granted rehearing en banc in that case, 25-1113 C.A. Doc. 244.1, but ordered that proceedings be held in abeyance "in the event that the Supreme Court in this or another matter grants certiorari on the following question which is presented in this case: whether the district court lacked subject matter jurisdiction to grant habeas relief to the petitioner in light of any provision of 8 U.S.C. § 1252." *Id.* at 2.

can affect matters well outside its district's or circuit's borders. The case below proves the point. Until the Third Circuit intervened, the United States District Court for the District of New Jersey purported to supervise proceedings in an immigration court in Louisiana. See, *e.g.*, D. Ct. Doc. 355, at 2 (ordering the "immigration judge to promptly vacate or amend her * * * decision to the extent it finds [petitioner] removable" based on the foreign-policy charge).

This Court should grant both this petition and the government's petition in *Suri*. Accord Pet. 38 (agreeing this case should be "hear[d] * * * alongside *Suri*"). The circumstances in these cases are nearly identical: like petitioner, the alien in *Suri* was placed in removal proceedings upon Secretary Rubio's foreign-policy determination that he was deportable, was detained pending proceedings, and challenged that detention on the ground that the Secretary's determination was unlawful. 184 F.4th at 269-272. And like this case, the scope of Section 1252's channeling scheme has been fully litigated below in *Suri*. Especially so in *Suri*; while the majority below did not have occasion to address Section 1252(g), that issue made its way into the Fourth Circuit's majority opinion. See *id.* at 281-289. Granting certiorari in *Suri* will thus guarantee that this Court has the full picture in evaluating the INA's channeling scheme. Most of all, granting both petitions will guard against the possibility of mootness present in cases like these, and will help to ensure that this issue is resolved this Term.

3. Certiorari is not warranted, however, as to the second question presented, *i.e.*, whether channeling claims like petitioner's to the PFR process would violate the Constitution. This Court is "a court of review, not

of first view." *Cutter* v. *Wilkinson*, 544 U.S. 709, 718 n.7 (2005). The district court, in ruling for petitioner, had no occasion to address the matter. The Third Circuit, for its part, said only that "the availability of the PFR process satisfies the Suspension Clause." Pet. App. 34a. Petitioner has identified no circuit split on this issue, nor any controlling opinion that agrees with his view of what the Constitution requires. This Court should not wade into this manufactured dispute.

Petitioner suggests (at 7-8) that this Court should hold this petition and the petition in *Suri* pending the "outcome of the Fifth Circuit proceedings," because it "will have significant implications for the important jurisdictional questions presented here and in *Suri*." That is wrong. The proper interpretation of the INA's jurisdiction-channeling scheme is a pure legal question separate and apart from how petitioner's own PFR process plays out. And petitioner's repeated emphasis (at 8, 12, 30, 36, 38) that the Fifth Circuit in an unreasoned order denied his Hobbs Act motion to transfer the case to a district court for further factfinding proves nothing even for his case. No court has ever suggested that meaningful review requires that petitioner be permitted to engage in factfinding at any time and any manner of his choosing, let alone before the court of appeals even hears the case. See, *e.g.*, Pet. App. 36a (noting that the INA "does not preclude a court of appeals from obtaining additional fact-finding * * * either through the Hobbs Act's remand process, by appointing a special master, or through another appropriate mechanism" (internal quotation marks omitted)).

Holding these petitions would serve only to delay this Court's prompt resolution of what petitioner rightly characterizes as an "extraordinarily important"

question. Pet. 7. Tens of thousands of aliens are detained every year as part of pending removal proceedings. See ICE, *Annual Fiscal Year 2024*, at 21-26 (Dec. 19, 2024), https://perma.cc/LRJ4-PHTK. A pure legal question governing all those cases should not be held pending the resolution of a single PFR proceeding. As Judge Wilkinson noted in his dissent in *Suri*, if left unchecked, the "duplication and delay that will result" from the Fourth Circuit's erroneous interpretation of the INA "is immeasurable." 184 F.4th at 311. This Court should resolve this circuit split forthwith.

CONCLUSION

The petition for a writ of certiorari should be granted with respect to the first question presented, as reformulated at p. I, *supra*.

Respectfully submitted.

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