

In the Supreme Court of the United States

MARKWAYNE MULLIN, SECRETARY OF HOMELAND SECURITY, ET AL., APPLICANTS

v.

FRIENDS OF THE RUIDOSA CHURCH, ET AL.

**REPLY IN SUPPORT OF APPLICATION FOR A STAY OF THE
INJUNCTION ISSUED BY THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

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A stay is plainly warranted of this unprecedented injunction enjoining the Secretary’s waivers and indefinitely barring border-wall construction across at least a quarter of the U.S.-Mexico border. To begin, the government is exceedingly likely to succeed on the merits. Congress stripped district courts of jurisdiction to entertain non-constitutional challenges to the Secretary of Homeland Security’s decisions to waive legal requirements when necessary to facilitate border-wall construction. Yet the district court enjoined the Secretary’s waivers by invoking the major-questions doctrine in service of a claim that the Secretary exceeded his *statutory* authority under IIRIRA. See Appl. App. 214a. Respondents’ rejoinder—that the major-questions doctrine has “constitutional underpinnings,” Opp. 15—does not transform the doctrine into a constitutional challenge.

Not only are respondents trying to turn a major-questions claim into a constitutional challenge, but their major-questions claim is really a disguised, run-of-the-mill dispute over the meaning of express statutory terms, and a flawed one to boot. Congress undisputedly and expressly *did* confer on the Secretary the power to “waive

all legal requirements” in order to facilitate border-barrier construction as he deems necessary “to deter illegal crossings in areas of high illegal entry,” IIRIRA § 102(a), 110 Stat. 3009-554; IIRIRA § 102(c)(1), as amended, 119 Stat. 306, and Secretaries have long issued such waivers. Unlike ordinary major-questions cases, respondents and the district court dispute the *scope* of that authority, not its existence, contending that the Big Bend sector does not qualify as an area of “high illegal entry” because other sectors have higher apprehension rates. That argument misconstrues the text, which does not compel a comparative analysis, and only underscores the extent to which respondents are trying to parlay a garden-variety statutory argument into a constitutional challenge.

The equities also strongly favor the government. Though respondents assert that the government will not be irreparably harmed absent a stay, Opp. 23-31, even the district court found that the government “will experience at least some degree of irreparable harm.” Appl. App. 236a. The district court simply understated the harms. Not only will the government be irreparably harmed from being unable to implement the border-wall waivers that Congress prescribed, to advance critical sovereign interests of controlling the border, but the record also includes specific, substantial evidence showing public-safety and operational harms from this injunction. See *id.* at 218a-232a. Respondents quibble with the pace and extent of border-wall construction, deeming existing border infrastructure in the Big Bend Sector adequate to protect public safety and secure the border. See Opp. 25-29. But those policy determinations belong to the Secretary, not to respondents or the courts.

Against the government’s serious injuries, respondents assert aesthetic, environmental, and spiritual interests in preserving the Big Bend region. Opp. 31-37. The government has already explained that its construction in public recreational

areas will be limited. See Appl. 33. In all events, Congress has already determined that such interests are outweighed by the government’s interests in constructing border infrastructure. That is why it authorized the Secretary to waive environmental and preservation laws as needed to build border barriers and roads. A stay is overwhelmingly warranted. And the district court’s errors in this case are so clear, and the consequences of its injunction so grave, that this Court should construe the application as a petition for a writ of certiorari, grant the petition, and summarily reverse to avoid unnecessarily prolonging proceedings.

A. The Government Is Highly Likely To Succeed On The Merits

The injunction is fatally flawed on the merits for multiple independent reasons. See Appl. 15-24. Respondents’ rejoinders are unpersuasive and only underscore why summary disposition of this straightforward claim is warranted here.

1. The district court exceeded its jurisdiction

a. All agree that federal jurisdiction over IIRIRA waiver decisions is limited to claims “alleging a violation of the Constitution.” IIRIRA § 102(c)(2)(A). But as respondents acknowledge, the major-questions doctrine “operates to interpret a *statutory* grant of authority.” Opp. 15 (emphasis added). And executive assertions of authority that fail the major-questions doctrine exceed *statutory* authority. That alone shows that the jurisdictional bar plainly applies.

Respondents contend that because the major-questions doctrine has “constitutional underpinnings,” Opp. 15, they have alleged a constitutional violation. But they ignore the flaws in that logic. See Appl. 18. Many canons for interpreting statutes have constitutional underpinnings, from the federalism canon to the clear-statement rule for abrogating sovereign immunity. Just because a court relies on a canon with constitutional overtones does not mean that it has adjudicated an alleged constitu-

tional violation. The canon of constitutional avoidance is a prime example: It has constitutional underpinnings but exists “to *avoid* the decision of constitutional questions.” *Clark v. Martinez*, 543 U.S. 371, 381-382 (2005). A litigant who relies on constitutional avoidance is seeking “to vindicate his own *statutory* rights”—hence, invoking constitutional avoidance is “not a method of adjudicating constitutional questions by other means.” *Id.* at 381. Respondents offer no response, let alone any explanation for why the major-questions doctrine alone should be viewed differently.

This Court’s decision in *Dalton v. Specter*, 511 U.S. 462 (1994), further refutes respondents’ argument. *Dalton* explained that “claims simply alleging that the President has exceeded his statutory authority are not ‘constitutional’ claims.” *Id.* at 473. But that is what respondents allege here. See, e.g., Opp. 19 (arguing that “the Big Bend Waivers amount to an unprecedented interpretation of IIRIRA”); Opp. 20 (contending that “the statute [i.e. IIRIRA] grants no such authority” for the Big Bend waivers). Were there a major-questions exception to *Dalton*, as respondents apparently envision (Opp. 16), plaintiffs could label any garden-variety statutory claims as major-questions claims and “broaden[] beyond recognition” the limits Congress carefully drew on jurisdiction over challenges to IIRIRA waivers, *Dalton*, 511 U.S. at 474—as respondents do here, see pp. 6-9, *infra*.

b. Respondents try to give their claim a constitutional gloss by analogizing the major-questions doctrine to the nondelegation doctrine. Opp. 15-16. They contend that the major-questions and nondelegation doctrines are “two sides of the same coin” because both guard “against overexpansive delegations of Congress’s legislative power.” *Ibid.* Respondents’ focus on the doctrines’ overlapping purposes ignores the critical differences in how the doctrines operate. A nondelegation claim actually alleges that Congress has violated the Constitution by delegating Article I powers else-

where. See *Whitman v. American Trucking Ass'ns*, 531 U.S. 457, 472 (2001). A major-questions claim, by contrast, *avoids* the need to determine whether Congress has violated Article I by alleging that Congress did not actually grant the power that the Executive has asserted. The major-questions doctrine is thus used to determine whether a statute has been violated, not whether there has been a constitutional violation. See Appl. 16 (collecting examples).

Respondents further argue that the major-questions and nondelegation doctrines both “operate[] through statutory interpretation.” Opp. 15. They cite the plurality’s observation in *Gundy v. United States*, 588 U.S. 128, 135 (2019), that “a nondelegation inquiry always begins (and often almost ends) with statutory interpretation.” But in a nondelegation challenge, that is because the statutory-interpretation inquiry as to whether Congress provided an intelligible principle to constrain executive implementation is dispositive of whether Congress violated Article I. See *id.* at 136 (“Only after a court has determined a challenged statute’s meaning can it decide whether the law sufficiently guides executive discretion to accord with Article I.”). In a major-questions case, by contrast, the “central” and ultimate inquiry is whether the Executive Branch’s claimed power is “supported by clear statutory authority.” *Learning Resources, Inc. v. Trump*, 607 U.S. 229, 283 (2026) (Gorsuch, J., concurring).

Respondents ultimately give away the game by asking this Court in a footnote to resolve this case on nondelegation, not major-question, grounds—an implicit acknowledgement that the doctrines are distinct. Opp. 16 n.8. Underscoring that point, respondents pleaded major-questions violations and nondelegation violations as separate counts. See D. Ct. Doc. 26, at 39 (Aug. 11, 2026) (alleging nondelegation-doctrine violation “in the alternative” to major-questions-doctrine violation) (capitalization omitted). Regardless, it is too late for respondents to switch horses; the major-

questions claim is the sole basis for the injunction. See Appl. App. 214a. The district court did not decide whether respondents were likely to succeed on their separate nondelegation claim, *id.* at 215a n.4—a claim that other courts have uniformly rejected. See, e.g., *Center for Biological Diversity v. McAleenan*, 404 F. Supp. 3d 218, 249 (D.D.C. 2019) (K.B. Jackson, J.), cert. denied, 591 U.S. 1015 (2020).

2. The major-questions doctrine does not foreclose the Big Bend waivers

Even if the district court had jurisdiction over respondents’ major-questions claim, it is meritless. Appl. 19-24.

a. This is not a major-questions case. The major-questions doctrine provides that when the government seeks to decide a question of “vast economic and political significance” or to assert “extravagant statutory power over the national economy,” courts must look for a “clear” indication that Congress actually intended to delegate the asserted authority. *West Virginia v. EPA*, 597 U.S. 697, 716, 723-724 (2022) (citations omitted). Here, Congress unambiguously delegated to the Secretary the power to “waive all legal requirements” that he “determines necessary to ensure expeditious construction” of border barriers and roads under IIRIRA Section 102. IIRIRA § 102(c)(1); see Appl. 20. That authority is perfectly clear.

Respondents nevertheless contend that the Big Bend waivers trigger the major-questions doctrine because the construction facilitated by those waivers will be costly. See Opp. 17. But the major-questions doctrine does not reflexively apply anytime the government engages in an expensive construction project. The doctrine applies only in “extraordinary cases” “representing a ‘transformative expansion’” in the government’s “regulatory authority.” *West Virginia*, 597 U.S. at 724 (citation omitted). There is nothing “extraordinary” or “transformative” about the Secretary’s

use of his clear Section 102(c) waiver authority. On the contrary, CBP counts over 60 IIRIRA waiver decisions to facilitate border-wall construction since Congress gave DHS that power in 2005. See Appl. 9. The Big Bend waivers are merely a recent example of the Secretary using a well-worn tool in his border-security toolkit.

Respondents try to differentiate the Big Bend waivers as “unprecedented” in their “scale, size, and purpose.” Opp. 18. That, too, is wrong. In 2008, the Secretary issued a waiver decision “to facilitate construction of barriers and roads along 470 miles of the United States-Mexico border in Texas, New Mexico, Arizona, and California.” *County of El Paso v. Chertoff*, No. 08-CA-196, 2008 WL 4372693 (W.D. Tex. Aug. 29, 2008) (discussing 73 Fed. Reg. 19,078 (Apr. 8, 2008)). That single waiver decision encompassed project areas spanning more miles of the border than any of the three Big Bend waivers, and in fact covered an area equivalent to about 75% of the number of border miles covered by all three Big Bend waivers combined. Other waiver decisions have likewise covered significant swaths of the border. See, e.g., 90 Fed. Reg. 57,088 (Dec. 9, 2025) (waiver for project areas in the Rio Grande Valley spanning about 277 miles). The Big Bend waivers do not meaningfully differ.

Respondents accuse the government of now asserting a newfound power to issue waivers to facilitate construction “anywhere in the vicinity of a U.S. border, regardless of whether it is an area of high illegal entry.” Opp. 18. That is patently untrue. The Secretary found that the Big Bend Sector *is* an area of high illegal entry and relied on that finding when issuing the challenged waivers. See Appl. App. 2a, 4a. 7a. Respondents disagree with the Secretary’s finding, but Congress’s delegation to the Secretary of the power to make such findings only reinforces why this is no major-questions case. Regardless, Section 102(c) would by its terms authorize the Secretary to issue waiver decisions for project areas across the entire southern bor-

der, if he determines that every segment is an area of “high illegal entry.”

b. Respondents contend that the Big Bend waivers exceed the Secretary’s authority to issue waivers covering areas of “high illegal entry” because that sector has “the lowest levels of apprehensions across all southern border sectors.” Opp. 20. But “IIRIRA does not dictate that ‘high illegal entry’ is a comparative determination.” *In re Border Infrastructure Envtl. Litig.*, 915 F.3d 1213, 1224 (9th Cir. 2019). A segment of the border can be an area of “high illegal entry” in an absolute sense, even if other nearby segments are even higher. See Appl. 22. Even if a comparison were required, illegal entries could also be high compared to historical averages or the Secretary’s goals. Applying the statute to the Big Bend area does not deprive Congress’s “limiting language” of meaning, contra Opp. 19 (citation omitted).

Respondents’ theory, by contrast, would condition the Secretary’s authority to issue Section 102(c) waivers in a border segment on whether other nearby segments happen to have more illegal entries at any given time. A regime in which the Secretary’s authority to issue waivers for a particular piece of the border blinks in and out of existence depending on the comparative trends of the moment is unworkable and would benefit only cartels and others who seek to pinpoint weaknesses in the border to facilitate drug smuggling and human trafficking. See Appl. 23; Appl. App. 226a. Congress cannot plausibly have intended such a self-defeating scheme.

Respondents further argue that Congress has not authorized the Secretary “to waive statutory safeguards across the entire border.” Opp. 20. As discussed, the challenged waivers cover only discrete project areas in the Big Bend Sector and are comparable in extent to prior waivers. Appl. App. 2a, 4a, 7a. Regardless, Congress’s failure to enact proposed legislation that would have expressly granted the Secretary the authority to waive laws along the entire border rather than sector-by-sector is

irrelevant. Contra Opp. 21. “[F]ailed legislative proposals are ‘a particularly dangerous ground on which to rest an interpretation of a prior statute,’” particularly given the potential inference that “‘existing legislation already incorporated the offered change.’” *United States v. Craft*, 535 U.S. 274, 287 (2002) (citations omitted).

B. The Remaining Factors Favor A Stay

1. The Court is likely to grant certiorari

Respondents contend that the decision below presents “no conflict with any other ruling” because no other court has yet considered a major-questions challenge to an IIRIRA waiver decision. Opp. 38. And they argue that the question whether a major-questions claim alleges a constitutional violation will have limited prospective importance in contexts outside Section 102(c)’s judicial-review provision. Opp. 40. Those arguments are meritless. The district court has effectively enjoined the government from constructing border barriers and roads along about one quarter of the Nation’s southern border. And under IIRIRA’s unique judicial-review provision, a petition for a writ of certiorari is the “only” avenue for review of the district court’s unlawful injunction. IIRIRA § 102(c)(2)(C). Given the severely disruptive consequences of the district court’s injunction and the absence of other avenues for appellate review, this Court is extremely likely to grant certiorari without waiting for another court to consider respondents’ untenable major-questions theory.

Respondents also contend that certiorari is unwarranted given the interlocutory posture. Opp. 38. But the Court regularly grants review of preliminary injunctions that cause significant disruption. See, e.g., *National Park Serv. v. National Trust for Historic Pres. in the U.S.*, No. 26A203 (Aug. 31, 2026) (per curiam) (granting stay of preliminary injunction); see also *Mullin v. Doe*, 609 U.S. 324, 350 (2026) (reviewing grant of interim relief on writ of certiorari before judgment). Given the ir-

reparable harms this injunction is inflicting on the government right now, the Court would be equally unlikely to await final judgment here.

2. The injunction irreparably harms the government and public

Respondents deny (Opp. 23-31) that the government will be irreparably harmed, but even the district court found that applicants had “demonstrated that they will experience at least some degree of irreparable harm absent a stay” because “they will continue to be prevented from effectuating their policies.” Appl. App. 236a. Respondents ignore that finding. Instead, they raise flimsy procedural and substantive objections to the government’s strong evidence of irreparable injury.

Respondents begin by contending that the government “waived any argument” that its injunction would cause it irreparable harm by declining to call witnesses for the preliminary-injunction hearing and purportedly submitting additional declarations too late. Opp. 24. That is wrong. At the preliminary-injunction stage, the government presented the Secretary’s findings about the extent of illegal entry in the Big Bend Sector as well as evidence that CBP considers physical barriers to be essential in its efforts to gain operational control of the border. See, *e.g.*, Appl. App. 2a, 4a, 7a; D. Ct. Doc. 38-1, ¶ 6 (Aug. 24, 2026). That submission showed that enjoining the construction of such barriers in Big Bend would thwart the government’s programmatic interests and injure the public safety. The government had no need to call witnesses at the preliminary-injunction hearing—particularly because at that stage, it was *respondents’* burden to show that they would be irreparably harmed absent an injunction, not the government’s burden to show that it would be irreparably harmed by such an injunction. See *Winter v. NRDC*, 555 U.S. 7, 20 (2008). When the government sought a stay of the injunction and the burden became the government’s to show irreparable harm, the government submitted additional declarations. See, *e.g.*, Appl.

App. 218a-232a. There is nothing procedurally improper about that.

Respondents also argue that the government's voluntary pause of construction in two Big Bend project areas undermines its claim of irreparable harm. See Opp. 24-25. The fact that the construction in the Big Bend Sector is being sequenced by project area does not undercut the government's assertion that a sector-wide injunction causes irreparable harm. The current construction timetable prioritizes certain areas where the government can work most quickly—including one where the government had already erected a concrete batch plant, water delivery systems, and temporary field offices, and laborers were working around 60 hours per week. Appl. App. 221a. Even in the project areas where the government had voluntarily paused construction to engage with stakeholders, the injunction harms the government by preventing CBP from executing its statutory waiver authority on the timeline that CBP deems appropriate. See Appl. 26; Appl. App. 236a (noting that applicants suffer irreparably harm when they are "prevented from effectuating their policies"). In one such area, for example, CBP had lifted its voluntary pause and was planning to move forward imminently with ground-disturbing activities before the district court issued the injunction. Appl. App. 221a. The injunction thwarts that plan.

Respondents contend that the record refutes the Secretary's determination that the Big Bend Sector faces urgent border security concerns. Opp. 25-28. They dismiss the government's evidence of dangerous aliens crossing in the Big Bend Sector as "isolated incidents," Opp. 25, but those examples are illustrative, not comprehensive. See Appl. 28. They show that the Big Bend Sector is vulnerable to illegal entry notwithstanding its rugged character and underscore the types of dangerous entries that will likely occur if the Big Bend Sector becomes a funnel point. See *ibid.*

Respondents also dismiss the government's statistical evidence, contending

that the government’s sector-wide apprehension data overstate the number of illegal border crossings in the Big Bend Sector. Opp. 25-28. They argue that the Secretary’s count of 89,000 apprehensions in the sector from fiscal year 2021 through fiscal year 2025 includes aliens apprehended at border checkpoints in the interior, rather than at the border. Opp. 27. Of course, aliens apprehended in the interior of the sector may have entered the United States through the Big Bend Sector unlawfully. But even if all apprehensions at interior checkpoints were eliminated from the total count, the number of illegal-alien apprehensions in the Sector would still be staggeringly high. Respondents’ cited evidence states that between fiscal years 2013 and 2025, only “9%” of apprehensions in the Big Bend Sector occurred at interior checkpoints. Supp. App. 175a. Subtracting 9% from the 89,000 apprehensions in the Big Bend Sector between fiscal years 2021 and 2025 would still leave over 80,000 illegal-alien apprehensions. Importantly, those statistics would still not account for the aliens who entered the Big Bend Sector illegally and were *not* apprehended or were apprehended at an interior checkpoint in a different sector. See Appl. App. 227a.

Respondents also err in contending that existing border-security infrastructure is adequate to guard against illegal entries and drug smuggling in the Big Bend Sector. Opp. 28. Congress tasked the Secretary, not courts or litigants, with making policy judgments about whether and where additional border infrastructure is needed. See Secure Fence Act of 2006, § 2(a), Pub. L. No. 109-367, 120 Stat. 2638. If anything, respondents’ argument only lays bare the government’s harm in this case. Respondents seek a judicial determination that the Executive Branch’s chosen, statutorily authorized method of border security is unnecessary, based on their own view that there are adequate alternatives. But as this Court has repeatedly recognized, the government “suffers a form of irreparable injury” when it is enjoined from carry-

ing out its responsibilities under a “statute[] enacted by representatives of [the] people.” *Trump v. CASA, Inc.*, 606 U.S. 831, 861 (2025) (citation omitted); see *Trump v. California*, No. 26A124 (Aug. 24, 2026), slip op. 8-9 (per curiam) (finding that the government was “likely to suffer irreparable harm” from an injunction that “deal[t] ‘a serious setback’ to the Executive’s ‘goals’”) (citation omitted); see also Appl. 26.

Finally, respondents fail to refute the significant operational and financial harms that the government has established. See Appl. 30-31. They again emphasize that the government has voluntarily paused construction in certain areas, but ignore the operational costs associated with stopping work midstream in the areas where construction was already underway. See *ibid.*; Appl. App. 220a-222a. Respondents also urge the Court to ignore the financial liabilities that CBP has projected it will incur to its contractors, see Appl. App. 222a, on the ground that the government has “refused to supply” them or the district court with the “underlying contracts” in the stay proceedings below. Opp. 30. As the government explained to respondents, those contracts often contained sensitive national-security information requiring redaction not feasible on an emergency timeline. D. Ct. Doc. 77-1, at 4, 6 (Oct. 20, 2026). And reviewing the contracts is unnecessary to credit CBP’s sworn testimony about the financial liabilities it has projected. See Appl. App. 222a.

3. The balance of equities supports a stay

Because the government has shown a high likelihood of success on the merits and serious irreparable harm—the “most critical” factors, *Nken v. Holder*, 556 U.S. 418, 434 (2009)—this is not a “close case[]” where respondents’ equities can tilt the balance against a stay, *NRCC v. Brown*, No. 26A274 (Sept. 4, 2026), slip op. 2 (per curiam). Regardless, the government’s compelling border-security and public-safety interests far outweigh respondents’ minimal interests.

Respondents assert that construction in the Big Bend region will permanently alter “livelihoods, historic resources, property rights, spiritual values, recreational interests, wilderness landscapes, and ecological systems.” Opp. 35. But as the government has explained, Congress subordinated those very interests to the government’s interest in border security when it authorized the Secretary to waive all environmental and preservation laws as necessary to facilitate border-barrier construction under Section 102. See Appl. 32 (citing *TVA v. Hill*, 437 U.S. 153, 194 (1978); *United States v. Oakland Cannabis Buyers’ Coop.*, 532 U.S. 483, 497 (2001)).

Respondents’ only answer to that point is to argue that Congress’s preferences do not apply here because the Secretary supposedly exceeded his authority under IIRIRA. See Opp. 37. But that merits question is separate from the order of priorities that Congress announced in enacting the Section 102(c) waiver authority. And that order of priorities plainly elevates the government’s interest in border infrastructure above the very interests that respondents here seek to protect.

Respondents also fail to engage with this Court’s cases finding that aesthetic and environmental interests similar to the ones that they assert are insufficient to support a preliminary injunction. See Appl. 32-33 (discussing cases). Respondents resist the notion that their asserted injuries are “merely ‘aesthetic and recreational’ harms.” Opp. 32 (quoting Appl. 5, 32). But respondents themselves extensively discuss their interests in “fishing,” “birding,” “camp[ing],” and otherwise enjoying and observing the Big Bend wilderness. Opp. 33-35. This Court has found that similar interests in “observ[ing],” “photograph[ing],” and “conduct[ing] scientific research” on marine mammals were “plainly outweigh[ed]” by the government’s interests. *Winter*, 55 U.S. at 25-26. And to the extent the Court reached the equities in *Trump v. Sierra Club*, 588 U.S. 930 (2019)—rather than ruling for the government on the strength of

the merits and its border-security and financial harms—the Court necessarily balanced them the same way. Here, too, the government’s strong border-security and operational interests dwarf respondents’ interests.

C. Summary Reversal Is Warranted

Given the clarity of the district court’s errors and the seriously disruptive consequences of the injunction, summary reversal is warranted in addition to a stay. See Appl. 35-36. Respondents argue generally that further review is unwarranted, Opp. 37-40; see pp. 9-10, *supra*, but do not suggest any need for further briefing or oral argument if the Court were to grant certiorari. Instead, respondents primarily argue that the district court could rule on the pending summary-judgment briefs in a way that would “alter or refine” its “reasoning on the major questions doctrine as well as resolve [r]espondents’ additional constitutional claims.” Opp. 38. Respondents apparently mean that if this Court were to reverse the district court’s grant of a preliminary injunction and permit the Secretary to issue waivers in Big Bend, then the district court might find that Section 102(c) lacks any “intelligible principle” and violates the nondelegation doctrine. Opp. 39 (citation omitted). As noted, every court to consider similar nondelegation challenges has rejected them. See p. 6, *supra*. The prospect that the district court could issue another unlawful injunction down the line is not a basis to defer review of its current unlawful injunction.

* * * * *

For the foregoing reasons, applicants respectfully request that the Court stay the district court’s preliminary injunction. Applicants further request that the Court construe their application as a petition for a writ of certiorari, grant the petition, and summarily reverse.

Respectfully submitted.

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