

In the Supreme Court of the United States

SOHILBHAI SHAUKATALI MOMIN, PETITIONER

v.

TODD BLANCHE, ATTORNEY GENERAL

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

BRIEF FOR THE RESPONDENT IN OPPOSITION

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QUESTION PRESENTED

Whether the court of appeals correctly determined that the Board of Immigration Appeals did not abuse its discretion in denying petitioner's motion to reopen as untimely on the grounds that petitioner did not meaningfully contest the Board's decision that he had failed to show a material change in country conditions.

ADDITIONAL RELATED PROCEEDINGS

United States Court of Appeals (5th Cir.):

Momin v. Holder, No. 14-60096 (Dec. 23, 2014)

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OPINIONS BELOW

The order of the court of appeals (Pet. App. 1a-3a) is available at 2026 WL 970226. A previous opinion of the court of appeals is unpublished but available at 588 Fed. Appx. 367.

JURISDICTION

The judgment of the court of appeals was entered on April 9, 2026. The petition for a writ of certiorari was filed on July 7, 2026. 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.*, “and its implementing regulations set out the process for removing aliens from the country.” *Mata v. Lynch*, 576 U.S. 143, 145 (2015). First, “[a]n immigration judge (IJ) conducts the initial pro-

ceedings.” *Ibid.* (citing 8 U.S.C. 1229a(a)(1)). If the IJ finds an alien removable, the alien may seek relief from removal—including, as relevant here, by requesting asylum, withholding of removal, and protection under the Convention Against Torture (CAT), *adopted* Dec. 10, 1984, S. Treaty Doc. No. 20, 100th Cong., 2d Sess. (1988), 1465 U.N.T.S. 85.

Asylum is a form of discretionary relief that the Attorney General may grant if an applicant demonstrates that he is unable or unwilling to return to his country of origin “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. 1101(a)(42)(A); see 8 U.S.C. 1158(b)(1)(A). Withholding of removal is available if the alien demonstrates that his “life or freedom would be threatened” in the country of removal “because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. 1231(b)(3)(A). To establish eligibility for withholding, the alien must prove a “clear probability of persecution” upon removal—a higher standard than is required to establish asylum eligibility. *INS v. Cardoza-Fonseca*, 480 U.S. 421, 430 (1987); see *id.* at 443-444. In addition, an alien who demonstrates that he would more likely than not be tortured if removed to a particular country may obtain CAT protection. See 8 C.F.R. 1208.16-1208.18.

If the IJ orders removal, the alien “has the opportunity to appeal that decision to the Board of Immigration Appeals” (Board). *Mata*, 576 U.S. at 145 (citing 8 U.S.C. 1229a(c)(5)). And if the Board upholds the removal order, the alien may, with certain exceptions, seek judicial review by filing a petition for review in a court of appeals. See 8 U.S.C. 1252.

The INA also permits the alien to file a motion to reopen removal proceedings based on previously unavailable, material evidence. See 8 U.S.C. 1229a(c)(7)(A) and (B); 8 C.F.R. 1003.2(c), 1003.23(b)(3); see also *Dada v. Mukasey*, 554 U.S. 1, 12-15 (2008). The motion must “state the new facts that will be proven at a hearing to be held if the motion is granted” and must “be supported by affidavits or other evidentiary material.” 8 U.S.C. 1229a(c)(7)(B); see 8 C.F.R. 1003.2(c)(1), 1003.23(b)(3). In general, a motion to reopen must be “filed within 90 days of the date of entry of a final administrative order of removal,” 8 U.S.C. 1229a(c)(7)(C)(i), *i.e.*, “no later than 90 days after the date on which the final administrative decision was rendered in the proceeding sought to be reopened,” 8 C.F.R. 1003.2(c)(2); see 8 C.F.R. 1003.23(b)(1). The 90-day deadline does not apply, however, if (as relevant here) “the basis of the motion is to apply for” asylum, withholding of removal, or CAT protection and “is based on changed country conditions arising in the country of nationality or the country to which removal has been ordered, if such evidence is material and was not available and would not have been discovered or presented at the previous proceeding.” 8 U.S.C. 1229a(c)(7)(C)(ii); see 8 C.F.R. 1003.2(c)(3)(ii), 1003.23(b)(4)(i).

Motions to reopen removal proceedings are “disfavored” because “[t]here is a strong public interest in bringing litigation to a close as promptly as is consistent with the interest in giving the adversaries a fair opportunity to develop and present their * * * cases.” *INS v. Abudu*, 485 U.S. 94, 107 (1988). Applicable regulations grant the Board and IJs “discretion” in adjudicating motions to reopen. 8 C.F.R. 1003.2(a); 8 C.F.R. 1003.23(b)(3). Either the Board or an IJ may “deny a

motion to reopen even if the moving party has made out a prima facie case for relief.” 8 C.F.R. 1003.2(a); see 8 C.F.R. 1003.23(b)(3). This Court has accordingly recognized that the Board “has broad discretion, conferred by the Attorney General, ‘to grant or deny a motion to reopen.’” *Kucana v. Holder*, 558 U.S. 233, 250 (2010) (quoting 8 C.F.R. 1003.2(a)). The “courts retain jurisdiction,” however, “to review, with due respect, the Board’s decision.” *Ibid.*

2. a. Petitioner is a native and citizen of India, Pet. App. 1a, who entered the United States unlawfully around April 2010, *id.* at 19a. In May 2010, the Department of Homeland Security commenced removal proceedings against him. *Id.* at 17a. Petitioner conceded that he was removable but requested asylum, withholding of removal, and protection under the CAT. *Ibid.*

Petitioner’s claims for relief were premised on his fear of returning to India because he is a Muslim of the Ismaili sect and because his father was formerly a member of the Congress Party, a political party in India. Pet. App. 11a, 19a. Before the IJ, petitioner “recounted instances where he and his family have encountered problems with Hindus and extremists from certain organizations, such as the Bharataya Janata Party (BJP) and the Shiv Sena.” *Id.* at 19a; see *id.* at 19a-23a.

More specifically, petitioner testified about events that had begun around March 2002, when “a large riot between Hindus and Muslims broke out in his home state,” during which his family’s home was destroyed. Pet. App. 19a-20a. Petitioner claimed that he faced harassment as a Muslim student, and that on one occasion the police arrested him and his father and subjected them to physical harm for not relinquishing wheat and rye products made on his father’s farm. See *id.* at 20a-

21a. Petitioner testified that he then moved to Mumbai to work as a shoe salesman, but traveled to Japan after members of the Shiv Sena visited him at work. *Id.* at 21a. When petitioner returned to Mumbai and his job at the shoe store, he testified that he was again “approached by supporters of the Shiv Sena” who eventually kidnapped him and took him to the police station, where he was “charged as a spy” but released when his employer paid a bribe. *Id.* at 21a-22a. Petitioner “claimed he was beaten on his body but did not seek” medical treatment. *Id.* at 22a. Petitioner eventually traveled to New Delhi and worked at a hotel until he was fired “after a BJP visitor refused to accept a food item that [petitioner] touched.” *Ibid.* Ultimately, petitioner’s father “paid a smuggler” to have petitioner taken from India; petitioner “traveled through various countries” before reaching the United States. *Ibid.* Petitioner “testified that his parents and sisters have not experienced any problems since his arrival in the United States.” *Id.* at 23a.

b. The IJ denied petitioner’s claims for relief and ordered petitioner’s removal to India. Pet. App. 16a-34a. The IJ first concluded that the harm petitioner claimed he encountered, “even when considered cumulatively,” did not rise to the level of past persecution on a protected ground and that, even if the incidents rose to the level of persecution, there was “no evidence that many of those acts were the direct result of government action.” *Id.* at 26a-28a. The IJ explained that, according to country-conditions reports in the record, while “sectarian and religious violence does exist in India” and “some localities do not respect various rights,” “the national government generally respected religious freedom and practice” and “the vast majority of persons of

every religious group lived in peaceful coexistence.” *Id.* at 28a. Moreover, the IJ found that the evidence indicated that while “corruption and inadequacies in the police force exist, the Indian government clearly has not ceded to the various criminal elements” in India. *Id.* at 28a-29a.

The IJ similarly concluded that petitioner failed to establish a well-founded fear of future persecution. Pet. App. 29a-32a. While acknowledging that “those of the Muslim faith may face difficulties in India,” the IJ found that petitioner “failed to show that he is at a particular risk” for persecution. *Id.* at 30a. And regarding petitioner’s claim that he would be targeted due to political opinions, the IJ found “no evidence in the record” that “any one in India mistreated or harassed [petitioner] or will do so in the future” based on political opinions “that he held or that [were] attributed to him.” *Id.* at 31a. Moreover, even if petitioner had established a “well-founded fear of future persecution in his home village,” the IJ noted that petitioner could have “relocat[ed] to another part of his country,” including “another village or town where Muslims are the majority.” *Id.* at 32a.

Because petitioner “failed to meet his burden of proof for asylum,” the IJ found that he could not satisfy the more stringent standard to obtain withholding of removal. Pet. App. 33a. The IJ further rejected petitioner’s CAT claim because “none of the harm [petitioner] claims to have experienced rises to the level of persecution, and similarly does not compel a finding that he would face any torture in India.” *Ibid.*

c. The Board adopted and affirmed the IJ’s decision. Pet. App. 10a-15a. On petitioner’s asylum claim, the Board “agree[d] that [petitioner] did not establish past persecution” or a “well-founded fear of persecution” on

a protected ground. *Id.* at 11a-12a. As to petitioner’s “religion claim” in particular, the Board explained that “while there is tension between religious groups in some areas, it did not sufficiently demonstrate that [petitioner] would be singled out for persecution based on his status as an Ismaili Muslim, or that members of his religious faith are persecuted, as a pattern or practice.” *Id.* at 12a. As to petitioner’s “political opinion claim,” the Board agreed with the IJ that petitioner had not “demonstrate[d] * * * that his alleged persecutors are aware of his actual opinion or will impute a political opinion to him, and will likely persecute him on account of it.” *Id.* at 12a-13a. The Board also found that petitioner did not “show a reasonable probability of future harm * * * that could not be avoided by reasonably relocating within India.” *Id.* at 13a. The Board affirmed the IJ’s conclusions as to petitioner’s withholding-of-removal and CAT claims for the reasons given by the IJ. *Id.* at 14a-15a.

d. The court of appeals denied petitioner’s petition for review in an unpublished per curiam opinion. See 588 Fed. Appx. 367. The court first explained that petitioner “fail[ed] to brief” whether the IJ or Board erred in determining that petitioner had not shown past persecution and he had therefore “waived or abandoned” that issue. *Id.* at 367. The court noted that petitioner did contest the IJ’s and Board’s conclusions that he had not established a well-founded fear of persecution due to his Muslim faith. *Ibid.* But the court concluded that “[s]ubstantial evidence supports the IJ’s and the BIA’s finding that [petitioner] failed to demonstrate a pattern or practice of persecution in India against Muslims,” including because country reports indicated that “despite some corruption and police inadequacies, the Indian

government generally respects religious freedom and practice, that Muslims are the largest minority in India, and that the Indian government allows for freedom of movement.” *Id.* at 367-368. Like the IJ and the Board, the court then determined that petitioner could not “meet the more demanding standard for withholding of removal”; the court also found that petitioner had “waived or abandoned” any argument relating to his CAT claim by “failing to brief the issue.” *Id.* at 368.

3. a. On October 18, 2024—nearly ten years after the court of appeals had denied his petition for review and well after the ordinary 90-day period for filing such a motion had expired—petitioner filed a motion to reopen removal proceedings and a motion for stay of removal with the Board.¹ Pet. App. 4a-5a; see Certified Administrative Record (A.R.) 14-21. Petitioner’s motion requested reopening due to “newly available evidence about the heightened hostility against Muslims in India,” in part due to the “rise of the Narendra Modi-led [BJP] government.” A.R. 18. Petitioner contended that there had been instances of “state-sanctioned violence against Muslims,” A.R. 16, 19, and that because the “persecution of Muslims is now pervasive across India,” “relocation within India” is no longer “a safe alternative,” A.R. 19. And petitioner cited legislative actions that he contended were “specifically designed to exclude Muslims from citizenship pathways.” A.R. 18. Petitioner attached several exhibits to his motion to reopen, including articles from various news outlets as well as materials from human rights groups, the U.S.

¹ In one instance in the petition, petitioner provides an incorrect date for the filing of his motion to reopen. See Pet. 7. Elsewhere, however, he gives the correct one. See Pet. 5.

Commission on International Religious Freedom, and the Council on Foreign Relations. A.R. 22-72.

In the motion, petitioner also asked the Board to grant him “humanitarian asylum.” See A.R. 20 (citing 8 C.F.R. 1208.13(b)(1)(iii)).

b. The Board denied petitioner’s motion to reopen and motion to stay. Pet. App. 4a-9a. The Board first noted that petitioner’s motion to reopen was “untimely” because it was filed “over 10 years after the Board issued the final administrative order.” *Id.* at 5a. Although an exception exists for claims “based on changed country conditions,” *ibid.* (citing 8 U.S.C. 1229a(c)(7)(C)(ii)), the Board found that petitioner “has not established that reopening is warranted based on changed country conditions,” *id.* at 8a. The Board explained that while petitioner’s evidence “does indeed show discrimination against Muslims in India and instances of violence” and that “[s]ome violence occurs with impunity, some at the instigation of political figures,” “religiously motivated violence and government complicity have been longstanding problems in India.” *Id.* at 6a. The Board noted that a 2010 International Religious Freedom Report for India—which was among the sources in the record when the IJ considered petitioner’s initial request for relief, see *id.* at 18a—cited “‘instances of religious violence between religious groups and organized communal attacks against religious minorities,’” as well as “an ‘inadequate’ government response,” *id.* at 6a (citation omitted).

The Board thus determined that “comparing the evidence of country conditions submitted with the motion [to reopen] to those that existed at the time of [petitioner’s] final hearing in 2012,” “the current country conditions are a continuation of the religious violence

that has plagued India since its inception.” Pet. App. 7a. And “[e]ven when viewing the instant country condition evidence most favorably to [petitioner], it shows, at most, an incremental change with regards to the treatment of Muslims in India” that would “not likely * * * change the outcome of the proceedings.” *Id.* at 8a.

The Board also denied petitioner humanitarian asylum because he had not demonstrated past persecution on a protected ground in the previous proceedings. Pet. App. 8a. The Board then denied petitioner’s motion for a stay of removal as moot. *Ibid.*

4. In an unpublished per curiam opinion, the court of appeals denied petitioner’s petition for review of the Board’s decision denying his motion to reopen. See Pet. App. 1a-3a.

The court of appeals observed that petitioner’s “brief fail[ed] to meaningfully address the [Board’s] conclusion that he failed to show a material change in country conditions because his new evidence showed at most incremental changes with respect to the increase in violence and discrimination against Muslims when compared with the evidence adduced in his original asylum and withholding proceedings.” Pet. App. 2a. Specifically, petitioner “fail[ed] to address the [Board’s] reliance on [Board] and Fifth Circuit precedent addressing incremental change”; he “cite[d] no legal authority in support [of] his argument that the [Board] erred in concluding that he failed to establish a material change in country conditions”; and he “fail[ed] to meaningfully compare the conditions existing at the time of his original immigration proceedings with those at the time of his 2024 motion to reopen.” *Ibid.* In the course of its analysis, the court of appeals cited circuit precedent recognizing that where a petitioner does not make ar-

guments as to certain issues, the court will treat those issues as having been “abandoned,” *Soadjede v. Ashcroft*, 324 F.3d 830, 833 (5th Cir. 2003) (per curiam), and that the court will find forfeiture where a party fails to “address the district court’s analysis and explain how it erred,” *Smith v. School Bd. of Concordia Parish*, 88 F.4th 588, 594 (5th Cir. 2023) (citation omitted); see Pet. App. 2a.

The court of appeals thus concluded that petitioner “failed to show that he presented evidence of a material change in country conditions,” and it found that the Board “did not abuse its discretion in denying [petitioner’s] motion to reopen on the ground that it was untimely.” Pet. App. 2a-3a. Lastly, the court noted that because of that determination, the court “need not consider” petitioner’s challenge to the Board’s “determination that he did not establish prima facie eligibility for the relief he sought.” *Id.* at 3a.

ARGUMENT

Petitioner contends that the court of appeals erred in applying a “heightened evidentiary burden to establish reopening based on changed country conditions” and that the court’s approach conflicts with that of the Ninth Circuit. Pet. 5; see Pet. 11-12. But the court of appeals’ decision is correct, and its decision does not implicate any conflict among the courts of appeals that would warrant this Court’s review. Moreover, this case would be a poor vehicle for further review. This Court should deny the petition.

1. The court of appeals’ decision is correct.

As an initial matter, the court of appeals appropriately recognized that petitioner had “fail[ed] to meaningfully address the [Board’s] conclusion that he failed to show a material change in country conditions because

his new evidence showed at most incremental changes” when compared with the evidence in his initial proceedings. Pet. App. 2a. In this Court, as well, petitioner does not appear to contest the correctness of the court of appeals’ (or the Board’s) decisions in applying Board and Fifth Circuit precedent.

Regardless, the court of appeals correctly denied the petition for review of the Board’s denial of his motion to reopen proceedings. To avoid being time-barred, petitioner’s motion had to be based on new and “material” evidence of “changed country conditions.” 8 U.S.C. 1229a(c)(7)(C)(ii); see *Nunez v. Sessions*, 882 F.3d 499, 508-509 (5th Cir. 2018) (per curiam). The Board conducted the appropriate inquiry by asking whether petitioner’s new evidence showed “more than an incremental change” from the 2012 evidence underlying the Board’s 2014 decision. Pet. App. 7a-8a. And the Board did not err in finding that petitioner failed to satisfy that standard because his evidence showed only “a continuation of the religious violence that has plagued India since its inception” and showed, “at most, an incremental change with regards to the treatment of Muslims in India.” *Ibid.* Changes that are merely incremental are, by definition, not “material”; and showing only a continuation of the same or similar conditions, by definition, does not show that country conditions have “changed.” 8 U.S.C. 1229a(c)(7)(C)(ii). The court of appeals thus correctly determined that the Board did not abuse its discretion, even putting aside petitioner’s abandonment of arguments contesting the Board’s analysis. Pet. App. 2a-3a.

The court of appeals’ case-specific conclusion that the Board did not abuse its discretion when making its factbound finding about changed country conditions

does not warrant this Court's review. See Sup. Ct. R. 10; *United States v. Johnston*, 268 U.S. 220, 227 (1925) ("We do not grant * * * certiorari to review evidence and discuss specific facts.").

2. There is no conflict among the courts of appeals that would warrant this Court's review of this case.

Petitioner asserts (Pet. 9-14) that the court of appeals' decision conflicts with the approach of the Ninth Circuit. Specifically, petitioner contends (Pet. 10) that the Ninth Circuit applies "a substantially lower evidentiary burden to waive the time-limitation for reopening." But the cases petitioner cites indicate that the courts of appeals similarly assess whether a change in conditions is material.

In *Reyes-Corado v. Garland*, 76 F.4th 1256 (2023) (cited at Pet. 12, 14), the Ninth Circuit explained that in assessing whether an alien's "new evidence shows a change that is material to his claim for relief," that court "ask[s] whether the new evidence is 'qualitatively different' from the evidence presented at the previous hearing." *Id.* at 1262 (citation omitted). "The critical question," as the court explained, is "whether circumstances have changed sufficiently that [an alien] who previously did not have a legitimate claim for asylum now has a well-founded fear of future persecution." *Ibid.* (citation omitted); accord *Malty v. Ashcroft*, 381 F.3d 942, 945 (9th Cir. 2004) (same) (cited at Pet. 12). Said differently, changes will be "material" where they "rebut the agency's finding that provided the basis for denying relief previously." *Reyes-Corado*, 76 F.4th at 1263 (brackets, citation, and internal quotation marks omitted). The court noted that "a change in circumstances need not be 'dramatic,' especially where * * * conditions were already severe at the time of the origi-

nal proceedings.” *Id.* at 1262 (citation omitted). And in *Reyes-Corado*, the court found that the alien satisfied the standard for changed circumstances because the “new circumstances”—which included an affidavit detailing a campaign of “death threats against other members of [the alien’s] immediate family” and incidents of “physical harm[.]” to those family members—took the alien’s “fear across the threshold for a well-founded fear of future persecution.” *Id.* at 1262-1263, 1265.

That approach is consistent with the approach of the court of appeals below, which has acknowledged that changes that are “merely incremental” are not “material” and that “showing the continuation of a trend” does not show that country conditions have “changed.” See pp. 11-12, *supra*; *Nunez*, 882 F.3d at 508-509 (cited at Pet. 11); accord *Singh v. Lynch*, 840 F.3d 220, 222 (5th Cir. 2016) (per curiam) (“A motion to reopen can be denied where the evidence of changed conditions shows only a continuance of ongoing violence in the home country.”) (cited at Pet. 11). The nonprecedential Second Circuit summary order that petitioner cites likewise recognizes that “[c]hange that is incremental or incidental” will not constitute a material change in circumstances. *Qu v. Bondi*, No. 12-688, 2025 WL 3637408, at *1 (Dec. 16, 2025) (citation omitted). Those decisions do not contradict the Ninth Circuit’s standard, which requires the new circumstances to “change[] sufficiently” that an alien “who previously did not have a legitimate claim” for relief now has one. *Reyes-Corado*, 76 F.4th at 1262 (citation omitted).²

² To the extent petitioner suggests that the Fifth Circuit imposes a “dramatic change” standard, see, *e.g.*, Pet. 5, 8-12, 14, that formulation does not appear in the Fifth Circuit cases that petitioner cites nor in the Board’s decision below.

In all events, petitioner is incorrect in contending that his motion to reopen “almost certainly would have been granted” in the Ninth Circuit. Pet. 14; see Pet. 15. The Board found that “the current country conditions” in India were “a continuation of the religious violence that has plagued India since its inception” and that, to the extent that circumstances had changed since his 2012 hearing, petitioner had “at most” shown “incremental” changes that were “not likely to change the outcome of the proceedings.” Pet. App. 7a-8a. In the Ninth Circuit’s terminology, petitioner failed to show that “circumstances had changed sufficiently” to establish “a well-founded fear of future persecution.” *Reyes-Corrado*, 76 F.4th at 1262 (citation omitted); accord *Najmabadi v. Holder*, 597 F.3d 983, 989, 991 (9th Cir. 2010) (concluding that substantial evidence supported the Board’s finding that an alien’s new evidence “was not qualitatively different” where the new evidence “describes conditions similar to those found” in previous evidence or where the “bulk” of the new evidence was “redundant”). Thus, even if petitioner were correct that the Ninth Circuit applies a different standard than the court of appeals below, he cannot show that the differences in the two courts’ standards would have led to a different outcome in his case.

3. Contrary to petitioner’s assertion (Pet. 14-16), this case would be a poor vehicle for this Court’s review.

As the decision below acknowledged, petitioner did not “meaningfully address” the Board’s reasons for denying relief, he “fail[ed] to address” precedent about incremental change, he “cite[d] no legal authority” in support of his arguments that the Board erred, and he “fail[ed] to meaningfully compare” country conditions at the time of his original proceedings with those at the

time of his motion to reopen. Pet. App. 2a. The court of appeals thus had little trouble finding no abuse of discretion in the Board's decision. But petitioner's failure to meaningfully contest the Board's decision makes this case a poor vehicle for further review because the Fifth Circuit had no occasion to grapple with the Board's fact-bound finding about changed country conditions that would be before this Court if certiorari were granted. Cf. *Cooper Indus., Inc. v. Aviall Servs., Inc.*, 543 U.S. 157, 168-169 (2004) (explaining that this Court "ordinarily do[es] not decide in the first instance issues not decided below") (citation omitted).

Moreover, as petitioner acknowledges (Pet. 15), the Fifth Circuit did "not consider[] at all" "the merits of [petitioner's] request for ultimate relief." See Pet. App. 3a. But petitioner's failure to "establish prima facie eligibility for the relief he sought," *ibid.*, could provide a separate, alternative ground on which to affirm the decision below. See Gov't C.A. Br. 18 n.2.

Finally, as explained above, petitioner's petition for review would have failed even under the court of appeals cases that he favorably cites. See p. 15, *supra*. That any difference in standards among the court of appeals lacks practical significance in this case is another reason to deny review.

CONCLUSION

The petition for a writ of certiorari should be denied.
Respectfully submitted.

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