No. 12-1980

In the United States Court of Appeals for the Fourth Circuit

ROXANA ORELLANA SANTOS
Plaintiff-Appellant,

vs.

BOARD OF COUNTY COMMISSIONERS OF FREDERICK, SHERIFF CHARLES JENKINS, AND DEPUTY SHERIFFS JEFFREY OPENSHAW AND KEVIN LYNCH,
Defendants-Appellees.

ON APPEAL FROM U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND, NO. 1:09-CV-2978, HON. BENSON EVERETT LEGG, SENIOR DISTRICT JUDGE

BRIEF *AMICUS CURIAE* EAGLE FORUM EDUCATION & LEGAL DEFENSE FUND IN SUPPORT OF REHEARING *EN BANC* IN SUPPORT OF APPELLEES

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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No. 12-1980 Caption: Santos v. Board of County Commissioners of Frederick

Pursuant to FRAP 26.1 and Local Rule 26.1,

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(name of party/amicus)

who is amicus, makes the following disclosure:
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If yes, identify all parent corporations, including grandparent and great-grandparent corporations:

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If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(b))? ☐YES ☑NO
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question) ☐ YES ☑NO
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

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If yes, identify any trustee and the members of any creditors' committee:

Signature: /s/ Lawrence J. Joseph Date: 8/28/2013

Counsel for: Eagle Forum Educ & Legal Def Fund

CERTIFICATE OF SERVICE

****

I certify that on 8/28/2013 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

/s/ Lawrence J. Joseph
(signature)

8/28/2013
(date)

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IDENTITY, INTEREST AND AUTHORITY TO FILE

Amicus curiae Eagle Forum Education & Legal Defense Fund ("Eagle Forum"), a nonprofit Illinois corporation, submits this *amicus* brief with the accompanying motion for leave to file.[1] Founded in 1981, Eagle Forum has consistently defended American sovereignty in state and federal legislatures and courts. Eagle Forum promotes adherence to the Constitution as written and has consistently opposed unlawful behavior, including illegal entry into and residence in the United States. Eagle Forum supports enforcing immigration laws and allowing state and local measures to avoid the harms caused by illegal aliens. Finally, because Eagle Forum has an active chapter in Maryland – and in all other Circuit states except one – the decision here will affect Eagle Forum members. For these reasons, Eagle Forum has direct and vital interests in the issues raised here.

STATEMENT OF THE CASE

Plaintiff Roxana Orellana Santos brings suit against officers of Frederick County, Maryland (collectively, hereinafter, the "County") for her detention under a federal immigration warrant. The panel held that the warrant was civil – rather than criminal – and thus *per se* did not trigger the government interest needed to detain her under the Fourth Amendment. In addition, because the County officers

[1] By analogy to FED. R. APP. P. 29(c)(5), the undersigned counsel certifies that: counsel for *amicus* authored this brief in whole; no counsel for a party authored this brief in any respect; and no person or entity – other than *amicus* and its counsel – contributed monetarily to this brief's preparation or submission.

in question were not themselves operating under federal supervision pursuant to 8 U.S.C. §1357(g), the panel found the County's actions preempted by federal immigration law. As explained, this case requires *en banc* review to assess the impacts of two recent immigration decisions – *Chamber of Commerce of U.S. v. Whiting*, 131 S.Ct. 1968 (2011) and *Arizona v. U.S.*, 132 S.Ct. 2492 (2012) – on the background principles that allow state and local enforcement under *DeCanas v. Bica*, 424 U.S. 351 (1976). For that reason, *en banc* review is required.

Constitutional Background

Under the Supremacy Clause, federal law preempts state law whenever they conflict. U.S. CONST. art. VI, cl. 2. Courts have identified three forms of federal preemption: express, field, and conflict preemption. *Cipollone v. Liggett Group*, 505 U.S. 504, 516 (1992). Two presumptions underlie preemption cases. First, courts presume that statutes' plain wording "necessarily contains the best evidence of Congress' pre-emptive intent," *CSX Transp., Inc. v. Easterwood*, 507 U.S. 658, 664 (1993), where the ordinary meaning of statutory language presumptively expresses that intent. *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383 (1992). Second, courts apply a presumption against federal preemption, under which courts do not assume preemption "unless that was the clear and manifest purpose of Congress." *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947).

Under U.S. CONST. art. I, §8, cl. 4, Congress has plenary power over

immigration. Although the "[p]ower to regulate immigration is unquestionably exclusively a federal power," *DeCanas*, 424 U.S. at 354, the Supreme Court has never held that every "state enactment which in any way deals with aliens" constitutes "a regulation of immigration and thus [is] *per se* pre-empted by this constitutional power, whether latent or exercised." *Id.* at 355 (mere "fact that aliens are the subject of a state statute does not render it a regulation of immigration").

The Fourth Amendment prohibits unreasonable searches and seizures by the federal government, U.S. CONST. amend. IV, and the Fourteenth Amendment's Due Process Clause, *id.* amend. XIV, §1, cl. 3, incorporates those protections against state and local government to the same extent as the Fourth Amendment's protections against federal searches and seizures. *Mapp v. Ohio*, 367 U.S. 643, 655 (1961); *Ker v. California*, 374 U.S. 23, 30 (1963). Although it applies primarily in the context of criminal law, the Fourth Amendment also applies to non-criminal contexts as well. *Camara v. Municipal Court of San Francisco*, 387 U.S. 523, 534 (1967) (administrative searches). In one of the few contexts allowing arrest for non-criminal conduct, deportable aliens have been subject to arrest since 1798. *See Abel v. U.S.*, 362 U.S. 217, 233 (1960) (*citing* Act of June 25, 1798, c. 58, §2, 1 Stat. 571 and subsequent statutes), notwithstanding the Fourth Amendment.

Statutory Background

The preemption issues here arise under the Immigration and Naturalization

Act ("INA"), as amended by the Immigration Reform & Control Act of 1986 ("IRCA") and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"). As the panel notes, immigration law expressly provides for state and local enforcement of various immigration-law provisions. Slip Op. at 21-22 (*citing* 8 U.S.C. §§1103(a)(10), 1252c(a), 1324(c)). The panel apparently based its preemptive reading on 8 U.S.C. § 1357(g), which provides for state and local government's performing federal immigration functions under federal officials' supervision. *Id.* In making these allowances, however, Congress included a savings clause allowing state and local officers "otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States," 8 U.S.C. §1357(g)(10)(B), notwithstanding that they did not enter "an agreement under this subsection." *Id.* §1357(g)(10).

As relevant in *Arizona*, IRCA amended INA to provide federal sanctions for employing "unauthorized aliens" and expressly to preempt state and local employer-based sanctions for those activities "other than through licensing and similar laws." 8 U.S.C. §1324a(h)(2).

SUMMARY OF ARGUMENT

As signaled above, this case requires this Court to reconcile *Whiting* and *Arizona* to determine state and local government's latitude to act on immigration issues. In *Whiting*, the Supreme Court rejected preemption challenges to state-law

licensing sanctions under 8 U.S.C. §1324a(h)(2) against those who employ illegal aliens and a state-law mandate that employers use the federal E-Verify program, notwithstanding that program's voluntary nature under federal law. In *Arizona*, the Supreme Court relied on field preemption to invalidate state-law crimes for failing to carry federally required registration documents and relied on conflict preemption to invalidate two state-law provisions: (1) state-law crimes for illegal aliens' knowingly applying for work or working, and (2) state-law authorization for warrantless arrests of illegal aliens reasonably believed to be removable from the United States. Although the State of Arizona prevailed sweepingly in *Whiting* and only partially in *Arizona*, both decisions support the County here.

With that background, *amicus* Eagle Forum argues that federal law does not displace state authority unless Congress does so with clear and manifest intent, which is lacking here (Section I), particularly given the differences between the legislative text and history in Arizona versus here (Section II). Last, *amicus* Eagle Forum argues that state and local action under federal warrants is no more – and no less – prohibited by the Fourth Amendment than federal actions (Section III).

ARGUMENT

I. NEITHER THE INA NOR DORMANT FEDERAL POWER OVER IMMIGRATION PREEMPTS A COUNTY'S DETAINING ILLEGAL ALIENS UNDER A FEDERAL WARRANT

As a general rule under the federalist "system of dual sovereignty," "the

States possess sovereignty concurrent with that of the Federal Government, subject only to limitations imposed by the Supremacy Clause." *Tafflin v. Levitt*, 493 U.S. 455, 458-59 (1990). In fields like immigration, however, where Congress has "superior authority in this field," Congress can displace the states' dual sovereignty by "enact[ing] a complete scheme of regulation" such that "states cannot, inconsistently with the purpose of Congress, conflict or interfere with, curtail or complement, the federal law, or enforce additional or auxiliary regulations." *Hines v. Davidowitz*, 312 U.S. 52, 66-67 (1941). The presumption against preemption applies in all areas, and federal courts "rely on [it] because respect for the States as independent sovereigns in our federal system leads [federal courts] to assume that Congress does not cavalierly pre-empt [state law]." *Wyeth v. Levine*, 555 U.S. 555, 565 n.3 (2009) (internal quotations omitted). Thus, "[t]he presumption … accounts for the historic presence of state law but does not rely on the absence of federal regulation." *Id.*

With immigration law as written, however, "the States do have some authority to act with respect to illegal aliens, at least where such action mirrors federal objectives and furthers a legitimate state goal." *Plyler v. Doe*, 457 U.S. 202, 225 (1982). Specifically, "[w]here coordinate state and federal efforts exist within a complementary administrative framework, and in the pursuit of common purposes, the case for federal pre-emption becomes a less persuasive one." *N.Y*

State Dept. of Social Services v. Dublino, 413 U.S. 405, 421 (1973); *Whiting*, 131 S.Ct. at 1981 (Supremacy Clause satisfied where state or local action "*closely* tracks [federal law] in all *material* respects") (emphasis added). Here, the County did no more than detain Ms. Santos subject to a federal warrant, after confirming the warrant still was active.

As indicated in the Constitutional Background, *supra*, federal statutes can preempt state and local actions either expressly or impliedly, with implied preemption consisting of either federal occupation of an entire field or a sufficient conflict between state and federal law. In addition, some very rare circumstances would have the Constitution itself preempt state or local action. The following two subsections demonstrate that neither form of preemption applies here.[2]

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[2] The Supreme Court has recognized in the National Labor Relations Act ("NLRA") another hybrid species of preemption where, contrary to the typical presumption *against* preemption, NLRA cases rely on "a presumption *of federal pre-emption*" derived from the National Labor Relations Board's primary jurisdiction over NLRA cases. *Brown v. Hotel & Restaurant Employees & Bartenders Intern. Union Local 54*, 468 U.S. 491, 502 (1984) (emphasis added). Because that is not the situation here, Ms. Santos cannot invoke NLRB cases, which would "confuse[] pre-emption which is based on actual federal protection of the conduct at issue from that which is based on the primary jurisdiction of the National Labor Relations Board." *Id.* While Congress undoubtedly *could have* written immigration law as preemptively as it wrote the NLRA, Congress did not do so. If it had, *DeCanas* (for one) would have come out differently: "absent an expression of legislative will, we are reluctant to infer an intent to amend the Act so as to ignore the thrust of an important decision." *Chemical Mfrs. Ass'n v. Natural Resources Defense Council, Inc.*, 470 U.S. 116, 128 (1985). This Court cannot saddle the County with NLRA-style preemption.

A. The Constitution Does Not Preempt the Ordinance

As long as the County was not engaged in the "regulation of immigration" in conflict with the plenary power of Congress to regulate immigration, U.S. CONST. art. I, §8, cl. 4; *DeCanas*, 424 U.S. at 354, the mere fact that the County took action that "in any way deal[t] with aliens" will not render its actions "*per se* pre-empted by this constitutional power." *DeCanas*, 424 U.S. at 355. Ms. Santos cannot rely on the unexercised constitutional *authority* of Congress – as distinct from particular congressional enactments like INA, IRCA, or IIRIRA – to find preemption under the Constitution.

Federalism's central tenet permits and encourages state and local government to act to enhance the general welfare and public safety:

> [F]ederalism was the unique contribution of the Framers to political science and political theory. Though on the surface the idea may seem counter-intuitive, it was the insight of the Framers that freedom was enhanced by the creation of two governments, not one.

U.S. v. Lopez, 514 U.S. 549, 576 (1995) (Kennedy, J., concurring). "The Framers adopted this constitutionally mandated balance of power to reduce the risk of tyranny and abuse from either front, because a federalist structure of joint sovereigns preserves to the people numerous advantages." *Wyeth*, 555 U.S. at 583 (interior quotations and citations omitted) (Thomas, J., concurring). The Constitution, by itself, does not preempt the County's actions, so this Court must

look to federal immigration law to find preemption.

B. Federal Law Does Not Preempt the County's Actions

Even in the immigration context, federal laws are not preemptive absent "persuasive reasons – either that the nature of the regulated subject matter permits no other conclusion, or that the Congress has unmistakably so ordained." *DeCanas*, 424 U.S. at 356. Here, no form of preemption applies.

1. Congress Has Not Conflict-Preempted Local Police-Power Regulation of Housing

Conflict preemption includes "conflicts that make it *impossible* for private parties to comply with both state and federal law" and "conflicts that *prevent or frustrate* the accomplishment of a federal objective." *Geier v. Am. Honda Motor Co.*, 529 U.S. 861, 873-74 (2000) (interior quotations omitted, emphasis added). Because the County's actions do not prevent or frustrate any federal objection, much less conflict with federal law, conflict preemption does not apply.

Significantly, the prevent-or-frustrate branch of this analysis creates the real danger – from a separation-of-powers perspective – of the Judiciary's "sit[ting] as a super-legislature, and creat[ing] statutory distinctions where none were intended." *Securities Industry Ass'n v. Board of Governors of Federal Reserve System*, 468 U.S. 137, 153 (1984). Conflict-preemption analysis cannot be "a freewheeling judicial inquiry into whether a state statute is in tension with federal objectives" without "undercut[ting] the principle that it is Congress rather than the

courts that preempts state law." *Whiting*, 131 S.Ct. at 1985 (interior quotations omitted). *Amicus* Eagle Forum respectfully submits that this prevent-or-frustrate preemption "wander[s] far from the statutory text" and improperly "invalidates state laws based on perceived conflicts with broad federal policy objectives, legislative history, or generalized notions of congressional purposes that are not embodied within the text of federal law." *Wyeth*, 555 U.S. at 583 (Thomas, J., concurring). This Court should reject any strained frustration of federal objectives.

Notwithstanding federal primacy in *regulating immigration*, mere overlap with immigration does not necessarily displace state actions in areas of state concern. *DeCanas*, 424 U.S.at 354-55 (mere "fact that aliens are the subject of a state statute does not render it a regulation of immigration"). Moreover, detaining Ms. Santos under a federal warrant cannot frustrate congressional purpose in INA because the Supremacy Clause does not require *identical* standards. *Whiting*, 131 S.Ct. at 1981 (quoted *supra*). While *Arizona* reached a different result with respect to employee-based sanctions for illegal aliens, Ms. Santos cannot make the same claims here, where INA lacks both statutory text and legislative history comparable to the employment-related text and history that drove the *Arizona* decision.

Specifically, in distinguishing *Arizona* from *DeCanas*, the Court explained that "[c]urrent federal law is substantially different from the regime that prevailed when *DeCanas* was decided." *Arizona*, 132 S.Ct. at 2504 (rejecting employee-

based criminal sanctions). Prior to IRCA's amendments, INA would have allowed both employee- and employer-based sanctions under *DeCanas*. According to *Arizona*, however, Congress considered and rejected employee-based sanctions in IRCA's amendments: "Proposals to make unauthorized work a criminal offense were debated and discussed during the long process of drafting IRCA … [b]ut Congress rejected them." *Arizona*, 132 S.Ct. at 2504 (citing legislative history). The Court relied on "the text, structure, and history of IRCA" to conclude "that Congress decided it would be inappropriate to impose criminal penalties on aliens who seek or engage in unauthorized employment." *Arizona*, 132 S.Ct. at 2505. The question here is whether the *Arizona* difference with respect to employee-based sanctions is replicated anywhere in INA with respect to detentions pursuant to federal warrants. It plainly is not.

Because the presumption of preemption continues to apply, *Wyeth*, 555 U.S. at 565, this Court must presume that Congress did not intend IIRIRA to displace state and local authority *sub silentio*. *Santa Fe Elevator*, 331 U.S. at 230. To read *Arizona* to extend beyond employment would unmoor that decision from its authority, its reasoning, and even the text of that decision. *Arizona* did not change the analysis of preemption law generally, and it did not change how preemption law applies to immigration generally. In pertinent part, *Arizona* simply deemed IRCA to have intended to displace employee-based sanctions. As explained in

Section II, *infra*, that plainly does not apply here, where subsection (g)(10)(B) expressly saves state and local authority.

The other *Arizona* conflict-preemption issue involved a state statute that authorized state officers to decide whether to detain aliens as removable – *without* a federal determination of removability – which violated INA's entrusting the removal process to federal discretion. *Arizona,* 132 S.Ct. at 2506. While *Arizona* requires the Nation to speak "with one voice" – the federal voice – with respect to who is removable, *Arizona,* 132 S. Ct. at 2506-07, *Arizona* does not require the federal government to accomplish its commands with only its own arms. State and local government can lend their arms to advance the removal of those whom the federal government declares – here, through a warrant, no less – to be removable.

2. Congress Has Not Field-Preempted State or Local Enforcement of Immigration Detentions

Field preemption precludes state and local regulation of conduct in a field that Congress – acting within its proper authority – has carved out for exclusive federal governance. *Gade v. Nat'l Solid Wastes Management Ass'n,* 505 U.S. 88, 115 (1992). Subsection (g)'s savings clause precludes the conclusion that Congress intended to occupy the field here. 8 U.S.C. §1357(g)(10).

II. IMMIGRATION LAW'S LEGISLATIVE HISTORY SUPPORTS THE COUNTY'S INTERPRETATION THAT FEDERAL LAW DOES NOT DISPLACE LOCAL AUTHORITY

In *Arizona,* 132 S.Ct. at 2504-05, the Supreme Court relied on the legislative

history of INA's employer-based sanctions to determine that Congress intended to foreclose employee-based sanctions – such as the provisions of Arizona law challenged in that case. Here, the panel cites nothing more than the statutory structure of subsection (g) to determine that Congress affirmatively intended to foreclose state and local cooperation, absent the type of federal supervision contemplated in subsection (g)'s affirmative grant of authority.

Amicus Eagle Forum respectfully submits that this type of repeal by implication of pre-existing state and local authority requires *clear and manifest* congressional intent, whether viewed under preemption law, *Santa Fe Elevator*, 331 U.S. at 230, or as a repeal by implication. *Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 662 (2007). In such circumstances, "[w]hen the text of an express pre-emption clause is susceptible of more than one plausible reading, courts ordinarily accept the reading that disfavors pre-emption." *Altria Group, Inc. v. Good*, 555 U.S. 70, 77 (2008); *cf. U.S. v. Bass*, 404 U.S. 336, 349 (1971) ("[u]nless Congress conveys its purpose clearly, it will not be deemed to have significantly changed the federal-state balance"); *accord Gonzales v. Oregon*, 546 U.S. 243, 275 (2006) (same). To complete the required analysis, *amicus* Eagle Forum reviews the statutory text and legislative history. Neither supports Ms. Santos, and especially not to the clear and manifest degree required here.

First, the statute itself does not support Ms. Santos' and the panel's reading.

Although subsection (g) provides for various types of agreement under which the federal government will work through state and local officers, 8 U.S.C. §1357(g), the specific provision on which the panel relied, subsection (g)(3); Slip. Op. at 21, requires federal supervision only for when the state or local officer is "performing a function under this subsection." 8 U.S.C. §1357(g)(3). For state and local actions taken outside of subsection (g), Congress expressly saved state and local authority:

> *Nothing in this subsection shall be construed to require* an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State … otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the [U.S.].

8 U.S.C. §1357(g)(10)(B) (emphasis added). Thus, the text does not reflect the panel's analysis that subsection (g)(10) authorizes state and local cooperation, but only under federal supervision through subsection (g)(3).

The language of subsection (g)(10) was the same in both the House and Senate bills, *compare* H.R. 2202, 104th Cong., 2d Sess. §122 (Apr. 15, 1996) *with* S. 1664, 104 Cong., 2d Sess. §184 (Apr. 10, 1996), and the committee reports were silent on its impact. S. REP. NO. 104-249, at 20 (Apr. 10, 1996); H.R. CONF. REP. NO. 104-828, at 203 (Sept. 24, 1996).[3] Under the circumstances, Ms. Santos cannot

[3] Although successfully reported out of conference, the IIRIRA bill – H.R. 2202 – was not enacted. Instead, IIRIRA was folded into an omnibus bill, reported without change, and enacted as part of the omnibus bill. H.R. CONF. REP. NO. 104-863, at 688 (Sept. 28, 1996); PUB. L. NO. 104-208, Div. C, §133, 110 Stat. 3009,

rely on legislative history in the way that the *Arizona* plaintiffs could.

In summary, neither the statutory structure nor the legislative history supports the reading subsection (g) to displace pre-existing authority for state and local officers to detain illegal aliens under federal immigration warrants. This case thus is distinguishable from the treatment of employee-based sanctions in *Arizona*, and it certainly does not meet the stringent requirements for repeal by implication.

III. THE FOURTH AMENDMENT DOES NOT REQUIRE CRIMINAL CONDUCT BEFORE LAW ENFORCEMENT MAY DETAIN AN ILLEGAL ALIEN SUBJECT TO A FEDERAL WARRANT

Immigration law has allowed detentions on civil warrants since 1798. *Abel*, 362 U.S. at 233. Indeed, absent federal law to the contrary, state officers' authority to make *arrests* under federal law is a question of state law. *U.S. v. Di Re*, 332 U.S. 581, 589 (1948). Because the Fourth Amendment applies equally to all levels of government, *Mapp*, 367 U.S. at 655, the panel's no-crime-afoot restrictions on Fourth Amendment detentions would undo 200 years of immigration law.

CONCLUSION

The *en banc* Court should rehear this matter.

3009-563 to 3009-564 (Sept. 30, 1996). Courts routinely rely on legislative history from predecessor bills, *Begier v. I.R.S.*, 496 U.S. 53, 66 & n.6 (1990), and the Supreme Court has relied on IIRIRA's Conference Report. *INS v. St. Cyr*, 533 U.S. 289, 318 (2001). As indicated, however, the legislative history is not instructive here.

Dated: August 28, 2013

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of FED. R. APP. P. 32(a)(7)(B) because:

This brief contains fifteen pages, excluding the parts of the brief exempted by FED. R. APP. P. 32(a)(7)(B)(iii) and Circuit Rule 32.2.

2. This brief complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type style requirements of FED. R. APP. P. 32(a)(6) because:

This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in Century Schoolbook 14-point font.

Dated: August 28, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on August 28, 2013, I electronically filed the foregoing brief – as an exhibit to the accompanying motion for leave to file the brief – with the Clerk of the Court for the U.S. Court of Appeals for the Fourth Circuit by using the Appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I further certify that, on that date, the appellate CM/ECF system's service-list report showed that all of the participants in the case were registered for CM/ECF.

/s/ Lawrence J. Joseph
Lawrence J. Joseph