

FILED

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SUPREME COURT, U.S.

No. 22-191

IN THE
Supreme Court of the United States

ALMA ARACELY CASTANEDA-MARTINEZ, *Petitioner*,

v.

MERRICK B. GARLAND, *Respondent*.

BLANCA MARISOL MONCADA AND BEATRIZ MARISOL
CASTRO-MONCADA, *Petitioners*,

v.

MERRICK B. GARLAND, *Respondent*.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

**SUPPLEMENTAL BRIEF IN SUPPORT OF
PETITION FOR A WRIT OF CERTIORARI**

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SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

Petitioners Alma Aracely Castaneda-Martinez, Blanca Marisol Moncada, and Beatriz Marisol Castro-Moncada (“Petitioners”) respectfully submit this supplemental brief because this Court recently granted certiorari in a case raising related issues, thus confirming the importance and cert-worthiness of Petitioners’ case.

Petitioners’ question presented is “whether issues resolved *sua sponte* by the Board of Immigration Appeals are exhausted under 8 U.S.C. § 1252(d)(1) for purposes of judicial review.” Pet. i, *Castaneda-Martinez*, No. 22-191.

On October 3, the Court granted certiorari in *Santos-Zacaria v. Garland*, No. 21-1436, to decide (1) whether § 1252(d)(1)’s exhaustion requirement imposes a jurisdictional threshold for judicial review, and (2) whether § 1252(d)(1) required Santos-Zacaria to file a motion for reconsideration at the BIA after its opinion allegedly injected a new issue into the case. See Questions Presented, *Santos-Zacaria*.

Although *Santos-Zacaria* does not involve the question of whether issues the BIA resolved *sua sponte* are exhausted under § 1252(d)(1), it does raise related issues about the requirements for exhaustion under § 1252(d)(1). The grant in *Santos-Zacaria* confirms the importance of resolving the question Petitioners raise, which arises with frequency across the country and on which there is also an undeniable

split in circuit authority. *See* Pet. 12–21, *Castaneda-Martinez*.

The Court should grant Petitioners' petition for a writ of certiorari and consider setting the case for argument the same day as *Santos-Zacaria*.

CONCLUSION

The petition for a writ of certiorari should be granted.

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