NOT YET SCHEDULED FOR ORAL ARGUMENT

No. 24-7135

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

RAMONA MATOS RODRIGUEZ, et al.,
Plaintiffs-Appellees,

v.

PAN AMERICAN HEALTH ORGANIZATION,
Defendant-Appellant,

JOAQUIN MOLINA, ALBERTO KLEIMAN, DOES 1-10,
Defendant-Appellees.

On Appeal from the United States District Court for the District of Columbia
Case No. 1:20-cv-928, Hon. James E. Boasberg

BRIEF OF THE HUMAN TRAFFICKING LEGAL CENTER AS AMICUS CURIAE SUPPORTING PLAINTIFFS-APPELLEES

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28, amicus curiae, through its undersigned counsel, certifies as follows:

(A) Parties and amici. Except for the following, all parties and amici appearing in this Court are listed in the certificate filed as part of the Brief for Plaintiffs-Appellees.

The Human Trafficking Legal Center is submitting this amicus brief in support of Plaintiffs-Appellees.

(B) Ruling under review. This is an interlocutory appeal from the district court's August 12, 2024 order granting Plaintiffs' motion to compel jurisdictional discovery. The order is unpublished but can be found on Westlaw, *Rodriguez v. Pan-American Health Org.,* 2024 WL 4251808 (D.D.C. Aug. 12, 2024).

(C) Related cases. This case was previously before this Court in *Rodriguez v. Pan American Health Organization*, No. 20-7114. Counsel is unaware of any related cases within the meaning of Circuit Rule 28(a)(1)(C).

Dated: July 7, 2025

s/ Andrew Kim

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DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, amicus curiae Human Trafficking Legal Center ("Center") states that it is a non-profit, tax-exempt organization incorporated in the District of Columbia. The Center has no parent corporation, and no publicly held company has 10% or greater ownership in the Center.

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GLOSSARY

FSIA	Foreign Sovereign Immunities Act of 1976, Pub. L. No. 94-583, 90 Stat. 2891 (codified at 28 U.S.C. § 1602 et seq.)
IOIA	International Organizations Immunities Act of 1945, Pub. L. No. 79-291, 59 Stat. 669 (codified at 22 U.S.C. § 288 et seq.)
PAHO	Pan American Health Organization
TVPRA	Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464, as amended and reauthorized by, inter alia, the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875, Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558, and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044

INTEREST OF THE AMICUS CURIAE[1]

The Human Trafficking Legal Center is a non-profit organization committed to justice for human-trafficking survivors. The Center uses U.S. law to increase survivors' access to justice and to hold those who seek to benefit from forced labor and sex trafficking accountable in the federal courts. Since its inception in 2012, the Center has trained more than 5,000 attorneys at top law firms across the United States to handle civil trafficking cases. The Center connects survivors with pro bono representation in civil, criminal, and immigration cases, providing expert technical assistance to the pro bono legal teams. The Center maintains a database of all civil human trafficking cases filed in the federal courts under the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. § 1595. Using this data and lessons learned from pro bono cases, the Center conducts national advocacy to protect trafficking victims' rights. It has also filed amicus briefs in cases like this one that involve significant legal issues under the Trafficking Victims Protection Act of 2000, as reauthorized and amended several times (collectively, the "TVPRA").[2]

In the Center's experience, one of the greatest challenges for survivors suing

[1] All parties have consented to the filing of this brief. No counsel for any party authored this brief in whole or in part, and no entity or person, aside from amicus curiae, its members, or its counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

[2] The Supreme Court has likewise referred to these acts collectively as the "TVPRA." *See Nestlé USA, Inc. v. Doe*, 141 S. Ct. 1931, 1939–40 (2021).

their abusers in court is the considerable resource disparity between trafficking survivors and the perpetrators they seek to hold accountable. This resource gap is particularly challenging when survivors seek to sue abusers who work for foreign governments or international organizations; in such suits, a survivor faces significant hurdles simply to obtain the facts needed to show that a court has the jurisdiction to hear their case. Jurisdiction becomes a considerable obstacle. The trafficking survivor might have enough information to plausibly allege a basis for overcoming jurisdictional barriers like sovereign immunity and make out the merits of his or her case, but they would not have the facts or resources needed to beat back a full-throated jurisdictional challenge—mostly because it is the defendant who has that information. Jurisdictional discovery is an essential tool for trafficking survivors who seek recovery and recourse under the TVPRA against governments or international organizations. The Center has a strong interest in ensuring that survivors continue to have access to this important tool and that its breadth and reach are not unduly limited.

INTRODUCTION AND SUMMARY OF ARGUMENT

The TVPRA gives trafficking survivors a means of holding their abusers accountable in court. This case is Exhibit A of why a survivor might be discouraged from doing so.

For more than 25 years, Congress has steadily expanded the remedies

available to survivors under the TVPRA. When Congress enacted the TVPRA, it was well aware that foreign governments, international organizations, and their agents are sometimes complicit in, if not actively facilitating, human trafficking.

On paper, civil recourse for trafficking survivors appears viable. In practice, it can be protracted and uncertain. Although a growing number of survivors file TVPRA lawsuits each year, the number of TVPRA plaintiffs pales in comparison to the number of survivors whose stories have never reached a court. Survivors may not realize that they have even been trafficked or that recourse is available for trafficking abuses. They may fear consequences or retaliation if they come forward. Even if a survivor wants to file a lawsuit, they may not have the legal resources to do so.

When a trafficking survivor does get to court, the road is no less daunting. Forty percent of the TVPRA cases filed since 2003 (when Congress created a private right of action) are *still pending*. Add a foreign-sovereign or international-organization defendant to the mix, and a lawsuit might seem impossible. Sovereign immunity alone is an issue that may take years to resolve; establishing a waiver of that immunity usually requires a showing of facts exclusively within the foreign sovereign's possession or control. Trafficking survivors abused by their governments usually would not know all of the particulars of the government's activities to overcome sovereign immunity, so discovery is the only chance at a fair

jurisdictional fight.

Nevertheless, Defendant Pan American Health Organization ("PAHO") has managed to turn an equalizer into an encumbrance, using a protracted fight about jurisdictional discovery to further drag out what is already a years-long process of seeking justice for survivors. Worse still, PAHO seeks to deny Plaintiffs' ability to engage in a fair jurisdictional fight, contrary to this Court's plain observation that plaintiffs must be given "ample opportunity to secure and present evidence relevant to the existence of jurisdiction." *Phoenix Consulting, Inc. v. Republic of Angola*, 216 F.3d 36, 40 (D.C. Cir. 2000) (quoting *Prakash v. American University*, 727 F.2d 1174, 1179-80 (D.C. Cir. 1984)).

A dispute over jurisdictional discovery should not be a vehicle for evading accountability. Should this Court reach the merits of the District Court's order on review, that order should be affirmed.

ARGUMENT

I. Congress enacted the TVPRA to provide trafficking survivors with a far-reaching cause of action in federal court—including against foreign-government actors who participate in, or otherwise facilitate, human trafficking.

A. Over the last 25 years, Congress has consistently broadened the reach of the TVPRA to ensure that trafficking survivors have access to civil remedies.

In 2000, Congress enacted the Trafficking Victims Protection Act, which armed the government "with new tools and resources to mount a comprehensive and

coordinated campaign to eliminate modern forms of slavery domestically and internationally." U.S. Dep't of Justice, *Human Trafficking: Key Legislation* ("*Key Legislation*"), https://www.justice.gov/humantrafficking/key-legislation; *see also* Victims of Trafficking and Violence Protection Act of 2000, Div. A., Pub. L. No. 106-386, 114 Stat. 1464; *Int'l Trafficking in Women and Children: Hearing Before the Subcomm. on Near E. & S. Asian Aff. of the S. Comm. on Foreign Rel.*, 106th Cong. (2000).

In the quarter century that followed, Congress reauthorized the Act eight times over (in 2003, 2005, 2008, 2013, 2017, 2018, 2019, and 2022), broadening the scope and reach of the Act over time. In 2003, Congress created a private cause of action for survivors of forced labor, trafficking, and sex trafficking of minors—the reauthorization allowed those individuals to sue their traffickers for actual and punitive damages, as well as reasonable attorneys' fees. *See* Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875; *The Ongoing Tragedy of International Slavery and Human Trafficking: An Overview: Hearing Before the Subcomm. on Human Rights & Wellness of the H. Comm. on Gov't Reform*, 108th Cong. 12-13 (2003) (statement of Hon. Christopher H. Smith). The 2005 authorization conferred "extraterritorial jurisdiction over trafficking offenses committed overseas by persons employed by or accompanying the federal government." DOJ, *Key Legislation*, *supra*; Trafficking Victims Protection

Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558. Three years later, when Congress enacted the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Congress made civil remedies available to any "victim" under the TVPRA and expanded civil liability to "whoever knowingly benefits, or attempts or conspires to benefit, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter." 18 U.S.C. §1595(a);[3] *see also* 18 U.S.C. §§ 1589(b), 1591(a), 1593A (parallel criminal provisions); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044. In addition, Congress expressly provided extraterritorial jurisdiction for violations of § 1581 (peonage), § 1583 (enticement into slavery), § 1584 (sale into involuntary servitude), § 1589 (forced labor), § 1590 (trafficking), and § 1591 (sex trafficking of children), if the alleged offender is a United States citizen, a lawful permanent resident, or is present in the United States. 18 U.S.C. § 1596.

[3] The terms "perpetrator" and "whoever" include entities as well as natural persons. *See Gonzalez v. CoreCivic*, Inc., 986 F.3d 536, 538 (5th Cir. 2021); *Barrientos v. CoreCivic, Inc.*, 951 F.3d 1269, 1276–77 (11th Cir. 2020) (same).

B. In enacting the TVPRA, Congress was aware of, and sensitive to, the role of foreign state actors in human trafficking.

Throughout the history of the TVPRA, Congress has repeatedly acknowledged that foreign state actors can be implicated in transnational human trafficking (or even involved in it). The 2000 Act's findings recognize that "[t]rafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law," Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 102(b)(8), 114 Stat. 1464, 1467, and that trafficking in persons is "sometimes" even facilitated by "official participation in trafficking." *Id.* § 102(b)(16), codified as 22 U.S.C. § 7101(b)(8), (16).

To further discourage foreign governments' complicity or participation in human trafficking, the 2000 legislation established "minimum standards for the elimination of trafficking" for foreign nations. 22 U.S.C. § 7106(a). If a country's government fails to meet the minimum standards, they are barred from receiving nonhumanitarian, nontrade-related U.S. foreign assistance. *Id.* § 7107(a). And two of the "minimum standards" include whether the foreign government "vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons," *id.* § 7106(b)(7), and "the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in

severe forms of trafficking." *Id.* § 7107(b)(3)(A)(ii). These standards reflect Congress's recognition that, in some countries, actors within the government participate (or at least knowingly allow) human trafficking.

State-sponsored human trafficking remains a high federal priority. In 2019, Congress amended the TVPRA further to acknowledge that governments can act as traffickers and have a "government policy or pattern" of "(i) trafficking; (ii) trafficking in government-funded programs; (iii) forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors); (iv) sexual slavery in government camps, compounds, or outposts; or (v) employing or recruiting child soldiers." 22 U.S.C. § 7107(b)(3)(B); *see also* U.S. Dep't of State, *Trafficking in Persons Report* 52-53 (2024) ("*2024 Trafficking in Persons Report*"). In 2024, the State Department identified 13 countries "with a documented 'policy or pattern' of human trafficking, trafficking in government-funded programs, forced labor in government-affiliated medical services or other sectors, sexual slavery in government camps, or the employment or recruitment of child soldiers": Afghanistan, Belarus, Burma, the People's Republic of China, Eritrea, Iran, the Democratic People's Republic of Korea, Russia, South Sudan,

Sudan, Syria, Turkmenistan, and, most relevant here, Cuba.[4] *2024 Trafficking in Persons Report*, at 49.

Congress's concern about state-facilitated trafficking has proven well-warranted. As of December 31, 2024, about a quarter of TVPRA cases against individual defendants have been against diplomats and employees of international organizations—the very agents of foreign governments and governmental organizations whose involvement Congress sought to restrain and discourage through the TVPRA. Ashlyn Phelps, The Human Trafficking Legal Center, *Using Civil Litigation to Combat Trafficking: Federal Human Trafficking Civil Litigation 2024 Data Update* 17 (2025) ("*2024 Data Update*").

II. Despite the TVPRA's expansive remedies, trafficking survivors face considerable hurdles in obtaining meaningful relief.

The TVPRA makes available ample civil remedies for trafficking survivors, expanding liability to include those who knowingly benefit from participating in

[4] According to the State Department, the Cuban government "sends tens of thousands of workers around the globe" each year, with about 75% of the "exported workforce" being made up of medical professionals. The government "collects $6 billion to $8 billion annually from its export of services, principally the foreign medical missions' program." One complaint filed with the International Criminal Court and the United Nations claimed that 75% of participants did not volunteer for the labor-export program, 79% had restrictions on their movement, 75% were threatened or witnessed coworkers being threatened, and 40% were separated from their children as a consequence for defecting. U.S. Dep't of State, *Trafficking in Persons and Cuba's Labor Export Program* (Jan. 20, 2025), https://www.state.gov/trafficking-in-persons-and-cubas-labor-export-program/.

ventures engaged in forced labor and seeking to hold defendants liable for foreign conduct. *See Adhikari v. Kellogg Brown & Root, Inc.*, 845 F.3d 184, 204 (5th Cir. 2017) ("[B]y conferring 'extraterritorial jurisdiction over any offense … under' the TVPRA, § 1596 permits private parties to pursue a civil remedy under the TVPRA for extraterritorial violations."). Yet the road to legal recovery for these survivors remains long and steep, which only discourages other survivors from coming forward and holding their abusers responsible for their crimes.

To start, trafficking survivors can be reluctant to resort to the legal system at all, for fear that their traffickers may seek retribution or engage in a public smear campaign. Indeed, Congress broadened the reach of the TVPRA because there were "so few civil lawsuits" filed under the original form of the statute. *See Legal Options to Stop Human Trafficking: Hearing Before the Subcomm. on Human Rights & the Law of the S. Comm. on the Judiciary*, 110th Cong. 18 (2007). Relatively speaking, that remains true today—and it is not difficult to surmise why. At the core of all forced labor schemes is a level of manipulation and coercion that can result in individuals not even realizing that they have a legal claim. As a result, it can take years for some survivors to recognize that they have been trafficked. *See* Jini L. Roby et al., *U.S. Response to Human Trafficking: Is It Enough?*, 6 J. Immigrant & Refugee Studies 508, 515 (2008) (noting that some trafficking survivors "may not see themselves as victims"). Many survivors may not know that they are able to

resort to U.S. courts, or they may lack the ability to access the court system, even if they realize they may have a claim. Whether it be language barriers or simply "difficulty both in finding information about trafficking and how to get help," even gaining access to the courts can be a significant hurdle for trafficking survivors. *Id.*

Trafficking survivors who make it to court still face considerable (and often insurmountable) challenges. Consider just the complexities of ordinary civil litigation. While there is some funding for civil legal services for trafficking survivors, many go without and thus struggle to navigate the judicial system. *See* Freedom Network USA, *Comprehensive Legal Services for Trafficked Persons* (Apr. 2015), https://freedomnetworkusa.org/app/uploads/2018/07/Comprehensive-Legal-Services-for-Trafficked-Persons.pdf. Even if a trafficking survivor manages to find a lawyer, civil litigation remains daunting. Sophisticated defendants manage to drag out litigation. *See, e.g.*, *Adhikari v. Daoud & Partners*, No. 4:09-cv-01237, ECF No. 1 (S.D. Tex. Aug. 27, 2008) (complaint filed by the families of 12 Nepalese trafficking victims and one surviving laborer who were trafficked across borders to provide menial labor at a U.S. military facility in Iraq against U.S. military contractors and subsidiaries), ECF No. 764 (S.D. Tex. Nov. 30, 2017) (decision on Plaintiffs' final motion, a motion for expenses); *Kambala v. Signal Int'l, LLC*, No. 1:13-cv-00498, ECF No. 1 (E.D. Tex. Aug. 7, 2013) (forced labor complaint brought on behalf of foreign workers), ECF No. 142 (E.D. Tex. Mar. 1, 2023) (notice of

settlement), ECF No. 146 (E.D. Tex. Jan. 10, 2025) (final acknowledgement of dismissal post-settlement). Indeed, as of the end of 2024, about 40% of *all* civil trafficking cases ever filed under the TVPRA were still ongoing. Phelps, *2024 Data Update* at 8.

As if "ordinary" civil trafficking litigation were not daunting enough, suing a foreign government (or organization) can seem nearly impossible for a trafficking survivor. Consider immunity statutes like the Foreign Sovereign Immunity Act (FSIA), or the International Organizations Immunities Act (IOIA), as is the case here. *See Jam v. Int'l Finance Corp.*, 586 U.S. 199, 215 (2019) (IOIA "grants international organizations the 'same immunity' from suit 'as is enjoyed by foreign governments' at any time"). Resolving issues relating to sovereign immunity can be difficult: foreign and organizational immunity can "present a number of novel, complex, and intertwined questions." *O'Bryan v. Holy See*, 471 F. Supp. 2d 784, 786 (W.D. Ky. 2007) (making that observation with respect to the FSIA); *Est. of Heiser v. Islamic Republic of Iran*, 807 F. Supp. 2d 9, 25 (D.D.C. 2011) (noting that a "complex regime of Executive Orders, regulations and statutes . . . permitted—and, unfortunately, more often prevented—FSIA plaintiffs from enforcing judgments under the Act."); *In re Aircrash Disaster Near Roselawn, Ind. on Oct. 31, 1994*, 909 F. Supp. 1083, 1088 n.5 (N.D. Ill. 1995) ("Even one of the drafters of the

FSIA acknowledges that 'the statute is complex and difficult to apply' and that '[i]n places the drafting is not the best.'").

Immunity statutes can prevent trafficking survivors from getting beyond the courthouse gate. *See Nyambal v. Int'l Monetary Fund*, 772 F.3d 277, 280 (D.C. Cir. 2014) (IOIA "shields defendants not only from the consequences of litigation's results but also from the burden of defending"). For a trafficking survivor to overcome that barrier, they will often need to make a complicated factual showing. Of course, survivors often do not have the means to make such a showing, as the foreign government or international organization they sue usually holds all the cards. *See* Joseph M. Terry, *Jurisdictional Discovery Under the Foreign Sovereign Immunities Act*, 66 U. Chi. L. Rev. 1029, 1042 (1999) ("Plaintiffs are often unable to prove an exception to the FSIA without significant discovery. Proof of an exception to immunity is highly fact dependent and may require evidence that is in the exclusive possession of defendants." (citations omitted)).

Jurisdictional discovery is intended to level the playing field. *See Phoenix Consulting*, 216 F.3d at 40-41 (district court must give plaintiff "ample opportunity to secure and present evidence relevant to the existence of jurisdiction"). It is especially appropriate where the defending sovereign or organization has all the relevant facts "peculiarly within [its] knowledge." *1964 Realty LLC v. Consulate of*

the State of Qatar-New York, No. 14-cv-6429, 2015 WL 5197327, at *7 (S.D.N.Y. Sept. 4, 2015).

Defendants in this case have weaponized jurisdictional discovery by protracting the resolution of jurisdictional questions, effectively making civil litigation even more impossible for trafficking survivors abused by foreign governments or the organizations the survivors were told to serve. A trafficking-complicit sovereign can avoid litigation for years by going up and down the courts on jurisdictional issues—first on discovery, later on the merits of immunity (or, as here, the other way around). *See, e.g.*, *Kilburn v. Socialist People's Libyan Arab Jamahiriya*, 699 F. Supp. 2d 136 (D.D.C. 2010) (entering default judgment, making findings of fact, and issuing conclusions of law six years after this Court's decision on sovereign immunity, nine years after the filing of the complaint, and nearly 25 years after the underlying events had occurred). By the time the dust settles on jurisdiction alone, several years may pass. *See, e.g.*, *Zuza v. Office of the High Representative*, 857 F.3d 935 (D.C. Cir. 2017) (concluding that the defendant is entitled to IOIA immunity three years after the filing of the complaint); *Skrywer v. Imene-Chanduru*, No. 8:21-cv-03007, ECF No. 1 (D. Md. Nov. 23, 2021) (complaint filed); ECF No. 105 (D. Md. Jan. 16, 2024) (order on motions to dismiss amended complaint for lack of jurisdiction due to sovereign and diplomatic immunity); *Sabbithi v. Al Saleh*, No. 1:07-cv-00115, ECF No. 177 (D.D.C. Feb. 2, 2012) (post-

settlement stipulated dismissal after years of litigating sovereign immunity issues for claims first brought in 2007).

To be sure, if a plaintiff presents only "conjecture and surmise" to try and overcome immunity, then a foreign sovereign or international organizational defendant is entitled to invoke that immunity without the burdens of jurisdictional discovery. *Nyambal*, 772 F.3d at 281. But where, as here, there is a "specific, well-founded allegation" that an exception to immunity applies, an otherwise-immune defendant should be required to provide at least some jurisdictional discovery in order for the fight to be fair. *See id.* (quoting *Polak v. Int'l Monetary Fund*, 657 F. Supp. 2d 116, 122 (D.D.C. 2009)). To cut off already disadvantaged survivor-plaintiffs' access to discovery would render the TVPRA an illusory remedy for many survivors abused by their governments or by international organizations.

This case illustrates why trafficking survivors are often deterred from ever filing suit—particularly against foreign governments or organizations complicit in their trafficking. First filed in 2018, the case has gone from a district court in Florida to the District Court here, up to this Court in 2020—only to be remanded in 2022—and remains mired in a jurisdictional quandary in 2025. *See* D. Ct. ECF No. 1 (complaint filed on November 30, 2018), ECF No. 46 (order granting transfer on April 7, 2020), ECF No. 72 (notice of appeal filed on December 8, 2020), ECF No. 75 (mandate returning the case to the district court on June 3, 2022). Seven years

have passed, and the District Court has hardly touched the merits. The procedural delays alone have already made it difficult for Plaintiffs to obtain meaningful relief. When a case is prolonged, as this case has been, survivors are forced to live in limbo reliving the trauma of their trafficking as they are denied any access to justice.

This Court should not make relief more difficult still by endorsing Defendant's efforts to obstruct jurisdictional discovery. Survivors rarely have knowledge of how a foreign sovereign or international organization operates beyond what is needed to plausibly allege facts for an exception to immunity. Requiring more or limiting what can be obtained with such a showing, as PAHO seeks to do here, would frustrate access to TVPRA relief and is contrary to Congress's intent to hold accountable foreign sovereigns and international organizations that are complicit in trafficking.

CONCLUSION

If this Court determines that it has jurisdiction to hear this appeal, the decision of the District Court should be affirmed.

Dated: July 7, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type volume limitations of Federal Rules of Appellate Procedure 29(a)(5) and 32(a)(7)(B) because it contains 3,657 words, excluding the parts exempted by Rule 32(f).

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Rule 32(a)(6) because it appears in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system on July 7, 2025, and the text of the electronic brief is identical to the text of the paper copies.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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