Slip Op. 26-100

UNITED STATES COURT OF INTERNATIONAL TRADE

INSPIRED VENTURES, LLC, Plaintiff, v. UNITED STATES, Defendant.	Before: Lisa W. Wang, Judge Court No. 24-00062

OPINION AND ORDER

[Granting in part and denying in part Plaintiff's motion for summary judgment.]

Dated: August 20, 2026

Elon A. Pollack, Stein Shostak Shostak Pollack & O'Hara, LLP, of Los Angeles, CA, for Plaintiff Inspired Ventures, LLC.

Alexander J. Vanderweide, Senior Trial Counsel, Civil Division, U.S. Department of Justice, of New York, NY, for Defendant United States. With him on the brief were Brett A. Shumate, Assistant Attorney General, Patricia M. McCarthy, Director, and Justin R. Miller, Attorney-In-Charge, International Trade Field Office. Of counsel on the brief was Zachary S. Simmons, Office of the Assistant Chief Counsel, International Trade Litigation, U.S. Customs and Border Protection.

Wang, Judge: This action stems from U.S. Customs and Border Protection's ("Customs") actions with respect to two entries, Entry Nos. AVV-0053438-1 ("Entry 1") and AVV-0053445-6 ("Entry 2"), of certain rubber tires from the People's Republic of China ("PRC") that Plaintiff Inspired Ventures, LLC, seeks to import into the United States. On January 20, 2026, Plaintiff filed a motion for summary judgment pursuant to CIT Rule 56(a), arguing that: (1) it "has satisfied the applicable requirements to enter its tires and the [g]overnment's continued refusal to release the goods is without justification[;]" and (2) the court should "order the tires be released immediately and all storage and related expenses … either waived or borne by Defendant." Pl.'s Mot. for Summ. J. and Accompanying Mem. in Supp. of Pl.'s Mot. for Summ. J. ("Pl.'s Mot.") at 3, 8, ECF No. 48.

For the following reasons, Plaintiff's motion for summary judgment is granted in part and denied in part.

BACKGROUND

The court presumes familiarity with the facts of this case as set out in both its previous opinion denying Defendant United States' motion to dismiss for lack of subject matter jurisdiction, and the court's memorandum and order granting Plaintiff's motion for referral to court-annexed mediation. Inspired Ventures, LLC v. United States, 739 F. Supp. 3d 1343 (CIT 2024); Mem. and Order Granting Pl.'s Mot. for Referral to Ct.-Annexed Mediation, ECF No. 34. The court recounts those facts relevant to its consideration of Plaintiff's motion for summary judgment.

Plaintiff, "a Wyoming limited liability corporation[,] … is the consignee, purchaser, and importer of the subject merchandise." Compl. ¶ 7, ECF No. 5. In November 2023, Plaintiff attempted to import certain rubber tires from the PRC, which were assigned entry numbers AVV-0053438-1 and AVV-0053445-6. Id. ¶¶ 11–12; Def.'s Resp. to Pl.'s Mot. for Summ. J. ("Def.'s Resp.") at 1, ECF No. 50; Declaration of Gregg A. Cummings ("Cummings Declaration") ¶¶ 1–2, ECF No. 48-3.

On March 13, 2024, Plaintiff filed its complaint in this action, challenging Customs' alleged exclusion of Entries 1 and 2. Compl. ¶¶ 18–23. Defendant filed a motion to dismiss for lack of subject matter jurisdiction on May 13, 2024. Def.'s Mot. to Dismiss and Accompanying Mem. in Supp. of Def.'s Mot. to Dismiss, ECF No. 10. The court denied Defendant's motion on October 30, 2024. Inspired Ventures, 739 F. Supp. 3d at 1357–1358.

On April 17, 2025, in a joint status report, the parties informed the court that they agreed that the tires in both entries "are properly marked in accordance with 49 C.F.R. § 574.5(g), the lack of which [initially] formed the basis for the tires being detained as inadmissible." Joint Status Rep. (Apr. 17, 2025) at 4–5, ECF No. 30.

On April 25, 2025, Plaintiff filed a motion requesting that the court refer this action to court-annexed mediation. Pl.'s Mot. for Referral to Ct.-Annexed Mediation, ECF No. 32. Defendant filed its response in opposition on May 9, 2025. Def.'s Resp. to Pl.'s Mot. for Referral to Ct.-Annexed Mediation, ECF No. 33. The court granted Plaintiff's motion for referral to court-annexed mediation on May 19, 2025. Mem. and Order Granting Pl.'s Mot. for Referral to Ct.-Annexed Mediation.

The court extended its referral to mediation four times. Orders Extending the Referral to Mediation, ECF Nos. 35–38. On October 9, 2025, Judge Claire R. Kelly, who served as Judge Mediator in this matter, filed a report of mediation informing the court that "[t]he mediation did not result in a settlement[.]" Report of Mediation, ECF No. 41.

On December 18, 2025, the parties filed a joint status report and proposed scheduling order. Joint Status Rep. (Dec. 18, 2025), ECF No. 46. In the joint status report, Defendant asserted that the tires in Entry 1 and Entry 2 were undervalued. Id. at 2–3.

On January 20, 2026, Plaintiff filed a motion for summary judgment, requesting that the court "order the tires be released immediately and all storage and related expenses … waived or borne by Defendant." Pl.'s Mot. at 8. In its motion, Plaintiff noted that Customs had liquidated the entries at the value "as entered." Id. at 7.

Defendant filed its response to Plaintiff's motion for summary judgment on March 2, 2026. Def.'s Resp. In its response, Defendant noted that:

> In preparing the [g]overnment's anticipated cross-motion to dismiss and response to Plaintiff's summary judgment motion, [Customs] learned for the first time that the aforementioned entries were inadvertently liquidated in June 2025. Consequently the issue of the declared valuation is now final and conclusive … and the question of whether the declared values of the subject tires are consistent with applicable law is now moot. For this reason, the [g]overnment no longer contests Plaintiff's declared values.

Id. at 1 (internal citations omitted).

Having agreed that the issue of valuation was no longer in dispute, Defendant proposed that the court order: (1) "Plaintiff remit[] to [Customs] … the antidumping and countervailing duty ["AD/CVD"] amounts owed, and to date, not paid on [Entry 2]"; (2) that "[w]ithin 10 days of [Customs'] receipt of [that amount], [Customs] … issue a disposition order to release the subject tires in [Entry 1] and [Entry 2]" and "waive all storage fees accrued with respect to the subject entries"; and (3) that "[w]ithin 10 days of issuance of the disposition order to release the subject tires, Plaintiff … remit payment to CBP in the amount of $11,095.76[,]" which "represents the regular duties, taxes, fees, and interest owed, and to date, not paid on Entry [2]." Id. at 2.

Plaintiff filed its reply on March 20, 2026. Pl.'s Reply to Def.'s Resp. to Pl.'s Mot. for Summ. J. ("Pl.'s Reply"), ECF No. 52. Defendant filed a reply on May 1, 2026. Def.'s Reply, ECF No. 54.

JURISDICTION & STANDARD OF REVIEW

The court has jurisdiction over this action. 28 U.S.C. § 1581(a) provides that "[t]he Court of International Trade shall have exclusive jurisdiction of any civil action commenced to contest the denial of a protest, in whole or in part, under section 515 of the Tariff Act of 1930." Plaintiff brings this action under 19 U.S.C. § 1514(a). Compl. ¶ 10; see Inspired Ventures, 739 F. Supp. 3d at 1349–1358.

The court will grant a motion for summary judgment when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." CIT R. 56(a); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247–250 (1986). In considering whether material facts are in dispute, "all evidence must be construed in the light most favorable to the party opposing summary judgment[,]" with the court drawing all reasonable inferences in the non-moving party's favor. Anderson, 477 U.S. at 261, n.2. Per CIT Rule 56(c)(1), "[a] party asserting that a fact cannot be or is genuinely disputed must support the assertion by: (A) citing to particular parts of materials in the record …; or (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact."

DISCUSSION

Plaintiff argues that the court should grant its motion for summary judgment and order Customs to release both entries, contending that: (1) Customs has already released both entries; (2) the legal basis for Entry 1 to be released has been met; and (3) "payment is not a prerequisite to secure the release" of Entry 2. Pl.'s Reply at 1–3; Pl.'s Mot. at 3. Defendant responds that: (1) it disputes that the subject merchandise has been released; (2) the court should not order Entry 1 released until required duties have been paid on Entry 2; and (3) payment is a prerequisite for the release of Entry 2. Def.'s Reply at 2–3; Def.'s Resp. at 2.

The court addresses each issue in turn.

I. Customs Has Not Released Entries 1 and 2

A threshold issue before the court is whether the subject merchandise has been "released" by Customs.

Plaintiff contends that "[Customs] released the tires imported on [Entry 1] on February 22, 2024" and "the tires on [Entry 2] on August 8, 2024." Pl.'s Reply at 1. Plaintiff argues that "[i]t is fiction that [Customs] can demand payment as a prerequisite for goods it has already released." Id. at 2.[1]

Defendant argues that Customs never released either entry. Def.'s Reply at 2–3.

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[1] Elsewhere in its submissions to the court, Plaintiff, and sources relied upon by Plaintiff, state that the merchandise has not been released and maintain that Customs continues to retain custody over the merchandise. See e.g., Pl.'s Mot. at 3 ("the Government's continued refusal to release the goods is without justification."); Cummings Declaration ¶¶ 5–6.

Disposition of this issue hinges on the legal meaning of the term “released” in the context of relevant statutes governing the entry of merchandise into the United States. In the absence of a statutory definition of a term, as found here, the court must use the “relevant interpretive tools” to reach “the best reading of the statute and resolve … ambiguity.” Loper Bright Enters. v. Raimondo, 603 U.S. 369, 373 (2024). Those interpretive tools include “the statute’s text, … statute’s structure, canons of statutory construction, and legislative history.” Timex V.I. v. United States, 157 F.3d 879, 882 (Fed. Cir. 1998).

The relevant statutes are clear that merchandise is “released” only if certain legal requirements related to the merchandise have been met. See 19 U.S.C. §§ 1499(a)(1) (“Imported merchandise that is required by law or regulation to be inspected, examined, or appraised shall not be delivered from customs custody … until the merchandise has been inspected, appraised, or examined and is reported by the Customs Service to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States.”),1671h(a), 1673g(a).[2] Further, merchandise is not released if Customs retains custody over it. See 19 U.S.C. § 1499.

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[2] Pursuant to the statute, Customs has set forth regulations governing the legal requirements necessary for release of merchandise into the U.S. market. Specifically, 19 C.F.R. § 142 lays out the specific entry requirements that those seeking to enter merchandise into the United States must meet, including, but not limited to: (1) the necessary documentation required to enter merchandise; (2) “[b]ond requirements”; and (3) “[i]nvoice requirements.”

Further, 19 C.F.R. § 142.7 provides that “[n]o merchandise for which the entry documentation required by § 142.3 has been filed shall be released until it has been examined, or until adequate samples have been taken in the case of merchandise

Here, Plaintiff fails to support its claims that the entries were "released" as a matter of law. For Entry 1, Plaintiff relies on statements from a customs broker familiar with the entries, Mr. Gregg A. Cummings, to support its claim that "[Customs] released the tires imported on [Entry 1] on February 22, 2024." Pl.'s Reply at 1. Despite relying on Mr. Cumming's statement that Customs' hold on Entry 1 "was removed and the tires were released[,]" Plaintiff fails to acknowledge the next sentence, which states, "[h]owever, [Customs] did not <u>release</u> these tires." Cummings Declaration ¶ 5 (emphasis added). Plaintiff's reliance on the former statement is insufficient to establish that Entry 1 was released from Customs' custody as defined by the relevant statutes.

Similarly, for Entry 2, Plaintiff relies on statements from Mr. Cummings and his emails to support its claim that "[t]he ACE [Automated Commercial Environment] report attached as Exhibit 4 to [the Cummings Declaration] states that the tires in [Entry 2] were released[.]" Pl.'s Reply at 2; Cummings Declaration, Exhibit 4. Here, again, Plaintiff fails to acknowledge the statement of Mr. Cummings that "[i]n connection with [Entry 2], we received an ACE transmission that on August 2, 2024, … Customs removed the hold on the shipment. However, again Customs did not <u>release</u> these tires." Cummings Declaration ¶ 5 (citing Cummings Declaration, Exhibit 3) (emphasis added). Mr.

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which is to be classified and appraised by means of samples, unless this requirement is waived by the port director …."

19 U.S.C. § 1499, in relevant part, governs such examinations, including (1) how Customs shall conduct examinations and treat unspecified articles and deficiencies; (2) how importers can provide necessary information to ensure release of merchandise in accordance with the statute; and (3) procedures governing Customs detention of merchandise after examination. 19 U.S.C. §§ 1499(a), 1499(c).

Cummings expressly summarized his experience with the subject merchandise as "[t]o date, Customs has not released those tires to Inspired." Id. ¶ 6.

Plaintiff's reliance on the term "release" in colloquial communications is not sufficient to show that it is entitled to judgment as a matter of law with regard to whether Entries 1 and 2 have been released by Customs under the relevant statutes.

II. Entry 1 Has Met the Requirements to be Released from Customs

The next issue before the court is whether Entry 1 should be released from Customs' custody.

Plaintiff argues that because Entry 1 has liquidated and Plaintiff has paid all required duties on the entry, Defendant "has no legal basis to continue to withhold delivery of the tires [in Entry 1] to [Plaintiff]." Pl.'s Reply at 3.

Defendant asserts no legal basis for Customs' refusal to release Entry 1. See generally Def.'s Resp., Def's Reply. However, for policy reasons, Defendant requests that the court not order Entry 1 released until Plaintiff has paid duties on Entry 2. Def.'s Resp. at 2.

By law, Customs cannot refuse to release merchandise without asserting a basis for doing so. 19 U.S.C. § 1499(a)(1) provides that:

> Imported merchandise that is required by law or regulation to be inspected, examined, or appraised shall not be delivered from customs custody … until the merchandise has been inspected, appraised, or examined and is reported by the Customs Service to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States.

This provision establishes the basis for Customs to refuse the delivery of merchandise. It follows that once Customs has determined that goods "have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States," Customs can no longer refuse to deliver the merchandise. 19 U.S.C. § 1499(a)(1).

There is no genuine issue of material fact regarding the detention of Entry 1. Both parties agree that Entry 1 is legally marked. Pl.'s Reply at 1; Def.'s Reply at 1. They also agree that Entry 1 has liquidated and the valuation of the entry is final. Pl.'s Reply at 1–3; Def.'s Resp. at 1. Finally, both parties agree that all required duties have been deposited on Entry 1. Pl.'s Statement of Undisputed Material Facts ¶ 3, ECF No. 48-2. Defendant has not asserted that any other material facts are in dispute. See Def.'s Resp., Def's Reply.

Based on the undisputed facts, the legal basis for the release of Entry 1 has been met. See 19 U.S.C. § 1499(a)(1). Entry 1 is therefore ordered released.

Plaintiff also requests that the court order "all storage [fees] and related expenses … waived or borne by Defendant" in relation to Entry 1. Pl.'s Mot. at 8. Given that: (1) Defendant has no legal basis for the continued detention of Entry 1; and (2) Defendant has agreed that it is "amenable to expeditiously resolving this case in a manner consistent with the relief that Plaintiff seeks in its motion for summary judgment, to wit, release of the subject tires and a waiver of all storage fees for the entries at issue[,]" the court orders all storage fees and other expenses related to Entry 1 waived consistent with Defendant's statement. Def.'s Resp. at 2.

III. Entry 2 Has Not Met the Requirements to be Released from Customs

The final issue before the court is whether Entry 2 should be released from Customs' custody.

Plaintiff argues that "payment is not a prerequisite to secure release of the tires." Pl.'s Reply at 2. Plaintiff has previously asserted that while "[d]uties are not deposited for [Entry 2]; payment of duty is not due until 10 days following release of freight." Joint Status Rep. (Dec. 18, 2025) at 5.

Defendant argues that "[Customs] cannot release the tires in [Entry 2] because [Plaintiff] has not paid the outstanding duties owed for this entry, including AD/CVD, which prevents the release of the tires until such payment is received." Def.'s Reply at 3.

19 U.S.C. § 1673g(a) provides that "[f]or all entries, or withdrawals from warehouse, for consumption of merchandise subject to an antidumping order on or after the date of publication of such order, no customs officer may deliver merchandise of that class or kind to the person by whom or for whose account it was imported unless that person … deposits with the appropriate customs officer an estimated antidumping duty in an amount determined by the administering authority." 19 U.S.C. § 1671h(a) establishes the same with regard to duties deposited under CVD orders.

The use of the language "no customs officer may" in 19 U.S.C. §§ 1673g(a) and 1671h(a) explicitly prohibits Customs from releasing merchandise subject to AD/CVD orders unless estimated antidumping and/or countervailing duties have been deposited on that merchandise. Sunpreme Inc. v. United States, 946 F.3d 1300, 1318 (Fed. Cir. 2020) (citing both statutory provisions in support of the proposition that "Customs is legally prohibited from releasing goods that are subject to an antidumping or countervailing duty order, ambiguous or not, unless the importer pays a cash deposit.”).

There is no genuine issue of material fact with regard to this issue; both parties agree that Plaintiff has not paid any duties on Entry 2. Joint Status Rep. (Dec. 18, 2025) at 5; Def.’s Reply at 3. Plaintiff’s claim that “payment is not a prerequisite to secure release of the tires” is antithetical to the plain language of 19 U.S.C. §§ 1673g(a) and 1671h(a). See Pl.’s Reply at 2. Those statutory provisions bar Customs from releasing merchandise prior to the deposit of antidumping and/or countervailing duties on merchandise like that at issue here.

As such, Plaintiff is not entitled to the release of Entry 2 as a matter of law. Plaintiff’s recourse is with the agency and all current claims related to the release of Entry 2 are dismissed.

CONCLUSION

For the foregoing reasons, Plaintiff’s motion for summary judgment is **GRANTED** in part and **DENIED** in part. Judgment shall be entered accordingly.

/s/ Lisa W. Wang
Lisa W. Wang, Judge

Dated: August 20, 2026
New York, New York