UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JHON RODRIGUEZ ORELLANA,

Petitioner,

-against-

LaDeon FRANCIS, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Todd LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; Kristi NOEM in her official capacity as Secretary of Homeland Security; Pam BONDI, in her official capacity as Attorney General,

Respondents.

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NOTICE OF MOTION

Civil Action No.
25-cv-4212

(Merchant, J.)

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law dated August 31, 2025; Respondents Opposition to Petition for Writ of Habeas Corpus dated August 12, 2025 (ECF No. 9); Respondents' letters dated August 13, 14, and 15, 2025 and their attachments (ECF Nos. 12, 14, and 15); the Declaration of Michael Charles dated August 12, 2025 and the exhibits attached thereto (ECF No. 9-1); the Declaration of Graham S. Dudley dated August 14, 2025; the Supplemental Declaration of Michael Charles dated August 14, 2025 and the exhibits attached thereto (ECF No. 15-1); and upon all prior pleadings and proceedings herein, Respondents will move before the Honorable Orelia E. Merchant, United States District Judge, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and at a time to be designated by the Court, for reconsideration of its August 19, 2025 Order granting the Petition for Writ of Habeas Corpus and (i) deny Plaintiff's Administrative Procedure Act claim challenging his parole termination (Count 3) as unreviewable or for failure to state a claim, and also deny the

rest of the claims (not addressed in the Order) for the reasons set forth in Respondents' Opposition (ECF No. 9) and letter dated August 14, 2025 (ECF No. 14); or (ii) alternatively, if the Court does not deny the Petition, reconsider the Court's injunction directing immediate release and remand the parole-termination decision to the Department of Homeland Security to address any purported procedural deficiencies; and (iii), and grant such other and further relief as this Court deems just and proper.

Dated: Brooklyn, New York
August 31, 2025

JOSEPH NOCELLA, JR.
United States Attorney
Attorney for Defendant
Eastern District of New York
271-A Cadman Plaza East
Brooklyn, New York 11201

By: */s/ Geoffrey M. Stannard*
GEOFFREY M. STANNARD
(718) 254-6229
geoffrey.stannard@usdoj.gov

To: **BY ECF**
Harold A. Solis
Make the Road New York
Counsel for Petitioner
301 Grove Street
Brooklyn, NY 11237
(347) 719-1603
harold.solis@maketheroadny.org

Paige Austin
Make the Road New York
Counsel for Petitioner
301 Grove Street
Brooklyn, NY 11237
(718) 418-7690
paige.austin@maketheroadny.org