

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Mr. Jorge Humberto ALVAREZ ORTIZ,
Petitioner,

v.

JOSEPH FREDEN,
in his official capacity as Field
Office Director, Buffalo Field
Office, U.S. Immigration &
Customs Enforcement;

STEVEN KURZDORFER,
In his official capacity as Acting
Field Office Director, Buffalo Field
Office, U.S. Immigration & Customs
Enforcement;

TODD LYONS,
In his official capacity as Acting
Director, U.S. Immigration and
Customs Enforcement,

KRISTI NOEM,
In her official capacity as Secretary
of Homeland Security,

Respondent.

Civil Action No. 25-cv-960

Immigration No. A 

EMERGENCY MOTION FOR
A TEMPORARY
RESTRAINING ORDER

Oral Argument Requested

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

Mr. Jorge Humberto Alvarez Ortiz (“Mr. Ortiz”) is a Guatemalan Citizen who was a victim of spousal abuse and was granted a *prima facie* determination on a Violence Against Women Act (“VAWA”) Petition by United States Citizenship and Immigration Services (“USCIS”) on August 12, 2025. Nevertheless, he was detained by Immigration and Customs Enforcement (“ICE”) and held at the Buffalo Federal Detention Facility (“BFDF”) in Batavia, New York when Border Patrol approached and arrested him in a Walmart parking lot. He has

lived in the United States since he was 16 years old. He is now 40 years old. He has no criminal record.

Counsel has been notified that today, Mr. Alvarez is being moved to Louisiana. This emergency motion for a temporary restraining order seeks to prevent irreparable harm that would be caused by his removal to Guatemala in spite of the *prima facie* determination given by USCIS, as well as his movement outside of this judicial district, to a remote facility where access to counsel is difficult or impossible.

Given his status as a beneficiary of a victim-based immigration benefit, his present detention without bond violates his procedural and substantive due process rights.

Therefore, Mr. Alvarez asks this court to without delay issue a temporary restraining order to prevent his imminent movement outside of the district and any deportation that may occur until such time as the Court may decide the matters on the merits.

Dated: October 1, 2025

/s/ Matthew K. Borowski

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