

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JORGE HUMBERTO ALVAREZ ORTIZ,

Petitioner,

v.

25-CV-00960 LJV

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

STEVEN KURZDORFER, In his official capacity as 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,

Respondents.¹

NOTICE OF MOTION

MOVING PARTY:

Respondents

PLACE:

The Honorable Lawrence J. Vilardo
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

RELIEF SOUGHT:

Respondents respectfully move for an Order
dismissing the Petition pursuant to Federal Rule
of Civil Procedure 12(b)(6).

¹ The caption has been altered to reflect that Mr. Freden is the Deputy Field Office Director and that Mr. Kurzdorfer is the Field Office Director (not acting).

RETURN DATE:

Absent court order, Local Rule of Civil Procedure 12(b)(2)(B) provides that any responding papers be filed within 14 days of the motion and any reply filed within 7 days of the responding papers.

PAPERS SUBMITTED:

Memorandum of Law

Respondents reserve the right to submit reply papers to any opposition which may be filed.

Respectfully submitted,

MICHAEL DIGIACOMO
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Western District of New York

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DATED: October 21, 2025
Rochester, New York