

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

XIAO BAO HE,

Petitioner,

v.

25-CV-06089-EAW

JOSEPH FREDEN, in his official capacities, as Deputy Field Office Director, Buffalo Field Office and Administrator, Buffalo Federal Detention Facility, U.S. Customs & Immigration Enforcement,

STEVE KURZDORFER, in his official capacity as Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement,

SIRCE E. OWEN, in her official capacity as Acting Director, Executive Office of Immigration Review, U.S. Department of Justice,

KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security,

PAMELA BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

PETER HEGSETH, in his official capacity as Secretary, U.S. Department of Defense,

U.S. DEPARTMENT OF HOMELAND SECURITY, and

U.S. DEPARTMENT OF DEFENSE,

Respondents.

NOTICE OF MOTION

MOVING PARTY:

Respondents

PLACE:

The Honorable Elizabeth A. Wolford
Chief United States District Judge
Kenneth B. Keating Federal Building
100 State Street

Rochester, New York 14614

RELIEF SOUGHT:

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

PAPERS SUBMITTED:

Memorandum of Law

Respondents reserve the right to submit reply papers to any opposition which may be filed. If this motion be denied, Respondents respectfully request 14 days from the time of the order dismissing the motion to submit a substantive response to the Petition.

DATED: May 27, 2025
Rochester, New York

MICHAEL DIGIACOMO
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Western District of New York

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