

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

Mr. Tomas Eduardo NEVAREZ  
JURADO,

*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-943

Immigration No. A



EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING  
ORDER

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

Mr. Tomas Eduardo Nevarez Jurado (“Mr. Nevarez”) is a Mexican Citizen who was a victim of a violent crime and was granted a *bona fide* determination and deferred action under the U Nonimmigrant Status program by United States Citizenship and Immigration Services (“USCIS”) on October 27, 2022. Nevertheless, he was detained by Immigration and Customs

Enforcement (“ICE”) and held at the Buffalo Federal Detention Facility (“BFDF”) in Batavia, New York after delivering freight to Fort Drum.

Counsel has been notified that today, September 28, 2025, Mr. Nevarez is being removed to Mexico. This emergency motion for a temporary restraining order seeks to prevent irreparable harm that would be caused by his removal to Mexico in spite of the grant of deferred action that he was given by USCIS due to his U Visa, and which, upon information and belief, has not been revoked or otherwise cancelled.

Given that Mr. Nevarez was granted deferred action as a crime victim; his present detention and imminent deportation is unlawful and violates his procedural and substantive due process rights.

Therefore, Mr. Nevarez asks this court to without delay issue a temporary restraining order to prevent his imminent deportation until such time as the Court may decide the matters on the merits.

Dated: September 28, 2025

/s/ Matthew K. Borowski

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Matthew K. Borowski  
*Attorney for Petitioner*  
4343 Union Road,  
Buffalo NY 14225  
E-mail: [matthew@borowskilaw.com](mailto:matthew@borowskilaw.com)  
Tel: 716-330-1503