

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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YUSGLEIDY VILLA ALVAREZ,

Petitioner,

v.

25-CV-06600-EAW

MICHAEL J. FILICETTI, in his official capacity as Sheriff of  
Niagara County, NY, et al.

Respondents.

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**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).

**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  
United States Attorney  
Western District of New York

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DATED: November 12, 2025  
Rochester, New York