



**U.S. Department of Justice**

*United States Attorney  
Western District of New York*

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October 5, 2025

The Honorable Meredith A. Vacca  
United States District Judge  
Kenneth B. Keating Federal Building  
100 State Street  
Rochester, New York 14614

**Re: Delgado v. Freden, et al.  
25-CV-06612-MAV**

Dear Judge Vacca:

The Board of Immigration Appeals ("BIA") has just issued a stay of the immigration judge's bond order. The government submits that this renders Petitioner's argument regarding the automatic stay provision under 8 C.F.R. § 1003.19(i)(2) moot because he is now being detained subject to the stay issued by the BIA.

Respectfully submitted,

MICHAEL DIGIACOMO  
United States Attorney  
Western District of New York

BY: /s/ Adam A. Khalil  
Assistant United States Attorney

Encl. – Order of Board of Immigration Appeals (2 pages)



**U.S. Department of Justice**

Executive Office for Immigration Review  
*Board of Immigration Appeals*  
*Office of the Clerk*

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**Volunteer Lawyers Project**  
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**Batavia NY 14020**

**DHS/ICE Office of Chief Counsel - BTV**  
**4250 Federal Dr.**  
**Batavia NY 14020**

**Name: LUNA DELGADO, HUMBERTO**



**Date of this Notice: 11/5/2025**

Enclosed is a copy of the Board's stay decision.

Sincerely,

John Seiler  
Acting Chief Clerk

Enclosure

Userteam: Paralegal

**NOT FOR PUBLICATION**

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

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MATTER OF:

Humberto LUNA DELGADO,



Respondent

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**FILED**

Nov 05, 2025

ON BEHALF OF RESPONDENT: Raymond Peters, Esquire

ON BEHALF OF DHS: Nicholas C. Bussi, Assistant Chief Counsel

**IN BOND PROCEEDINGS**

On Motion for Stay of Removal before the Board of Immigration Appeals

Before: Montante, Appellate Immigration Judge

MONTANTE, Appellate Immigration Judge

**STAY ORDER**

The Department of Homeland Security (DHS) has filed a motion for an emergency stay of the Immigration Judge's bond order, issued on August 28, 2025, ordering the respondent released from custody upon posting a bond of \$10,000. After consideration of all information, the Board has concluded that the motion for emergency stay of the bond order will be granted.

ORDER: The motion for stay of execution of the bond order is granted.