

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROBERTO ANTONIO CABRERA MARTINEZ,

Petitioner,

v.

25-CV-01110-LJV

TAMMY MARICH, Field Office Director of Buffalo Field  
Office of Immigration and Customs Enforcement, et al.,

Respondents.<sup>1</sup>

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NOTICE OF MOTION

**MOVING PARTY:** Respondents

**PLACE:** The Honorable Lawrence J. Vilaro  
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).

**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.

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<sup>1</sup> Tammy Marich is the Field Office Director for the Buffalo Field Office. She is substituted  
in place of Stephen Kurzdorfer automatically pursuant to Federal Rule of Civil Procedure  
25(d).

Respectfully submitted,

MICHAEL DIGIACOMO  
United States Attorney  
Western District of New York

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**DATED:** November 13, 2025  
Rochester, New York