

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSE SERGIO TENEZACA-QUIROZ,

Petitioner,

v.

25-CV-01166-LJV

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

Respondents.

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**RESPONDENTS' MOTION FOR BOND PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 65(c)**

At the outset of this case, the Court temporarily enjoined the government from transferring Petitioner outside of the Western District of New York and from removing him from the United States. ECF No. 4. This was done simply “[t]o maintain the status quo, and solely so that the Court can make an informed decision about its authority to issue relief and whether any relief that it has the power to issue should be granted . . . .” *Id.* At the time, Petitioner argued that his detention was unlawful because his arrest deprived him of his due process rights and that he was entitled to a bond hearing under 8 U.S.C. § 1226(a). ECF No. 1 at ¶¶ 38, 45, 52. He has since admitted that he is detained pursuant to 8 U.S.C. § 1231. ECF No. 10 at 2.

Initially, this Court’s stay of removal did not affect the government because Petitioner was not removable while undergoing a credible fear review. His claim of fear has since been adjudicated, rendering him removable but for this Court’s stay. ECF No. 12. This Court has ordered Petitioner to show cause why the stay of removal should not be lifted, essentially asking the Petitioner to justify such injunctive relief. ECF No. 13.

Because Petitioner is lawfully detained pursuant to his reinstated order of removal, and because he can be removed but for this Court's stay, the government will suffer harm and economic loss if Petitioner's removal is stayed. The government therefore respectfully requests that if an injunction or stay is issued preventing Petitioner's removal, Petitioner put forth "security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained" as required by Federal Rule of Civil Procedure 65(d). These costs are comprised of all expenditures by the government incident to Petitioner's detention, safeguarding, transport, healthcare, clothing, entertainment, communication, visitation, feeding, and all other associated costs that the government would incur as a result of injunctive relief issued by this Court in favor of Petitioner.

Respectfully submitted,

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