



U.S. Department of Justice

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December 17, 2025

The Honorable Lawrence J. Vilardo
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

**Re: Quiroz v. Marich, et al.
25-CV-01166-LJV**

Dear Judge Vilardo:

On Monday, I advised the Court that Petitioner's claim of fear had been fully adjudicated. This was based upon his waiver of review of the negative credible fear finding by an immigration judge. Last night, at approximately 6:00 P.M., Petitioner's counsel contacted ICE and requested that the negative credible fear finding be reviewed by an immigration judge after all. Thus, at present, Petitioner may not be removed until the immigration judge renders a decision on his claim of fear.

If the immigration judge finds that Petitioner lacks a credible claim of fear, Petitioner will be subject to immediate removal.

If the immigration judge finds that Petitioner has a credible claim of fear, he will be referred to "withholding-only" proceedings to pursue that claim, and he will not be removable to Ecuador but will remain removable to any third-country willing to accept him.

In either event, Respondents maintain that the stay of removal issued by this Court should be lifted. Either Petitioner will have had his due process and become removable, or he will be entitled to further proceedings and not be removable to Ecuador. In either event, no stay of removal is required by this Court to vindicate any interests he may have.

Respectfully submitted,

MICHAEL DIGIACOMO
United States Attorney
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BY: /s/ ADAM A. KHALIL
Assistant United States Attorney