



U.S. Department of Justice

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December 8, 2025

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

**Re: De Oliveira v. Moniz, et al.
25-CV-06663-EAW**

Dear Chief Judge Wolford:

On December 5, 2025, at approximately 12:32 P.M., this Office received notice of the Court's Order (ECF No. 27) requiring De Oliveira's return to the Western District of New York. I transmitted the Order to ICE at 12:41 P.M. and ICE began working to return De Oliveira immediately. At present, ICE does not believe it can facilitate his return to the District within the timeframes set forth by this Court and would respectfully request that the deadline be extended two days, to December 12, 2025.

As this Court may recall, De Oliveira is presently in El Paso, Texas. Given that the Court's Order was issued on Friday, and only allowed five days for De Oliveira's return (two of which were weekend days), it is not clear at this moment whether ICE will be able to comply with the Court's timeframe, and ICE would respectfully request an additional two days to complete his return. By comparison, in other cases in which an alien has been ordered returned to the district in which the habeas petition was filed, ICE has been allowed more time to facilitate it. *See, e.g., Ozturk v. Trump*, 779 F. Supp. 3d 462, 498 (D. Vt.), amended sub nom. *Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (giving 12 days to effect a return).

ICE also would note that De Oliveira was only at the Buffalo Federal Detention Facility for one day prior to his transfer, he has no ties to this District, and his attorneys are not located here.

If a formal motion for this relief should be filed, the government will do so upon instruction from the Court.

Respectfully submitted,

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