



U.S. Department of Justice

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December 16, 2025

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

**Re: Izaguirre v. Freden, et al.
25-CV-06672-EAW**

Dear Chief Judge Wolford:

The Court issued an order requiring an immigration judge order Petitioner's issue release on bond of \$2,500 on December 11, 2025, at approximately 6:00 P.M. I forwarded that order to counsel for the Executive Office of Immigration Review ("EOIR") that same day, and on Friday, December 12, 2025, was advised that the immigration court should be "all set."

Yesterday morning, Mr. Borowski, counsel for Petitioner, advised me that he attempted to file this Court's Order with the immigration court in Batavia, New York, but it was rejected because this matter is venued in Jena, Louisiana. Mr. Borowski also advised me that he tried to file it with the immigration court in Jena, Louisiana, and it was rejected. He reached out to the clerk for the immigration court and was told to re-file it, after which time it was accepted.

There was also a master calendar hearing regarding Petitioner's removal yesterday. The immigration judge advised Mr. Borowski that she did not believe she had jurisdiction to issue a bond order pursuant to this Court's Order because Petitioner was no longer located in Louisiana.

Since Mr. Borowski's email to me, I have attempted to have EOIR instruct an immigration judge to issue an order requiring Petitioner's release on bond of \$2,500, pursuant to this Court's Order, to no avail. EOIR has advised that such an order would cause numerous complications that its system is not designed for.

In an attempt to remedy this situation, I have reached out to Immigration and Customs Enforcement ("ICE"), Office of Principal Legal Advisor ("OPLA"). ICE has advised me that it will do whatever this Court directs as far as setting bond and releasing Petitioner. I would therefore respectfully request that this Court modify its prior Order to

direct ICE to release Petitioner upon payment of \$2,500 bond and to set any conditions on release that are set in the ordinary course of release (this would include check-ins and prohibitions on engaging in crime, but not alternatives to detention like an ankle monitor).

I know from oral argument that Petitioner had concerns about whether such a release order by ICE would ensure his client was not re-arrested by immigration officers at a later date, and, to the extent the Court shares such a concern, the government accepts that an order by this Court requiring Petitioner's release may be the only possible outcome at present.

The government's time to comply with this Court's Order and file a status update elapses tomorrow. I am confident that if this Court orders ICE to release Petitioner on bond, and Petitioner is capable of paying bond, she will be released within the time constraints set by this Court.

Respectfully submitted,

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