



U.S. Department of Justice

*United States Attorney
Western District of New York*

100 State Street, Suite 500
Rochester, New York 14614

(585) 263-6760
fax (585) 399-3920
Writer's Direct: (585) 399-3979
Adam.Khalil@usdoj.gov

December 23, 2025

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

**Re: Zhishpon v. Kurzdorfer
25-CV-06678-MAV**

Dear Judge Vacca:

Pursuant to this Court's Order, ECF No. 3, the government is enjoined from transferring Petitioner outside of the country (*i.e.* removing him) during the pendency of his TRO. However, Petitioner has requested voluntary departure whereby he will leave the country in exchange for lesser or no penalties stemming from his unlawful presence. ICE is ready, willing and able to allow Petitioner to voluntarily depart the country, but does not want to violate this Court's Order.

The government therefore seeks guidance as to: (1) whether this Court's Order granting bond, ECF No. 10, resolved the TRO such that the stay of removal is lifted, and (2) whether voluntary departure constitutes removal/the government's transfer of Petitioner outside of the United States (or, because it is voluntary, whether it is acceptable under this Court's order).

Respectfully submitted,

MICHAEL DIGIACOMO
Acting United States Attorney
Western District of New York

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