



THE LAW OFFICE OF
CELINA B. CURILLO

December 23, 2025

Hon. 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 Honorable Judge Vacca:

Petitioner respectfully submits this response to the Government's December 23, 2025 letter (ECF No. 15). The Government's request should be denied.

If Respondents seek to modify, dissolve, or "clarify" the injunctive relief, they must do so by formal motion and satisfy the applicable legal standard. Their serial letter requests for advisory rulings are procedurally improper, invite piecemeal adjudication, and are especially inappropriate where the relief sought would alter the status quo protected by the TRO. The Court should categorically decline to entertain further attempts to erode the TRO through informal letter filings.

As a threshold matter, if Respondents seek modification, dissolution, or "clarification" of injunctive relief, they must proceed by formal motion and satisfy the applicable standard. Serial letter requests for advisory rulings invite piecemeal adjudication and are particularly inappropriate where the relief sought would effectively alter the status quo the TRO protects. This Honorable Court should decline to entertain further incremental attempts to narrow the TRO through letter filings.

The circumstances of Petitioner's detention further underscore the need for strict judicial oversight. Petitioner was detained while lawfully working, despite not being the target of any enforcement action. According to the Form I-213 (a piece of Respondent's own evidence), a "Warrant of Deportation was issued by ICE," but Petitioner was not the subject of the purported warrant and was detained solely based on his presence at the scene. *See Exhibit E, I-213*. The absence of individualized suspicion and the failure to credit his lawful employment authorization demand full production of all records, warrants, and communications relating to the stop and

arrest. The Government's failure to provide these materials only heightens the need for continued injunctive protection.

Respondents now attempt to evade the TRO by relabeling removal as "voluntary departure." This is a transparent effort to do indirectly what the TRO squarely forbids. Respondents are attempting to circumvent the language, while exercising control over Mr. Wilson Pasato-Zhishpon. He is going to remain detained until Respondents so please. Permitting ICE-facilitated departure would not only violate the TRO but would also undermine this Court's jurisdiction by mooting Petitioner's claims while judicial review remains ongoing. Any purported "voluntary" departure under these circumstances is coercive, given Petitioner's ongoing exposure to ICE authority and removal proceedings.

For all these reasons, Petitioner respectfully requests that the Court deny the Government's request, reaffirm the continuing force of the TRO.

Respectfully submitted,

/s/ Celina B. Curillo
Celina B. Curillo, Esq.
Admitted Pro Hac Vice
64 North Street, 2nd Floor
Danbury, CT 06810
(203) 892-4060
celina@cbclaw.net

Jonathan Langer (NY Bar No. 5572359)
Law Office of Jonathan Langer, PLLC
260 Madison Avenue, 17th Floor
New York, NY 10016
(646) 801-9332
jonathan@jonathanlangerlaw.com