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December 18, 2025

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

Re: Resinos v. Noem, et al.
25-CV-06689-EAW

Dear Chief Judge Wolford:

I write in response to Petitioner's letter regarding the delay in holding a bond hearing and seemingly alleging that the government violated this Court's order regarding transfer.

First, Petitioner's states that "[d]espite this Court's entry of the November 21, 2025 text order" prohibiting transfer of the Petitioner outside of the District, "he was transferred to the South Texas ICE Processing Center that same day." ECF No. 12 at pg. 1 (emphasis added).¹ While technically accurate, this statement seems to suggest that the government violated the Court's order by transferring Petitioner. This is not at all true.

On November 20, 2025, at 8:03 P.M., Petitioner's counsel sent me an email advising that a petition for writ of habeas corpus had been filed and asking that Petitioner not be transferred outside of the district. I responded the following morning, November 21, at 8:02 A.M. advising that ICE will not voluntarily refrain from transferring Petitioner absent a court order. Later that morning, Petitioner's counsel advised me that Petitioner was not showing up on the ICE Online Detainee Locator. I advised opposing counsel that sometimes the tracker is subject to delays. At 12:39 P.M., opposing counsel advised me of this Court's Order enjoining transfer of Petitioner outside of the District (ECF No. 2). I advised Petitioner's counsel at 12:43 P.M. that I would notify ICE of the stay of transfer, but that the order had yet to be served on the government via the habeas inbox. Nonetheless, at 12:45 P.M., I advised ICE of the stay of transfer for Petitioner. At 1:55 P.M. ICE advised me that Petitioner had been removed from the District earlier that morning. I learned that he was flown from Youngstown, Ohio on a flight that departed at 9:46 A.M. Obviously, to get to Youngstown, Ohio, from Batavia, New York, Petitioner had departed the facility (and eventually the district) hours prior to this Court's Order.

¹ The transfer did not occur "despite" this Court's Order because this Court's Order had not even been entered yet.

Second, by order dated November 26, 2025, this Court ordered that a bond hearing be granted to Petitioner on or before December 3, 2025. ECF No. 6 at pg. 2. The order specifically stated that if Petitioner were to request a continuance that results in a bond hearing outside of that deadline, the continuance will comply with the order as long as it is within a reasonable time period. As Petitioner states, a bond hearing was scheduled for December 2, 2025, but *Petitioner* requested a *two-week* adjournment, which was granted, rescheduling the matter to December 16, 2025. ECF No. 12 at pg. 1. Just for clarity, it bears repeating, Petitioner did not ask for an adjournment and receive a date two weeks later from the immigration court—Petitioner specifically asked for a 14-day adjournment.

Petitioner's bond hearing was scheduled for December 16, 2025, but the immigration judge was ill. The hearing was moved to December 17, 2025, but that date had to be cancelled as well, due to the immigration judge's illness. The hearing is now scheduled for December 23, 2025—in five days. The government submits that this one-week adjournment of the hearing, after Petitioner's own explicit request for a two-week adjournment when ICE was ready, willing, and able to proceed on December 2, does not constitute an unreasonable period of time, and that any request to expedite the hearing or release Petitioner be denied.

Respectfully submitted,

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