

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

REZA AZIZZADEH,

Petitioner,

v.

25-CV-01288-JLS

PHILIP L. RHONEY, Acting Deputy Field Office Director,
Buffalo Federal Detention Facility, et al.,

Respondents.¹

**RESPONDENTS' MEMORANDUM OF LAW IN RESPONSE TO PETITIONER'S
OPPOSITION AND IN FURTHER SUPPORT OF THE MOTION TO DISMISS**

Respondents rely on their prior papers and arguments in support of the Motion to Dismiss, but write to address the issue of retroactive application of the law to Petitioner. Because Petitioner remains an applicant for admission and is seeking admission, the law is not being retroactively applied to him. It is being applied at present based on his present status as an applicant for admission and an alien seeking admission. As required by the Immigration and Nationality Act, Petitioner must be detained pending removal proceedings against him. 8 U.S.C. § 1225(b)(2)(A); *Candido v. Bondi*, No. 25-CV-867 (JLS), 2025 WL 3484932, at *3 (W.D.N.Y. Dec. 4, 2025). Thus, the Petition should be dismissed in its entirety.

¹ Philip L. Rhoney is now the Acting Deputy Field Office Director at the Buffalo Federal Detention Facility and is substituted in place of Joseph Freden automatically, pursuant to Federal Rule of Civil Procedure 25(d).

Respectfully submitted,

MICHAEL DIGIACOMO
United States Attorney
Western District of New York

BY: /s/ADAM A. KHALIL
Assistant United States Attorney
100 State Street, Suite 500
Rochester, New York 14614
(585) 399-3979
adam.khalil@usdoj.gov

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