UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LEONEL ANTONIO ORDONEZ LUNA, and JUAN FERNANDO PINEDA JIMENEZ, Petitioners, v. MICHAEL BALL, in his official capacity as Acting Deputy Field Office Director, Buffalo Field Office, U.S. Immigration and Customs Enforcement; DAVID VENTURELLA, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as Acting Secretary of Homeland Security; and TODD BLANCHE, in his official capacity as U.S. Attorney General, Respondents.	9:26-cv-1227 (ECC/PJE) PETITIONER PINEDA'S NOTICE OF MOTION FOR RECONSIDERATION

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Petition and the papers previously filed in this action, and pursuant to Federal Rule of Civil Procedure 59(e), Northern District of New York Local Rules 7.1 and 60.1, and 28 U.S.C. § 2241, Petitioner Juan Fernando Pineda Jimenez respectfully moves this Court, on submission and at such time as the Court may designate, for limited reconsideration of the Memorandum-Decision and Order entered August 6, 2026 (Dkt. No. 13), and the Judgment entered the same day (Dkt. No. 14).

Petitioner does not ask the Court to revisit its conclusion that the record reflects an individualized exercise of discretion by ICE before his June 13, 2026 arrest. He respectfully requests only that the Court modify the disposition as to him by conditionally granting the Petition and directing Respondents to provide, within seven days or such other brief period as the Court considers appropriate, a bond hearing before an immigration judge at which:

(1) Respondents bear the burden of proving by clear and convincing evidence, based on changed circumstances since Pineda's release on his own recognizance, that he presents a danger to the community or a risk of flight;

(2) the immigration judge considers whether less restrictive alternatives to detention can reasonably address any governmental interest; and

(3) if monetary bond is set, the immigration judge considers Pineda's ability to pay.

Petitioner further requests that the Judgment be amended accordingly, that he be released under appropriate conditions if the hearing is not timely provided, and that the Court grant such other and further relief as it deems just and proper.

Petitioner does not request oral argument under Local Rule 7.1, but counsel would be pleased to appear should the Court conclude that argument would be useful.

Dated: August 12, 2026
Buffalo, New York

Respectfully submitted,

/s/ Matthew K. Borowski

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