

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAURILIO PEREIRA DA SILVA JUNIOR,

Petitioner,

v.

Civil Action No. 1:25-CV-11845-WGY

PATRICIA HYDE, Field Office Director,
U.S. Immigration and Customs Enforcement,
Boston Filed Office,
MICHAEL KROL, HSI New England Special
Agent in Charge,
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement, and
KRISTI NOEM, Secretary of U.S.
Department of Homeland Security,

Respondents.

RESPONDENTS' RESPONSE TO PETITIONER'S HABEAS PETITION

The Respondents, by and through their attorney, Leah B. Foley, United States Attorney for the District of Massachusetts, herein file this response to the Petitioner's habeas petition.

Counsel for the Respondents has been informed of the following:

1. The Petitioner is a native and citizen of Brazil (Ex. 1, Declaration of Keith M. Chan, an Assistant Field Office Director for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, Burlington, Massachusetts).
2. On May 6, 2021, U.S. Customs and Border Protection ("CBP") encountered the Petitioner at the southern border of the United States in the area of San Luis, Arizona. At that time, the Petitioner was not in possession of a valid unexpired immigrant visa,

reentry permit, border crossing identification card, or other valid entry document, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality (Id.).

3. CBP detained the Petitioner without a warrant. CBP processed the Petitioner as an expedited removal. The Petitioner claimed a fear of return to Brazil (Id.).
4. June 15, 2021, ICE released the Petitioner on interim parole (Id.).
5. On July 8, 2021, ICE forwarded the Petitioner's file to the Boston Asylum Office, which is a division of United States Citizenship and Immigration Services ("USCIS"), for adjudication of the Petitioner's credible fear claim (Id.).
6. On June 26, 2025, at approximately 2:30 p.m., ICE detained the Petitioner in Burlington, Massachusetts pursuant to its authority 8 U.S.C. § 1225(b) (Id.).
7. On June 26, 2025, at approximately 3:22 p.m., the Petitioner was booked into the Wyatt Detention Facility located at 950 High Street in Central Falls, Rhode Island (Id.).
8. The Petitioner is presently detained at the Wyatt Detention Facility in Central Falls, Rhode Island (Id.).

If the Petitioner does not dismiss this Petition or ask the Court to transfer the action to the United States District Court for the District of Rhode Island, Respondents intend to argue that this Court lacks jurisdiction over this matter as the Petitioner was not present in the District of Massachusetts when he filed the Petition on June 26, 2025. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000) (Explaining that "an alien who seeks a writ of habeas corpus contesting the legality of his detention by the [ICE] normally must name as the respondent his immediate custodian, that is, the individual having day-to-day control over the facility in which he is being detained."); *Tham v. Adducci*, 319 F. Supp. 3d 574, 577 (D. Mass. 2018) (Holding that

“jurisdiction lies in only one district: the district of confinement.”); *Kantengwa v. Brackett*, No. 19-CV-12566-NMG, 2020 WL 93955, at *1 (D. Mass. Jan. 7, 2020) (“Because the District of Massachusetts is not the district of Kantengwa’s confinement, jurisdiction is lacking.”); *Hernandez v. Lyons*, 1:19-cv-10519-DJC, ECF No. 18 (D. Mass. Oct. 11, 2019) (Allowing motion to dismiss as habeas petitioner “was not in the district when he filed or was pursuing this Petition as is required.”).

Wherefore, based on the foregoing, this habeas petition should be dismissed, or in the alternative, this Court should transfer the action to the United States District Court for the District of Rhode Island.

Respectfully submitted,

Leah B. Foley
United States Attorney

Dated: July 8, 2025

By: /s/ Rayford A. Farquhar
RAYFORD A. FARQUHAR
Assistant United States Attorney
United States Attorney’s Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
617-748-3100
Email: rayford.farquhar@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: July 8, 2025

By: /s/ Rayford A. Farquhar
RAYFORD A. FARQUHAR
Assistant United States Attorney

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that I spoke with counsel for the Petitioner to inform her that the government would be filing this response to the habeas petition.

Dated: July 8, 2025

By: /s/ Rayford A. Farquhar
RAYFORD A. FARQUHAR
Assistant United States Attorney