

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANTONIO MOREIRA NETO)	
)	
Petitioner,)	
v.)	No. 25-cv-00311-JL-TSM
)	
E.L. TATUM, JR ¹ , et. al.)	
)	
Respondents.)	

PETITIONER'S STATUS REPORT REGARDING RESPONDENTS' COMPLIANCE
WITH COURT ORDER

Petitioner hereby files this Status Report regarding Respondents' compliance with the Court's Order, and states as follows:

1. On October 2, 2025, this Court issued an Order for a bond hearing to be conducted in Immigration Court for the Petitioner.
2. The Bond Hearing was scheduled for October 9, 2025, at 10:30 a.m. The Petitioner's final merits hearing before the Immigration Court was scheduled for 01:00 p.m. on the same date.
3. At the bond hearing, the legal representative of the Department of Homeland Security ("DHS") argued that the Immigration Judge still did not have jurisdiction to hear the Petitioner's bond because of the footnote contained in this Court's order.

¹ So named in the original caption. However, per Respondent's objection, the current acting Warden of FCI Berlin is Andrew Ackley; *see* Fed. R. Civ. P. 25(d) ("[W]hen a public officer who is a party in an official capacity . . . resigns, or otherwise ceases to hold office while the action is pending[, t]he officer's successor is automatically substituted as a party.")

4. DHS asserted that, based on the footnote, the Immigration Court was still bound by the Board of Immigration Appeals' ("BIA") decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), and therefore continued not to have jurisdiction over the Petitioner's bond hearing.
5. Undersigned Counsel argued that DHS's interpretation was incorrect and that the Order allowed the Immigration Court to proceed. Counsel further noted that the Court should observe the arguments made by this Court in the order, and noted that the Petitioner previously had a bond hearing in which the Immigration Judge denied jurisdiction, and accepting DHS's argument would render this Court's order moot.
6. The Immigration Judge acknowledged the conflict but agreed with Petitioner's arguments and proceeded with the bond hearing. The Immigration Judge then approved the Petitioner's bond request and set the bond to \$5,000.00 (five thousand dollars).
7. At Petitioner's merits hearing, Undersigned Counsel moved to continue the case based on the lack of due process and for Petitioner to have an opportunity to post bond, collect documents, and adequately prepare for his case, which included collecting his immigration records. Petitioner had previously filed two motions to continue, both denied. The Immigration Judge denied this Motion to Continue as well.
8. Petitioner then requested pre-conclusion voluntary departure to leave the country within 120 days, which would allow him to post bond and secure release before departing. The Immigration Judge granted the request.
9. Petitioner posted bond with DHS on October 10, 2025, and was released a few days later.

Respectfully submitted,

/s/ Vinicius Damasceno

Vinicius Damasceno, Esq.

Counsel for Petitioner

Bar No. 706468

Celedon Law PC

277 Main Street, Ste 305

Marlborough, MA 01752

508-573-3170

vinicius@celedonlaw.com

Dated: October 15, 2025

CERTIFICATE OF SERVICE

I, Vinicius Damasceno, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF), and paper copies will be sent to those indicated as non-registered participants.

Dated: October 15, 2025

/s/ Vinicius Damasceno
Vinicius Damasceno, Esq.