

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

AYSLLAN MONTEIRO SOARES,	)	
	)	
Petitioner,	)	No. 1:25-cv-300-SE-TSM
	)	
v.	)	
	)	
E.L. TATUM, <sup>1</sup> Warden, FCI-Berlin;	)	
	)	
PATRICIA HYDE, Acting Field Office Director, U.S. Customs and Immigration, Enforcement and Removal Operations, Boston;	)	
	)	
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;	)	
	)	
KRISTI NOEM, Secretary of U.S. Department of Homeland Security;	)	
	)	
Respondents.	)	
_____	)	

RESPONDENTS' MOTION TO DISMISS  
OR ALTERNATIVELY FOR SUMMARY JUDGMENT

Respondents move the Honorable Court to dismiss this action pursuant to Fed. R. 12(b)(6) for failure to state a claim on which relief may be granted, or alternatively, grant Respondents judgment as a matter of law pursuant to Fed. R. Civ. P. 56(a). In support of this motion, Respondents refer the Court to the memorandum filed in support of the motion, the exhibits, and the record of this litigation.

<sup>1</sup> So named in the Petition; 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 . . . ceases to hold office while the action is pending[, t]he officer’s successor is automatically substituted as a party.”)

Respectfully submitted,

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Dated: September 4, 2025