

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

PEDRO HENRIQUE ROBERTO)	
FERREIRA DA SILVA,)	
)	
Petitioner,)	No. 1:25-cv-329-PB-AJ
)	
v.)	
)	
E.L. TATUM, ¹ 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,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Respondents move the Honorable Court to dismiss this action pursuant to Fed. R. Civ. P. 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

¹ 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.”)

exhibits, and the record of this litigation.

DATE:
September 17, 2025

Respectfully submitted,

ERIN CREEGAN
United States Attorney

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