

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EDEVALDO DE MIRANDA SILVA,

Petitioner,

v.

PATRICIA HYDE, Boston Field Office Director; TODD LYONS, Acting Director of U.S. Immigration Customs Enforcement; U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, Secretary of the Department of Homeland Security; PAMELA BONDI, Attorney General of the United States,

Respondents.

CA No.: 1:25-CV-12679-ADB

**RESPONDENTS' ABBREVIATED RESPONSE TO
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Edevaldo De Miranda Silva, challenges his immigration detention and seeks immediate release. Emergency Petition for Writ of Habeas Corpus (Sept. 19, 2025) (ECF Doc. 1 at 9) (“Petition”). Respondents concede that the recent decision by this Court in *Morales v. Plymouth County Correctional Facility*, Civil Action No. 25-cv-12602-ADB, No. 15 (D. Mass. September 30, 2025), controls this case.

Accordingly, Respondents submit the following abbreviated response to the Petition to expedite the Court’s consideration of this matter and conserve the resources of the parties and the Court. Respondents’ abbreviated response relies upon, and incorporates by reference, the legal arguments that respondents presented in *Morales*.¹

¹ See generally Doc. No. 14 in *Morales* (25-cv-12602-ADB).

BACKGROUND

Petitioner states that he is a native citizen of Brazil. (Petition ¶ 13). He alleges that he was paroled into the United States on or about August 6, 2021. (Petition ¶ 13). According to the Petition, on September 19, 2025, he was detained by ICE at a scheduled check-in at the ICE Burlington Field Office. (Petition ¶ 15).

Petitioner claims that his detention violates statute and the due process clause. (Petition ¶¶ 22–37). He requests that the Court order his immediate release or afford him a bond hearing in immigration court. *Id.* at 9.

DISCUSSION

Respondents' position remains that the Court should deny the Petition because Petitioner is an applicant for admission, which means 8 U.S.C. § 1225(b)(2)(A) authorizes Petitioner's detention, and the due process clause provides Petitioner only those rights conferred by statute. Respondents further note that the Board of Immigration Appeals recently held that noncitizens "who are present in the United States without admission are applicants for admission" who "must be detained for the duration of their removal proceedings." *See generally Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (B.I.A. 2025). However, Respondents concede that this case is materially indistinguishable from *Morales*, in which this Court held that 8 U.S.C. § 1226(a)—not § 1225(b)—governed petitioner's detention. *Morales v. Plymouth County Correctional Facility*, Civil Action No. 25-cv-12602-ADB, No. 15 (D. Mass. September 30, 2025).

Should the Court apply the reasoning of *Morales*, it would reach the same result here. Accordingly, Respondents respectfully submit that the Court may resolve the Petition without further briefing or oral argument.² Respondents thank the Court for its consideration of this

² Respondents submit that the Court's decision in *Morales* is dispositive here. However,

abbreviated submission.

Respectfully submitted,

LEAH B. FOLEY
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Dated: October 1, 2025

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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: October 1, 2025

By: /s/ Shawna Yen
SHAWNA YEN
Assistant United States Attorney

Respondents will provide further briefing on any issue that respondents did not address in *Morales*, if the Court would like Respondents to do so.