

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NOE DIAZ DIAZ,

Petitioner,

v.

PATRICIA HYDE, *et al.*,

Respondents.

No. 25-cv-12574-ADB

**STATUS REPORT**

Respondents<sup>1</sup> provide the following Status Report concerning Petitioner Noe Diaz Diaz's detention location as directed by this Court's Order. Doc. No. 5.

On September 14, 2025, Petitioner filed a petition for a writ of habeas corpus in this Court at 6:22 p.m. Pet. for Writ of Habeas Corpus (Sept. 14, 2025), Doc. No. 1; *see also* Ex. 1, ECF Docket Activity Report. Before then, however, on September 14, 2025, "Petitioner was transferred to Batavia, New York via a flight, which departed Bedford, Massachusetts at approximately 5:25 p.m. EST." Ex. 2, Chan Decl. (Sept. 17, 2025), ¶ 8. Petitioner "is currently housed at Batavia Detention Center in New York." *Id.* ¶ 5.

If Petitioner does not dismiss this Petition or ask the Court to transfer the action to the U.S. District Court for the Western District of New York, Respondents intend to argue that this Court lacks jurisdiction over this matter because Petitioner was not present in the District of Massachusetts when he filed the Petition. *See Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir.

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<sup>1</sup> Respondents are Patricia Hyde (Field Office Director, U.S. Immigration and Customs Enforcement ("ICE")); Todd Lyons (Acting Director, ICE); Kristi Noem (U.S. Secretary of Homeland Security); Pamela Bondi (Attorney General of the United States); and Donald J. Trump (President of the United States).

2000) (“[A]n alien who seeks a writ of habeas corpus contesting the legality of his detention by [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, 576–77 (D. Mass. 2018) (concluding that the court lacked jurisdiction to hear a habeas claim filed when petitioner was not in Massachusetts); *Kantengwa v. Brackett*, No. 19-cv-12566-NMG, 2020 WL 93955, at \*1–2 (D. Mass. Jan. 7, 2020) (transferring a case to New Hampshire because “the proper respondent is the warden of the institution where [petitioner] was confined when the petition was filed.”); *Hernandez v. Lyons*, No. 19-cv-10519-DJC, Doc. No. 18 (D. Mass. Oct. 11, 2019) (allowing a motion to dismiss because the habeas petitioner “was not in the district when he filed or was pursuing this Petition as is required.”).

Dated: September 17, 2025

Respectfully submitted,

LEAH B. FOLEY  
United States Attorney

By: /s/ Julian N. Canzoneri  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorneys of record by means of the Court’s Electronic Case Filing system on September 17, 2025.

/s/ Julian N. Canzoneri  
Julian N. Canzoneri  
Assistant U.S. Attorney