

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CLAUDIO PEDROSO DE OLIVEIRA,

Petitioner,

v.

ANTONE MONIZ, *et al.*,

Respondents.

No. 25-cv-12801-ADB

STATUS REPORT

Respondents provide the following Status Report concerning Petitioner Claudio Pedroso de Oliveira’s detention location as directed by this Court’s Order. Doc. No. 3 at 4.

On or about September 26, 2025, U.S. Immigration and Customs Enforcement (“ICE”) arrested Petitioner “at or near Lowell, Massachusetts.” Ex. 1, Chan Decl. (Oct. 2, 2025), ¶ 6. Later that day, “Petitioner booked into the Buffalo (Batavia) Service Processing Center in Batavia, New York.” *Id.* ¶ 7.

The next day, September 27, 2025, Petitioner filed a habeas petition in this Court. Pet. for Writ of Habeas Corpus (Sept. 27, 2025), Doc. No. 1. Thereafter, on September 29, 2025, ICE transferred Petitioner to Camp East Montana in El Paso, Texas, where he remains in custody. *Id.* ¶¶ 4, 8. “Petitioner’s transfer was conducted as part of standard ICE operations to advance the agency’s mission and optimize bedspace management.” *Id.* ¶ 9.

If Petitioner does not dismiss this Petition or ask the Court to transfer the action, then Respondents intend to argue that this Court lacks jurisdiction because Petitioner was not in the District of Massachusetts when he filed the Petition. *See* Electronic Order, *Arias v. Moniz*, No. 25-cv-11605-ADB (D. Mass. June 24, 2025), Doc. No. 14 (transferring a habeas petition where

the court “lack[ed] jurisdiction” because “Petitioner was not in the District of Massachusetts when he filed his petition”); *see also Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir. 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: October 3, 2025

Respectfully submitted,

LEAH B. FOLEY
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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 October 3, 2025.

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