

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CLAUDIO PEDROSO DE OLIVEIRA,

Petitioner,

v.

ANTONE MONIZ, *et al.*,

Respondents.

No. 25-cv-12801-ADB

**RESPONDENTS' OPPOSITION TO
PETITION FOR A WRIT OF HABEAS CORPUS (Doc. No. 1)**

Petitioner Claudio Pedroso de Oliveira requests immediate release from immigration detention. Doc. No. 1 at 5. But the Court lacks jurisdiction because Petitioner was not in Massachusetts when he filed the petition. Nevertheless, Respondents do not oppose the Court's transferring the petition to the Western District of Texas, where Petitioner is confined.

I. BACKGROUND

A. ICE Declaration

"Petitioner is a native and citizen of Brazil." Chan Decl. (Oct. 2, 2025), Doc. No. 7-1, ¶ 5 ("Chan Decl."). On or about September 26, 2025, U.S. Immigration and Customs Enforcement ("ICE") arrested Petitioner "at or near Lowell, Massachusetts." *Id.* ¶ 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 ("Pet."). Approximately two days later, 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.

B. The Petition

Petitioner alleges that he “is a long-time resident of the United States who entered the country around 2005.” Pet., Doc. No. 1, ¶ 1. Petitioner owns a construction company and has “two U.S. citizen children, approximately seven and nine years old.” *Id.* ¶ 2.

“On or about September 25, 2025, Petitioner was arrested near his ex-wife’s residence in Lowell, Massachusetts and taken into custody in Burlington, Massachusetts.” *Id.* Petitioner alleges that he “has not been properly informed why [he] is being held.” *Id.* ¶ 21. Petitioner further alleges that he “has no criminal record and has not been involved with any criminal history.” *Id.* ¶ 3.

Petitioner claims that his detention is “without cause and in violation of his constitutional rights to due process of law.” *Id.* ¶ 25. He requests that the Court order “Respondents to release Petitioner immediately.” *Id.* at 5.

II. LEGAL STANDARD

Section 2241 of Title 28 of the United States Code provides district courts with jurisdiction to hear federal habeas petitions. It is Petitioner’s burden to establish entitlement to a writ of habeas corpus by proving that his custody violates the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Espinoza v. Sabol*, 558 F.3d 83, 89 (1st Cir. 2009) (“The burden of proof of showing deprivation of rights leading to an unlawful detention is on the petitioner.”).

III. ARGUMENT

The Court lacks jurisdiction because Petitioner was not in the District of Massachusetts when he filed the Petition for a Writ of Habeas Corpus. On September 26, 2025, ICE arrested Petitioner and booked him into the Buffalo (Batavia) Service Processing Center in Batavia, New York. Chan Decl., Doc. No. 7-1, ¶¶ 6–7. It was not until the next day, September 27, 2025, that Petitioner filed his habeas petition in this Court. *See generally* Pet., Doc. No. 1. Thereafter, 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.

“District courts are limited to granting habeas relief ‘within their respective jurisdictions.’” *Costa v. Lyons*, No. 25-cv-11732-DJC, 2025 WL 1695940, at *1 (D. Mass. June 17, 2025) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004)). Accordingly, the general rule is that “[w]henver a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.” *Ozturk v. Trump*, 777 F. Supp. 3d 26, 35 (D. Mass. 2025) (quoting *Padilla*, 542 U.S. at 447).

Thus, courts routinely dismiss or transfer habeas petitions for lack of jurisdiction where, as here, the petitioner was not in the district when the petition was filed. *See, e.g., Padilla*, 542 U.S. at 441 (holding that “the Southern District [of New York] never acquired jurisdiction over Padilla’s petition” because he was not in that district when he filed the petition); Electronic Order, *Chirinos v. Hyde*, 25-cv-11641-AK (D. Mass. July 7, 2025), Doc. No. 13 (“Because [petitioner] was not in custody within the District of Massachusetts at the time the habeas Petition was filed, this Court is without jurisdiction to adjudicate this matter.”) (cleaned up);

Electronic Order, *Arias v. Moniz*, No. 25-cv-11605-ADB (D. Mass. June 24, 2025), Doc. No. 14 (holding that the court “lack[ed] jurisdiction over Petitioner’s habeas petition” because “Petitioner was not in the District of Massachusetts when he filed his petition”); *Costa*, 2025 WL 1695940 at *1 (finding no jurisdiction where the habeas petitioner “was not in the District of Massachusetts at the time he filed the Petition”); *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”); Electronic Order, *Hernandez v. Lyons*, No. 19-cv-10519-DJC (D. Mass. Oct. 11, 2019), Doc. No. 18 (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.”).

Admittedly, though, opposing counsel may have been unaware of Petitioner’s whereabouts at the time they filed the petition. *See Ozturk*, 777 F. Supp. 3d at 41–42 (holding that petitioner “cannot be faulted for filing the Petition in this Court” where her counsel did not know her whereabouts at the time of filing). Therefore, Respondents would not oppose transfer of the petition to a different district.

Certainly, the Court could transfer the petition to the Western District of New York because Petitioner was in custody there when he filed his habeas petition. *See e.g., Kantengwa*, 2020 WL 93955, at *1–2; Chan Decl., Doc. No. 7-1, ¶¶ 6–8. However, Petitioner currently is in detention in the Western District of Texas. Although the Court cannot order transfer to the

Western District of Texas on its own because Petitioner was not there when he filed the petition,¹ Respondents would not oppose transfer to that district.

IV. CONCLUSION

For the foregoing reasons, the Court should deny the petition or transfer it to the Western District of Texas.

Dated: October 14, 2025

Respectfully submitted,

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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 14, 2025.

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

¹ See Electronic Order, *De Leon v. Hyde*, No. 25-cv-12490-LTS (D. Mass. Oct. 1, 2025), Doc. No. 14 (“The federal statute governing transfer of venue does not permit this Court, on its own, to transfer this action to the Southern District of California, as the petition could not have been brought there at the time of filing.” (citing 28 U.S.C. § 1404(a)); *Ozturk*, 777 F. Supp. 2d at 42–43 & n.5