

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW YORK

|                             |   |                       |
|-----------------------------|---|-----------------------|
| _____                       | ) |                       |
| CLAUDIO PEDROSO DE OLIVEIRA | ) |                       |
|                             | ) |                       |
| Petitioner,                 | ) |                       |
| v.                          | ) | No. 6: 25-CV-6663-EAW |
|                             | ) |                       |
| ANTONE MONIZ, et. al.       | ) |                       |
|                             | ) |                       |
| Respondents.                | ) |                       |
| _____                       | ) |                       |

**PETITIONER’S STATUS REPORT REGARDING RESPONDENTS’  
NONCOMPLIANCE WITH COURT ORDER**

Petitioner hereby files this Status Report regarding Respondents’ compliance with the November 20, 2025 Order and states as follows:

1. On November 20, 2025, this Court issued an Order granting Petitioner’s habeas petition for the Respondents to conduct a bond hearing for the Petitioner on or before November 26, 2025. The Court further ordered that the government would have the burden to demonstrate dangerousness or flight risk **by clear and convincing evidence**, and that the Immigration Judge would have to consider whether less-restrictive alternatives to detention could reasonably address the government’s interests in Petitioner’s continued detention.
2. The Court also held that Petitioner’s continued detention would be permissible only if the IJ found, **by clear and convincing evidence**, that **no condition or combination of conditions** could reasonably ensure Petitioner’s appearance and the safety of the community.

3. Respectfully, Petitioner submits that the government **has not fully complied with the terms of the order.**
4. A bond hearing was scheduled for November 26, 2025, before Immigration Judge Dean S. Tuckman. Prior to the hearing, Petitioner's counsel submitted evidence in support of his release, and the government submitted only one document: Form I-213, Record of Deportable/Inadmissible Alien. *See Exhibit B.*
5. The I-213 contained the following sentence: "On September 25, 2025, Pedroso de Oliveira was arrested for the offense of Assault and Battery of a Family or Household Member by the Lowell Police Department in Lowell, MD. There is no final disposition in this case." *See Exhibit B.* Based on this, the government argued that Petitioner was a danger to the community.
6. Petitioner, through Undersigned Counsel, informed the Immigration Court that no other evidence had been submitted to the Court—no police report, no court docket, no sworn statement, and no corroborating documentation. Counsel further informed the Court that the charge remains pending, that Petitioner maintains his innocence, and that Petitioner had been arrested while voluntarily appearing in District Court to prove his innocence.
7. Petitioner appeared at the hearing and affirmatively offered to testify. However, the IJ stated that the testimony would not be necessary and ruled—based solely on the unsworn statement in the I-213 and the recency of the charge—that the government had met its burden to show dangerousness.
8. Respectfully, Petitioner maintains that the government did not comply with the Court's Order. The IJ did not require the government to meet the mandated clear and

convincing evidence standard. Nor did the IJ make the required findings that no condition or combination of conditions of release could reasonably mitigate any risk.

9. Instead, the IJ treated the I-213—an unsworn document prepared by DHS, a party to the bond proceedings—as complete and sufficient proof of dangerousness, despite the absence of any corroborating evidence and despite Petitioner’s request to testify.

10. By failing to analyze any other evidence and even refusing to hear Petitioner’s testimony, Petitioner argues that the Immigration Judge failed to conduct a bond hearing following the requirements set by this Court.

11. In light of these circumstances, Petitioner respectfully requests that this Court order Respondents to release him from custody under reasonable conditions of supervision during the pendency of his removal proceedings.

Respectfully submitted,

*/s/ Vinicius Damasceno*

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Dated: December 2, 2025

**CERTIFICATE OF SERVICE**

I, Vinicius Damasceno, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF), and paper copies will be sent to those indicated as non-registered participants.

Dated: December 2, 2025

*/s/ Vinicius Damasceno*  
Vinicius Damasceno, Esq.