

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

JESSICA FERNANDES MORAES,

Petitioner,

v.

KEVIN JOYCE, Sheriff of Cumberland  
County; DAVID WESLING, Acting  
Director of Boston Field Office, U.S.  
Immigration and Customs Enforcement;  
TODD LYONS, Acting Director, U.S.  
Immigration and Customs Enforcement;  
KRISTI NOEM, Secretary, U.S.  
Department of Homeland Security; and  
PAMELA BONDI, Attorney General of the  
United States,

Respondents.

No. 2:25-cv-00583-JAW

**RETURN AND RESPONSE TO ORDER TO SHOW CAUSE  
IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

Federal Respondents, by and through undersigned counsel, oppose the Verified Petition for Writ of Habeas Corpus filed by Petitioner Jessica Fernandes Moraes under 28 U.S.C. § 2241. Dkt. #1, November 21, 2025 (the “Petition” or “Pet.”). Petitioner’s arrest and detention was initiated by U.S. Immigration and Customs Enforcement (“ICE”) on about November 17, 2025, in Massachusetts. Pet. ¶¶ 4-5, 26. Petitioner was subsequently transported to the Cumberland County Jail, in Portland, Maine. *Id.* ¶¶ 6, 26. Government counsel has confirmed that Petitioner remains in ICE custody at the Cumberland County Jail. She will not be removed from the District of Maine pending further order from this Court. Order on Mot. for TRO, Dkt. #7 at 7, Nov. 21, 2025.

ICE maintains that the true cause of Petitioner’s detention is pursuant to 8 U.S.C. § 1225(b)(2). *See* 28 U.S.C. § 2243. The Government acknowledges, as it must, the

recent caselaw from this Court uniformly sustaining challenges to DHS's interpretation of § 1225. *See, e.g., Chang Barrios v. Shepley*, 1:25-cv-00406-JAW, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chogllo Chafila v. Scott*, 2:25-cv-00437-SDN, 2025 WL 2688541 (D. Me. Sept. 22, 2025); *Bermeo Sicha v. Bernal*, 25-cv-00418-SDN, 2025 WL 2494530 (D. Me. Aug. 29, 2025). The position of ICE nonetheless remains that Petitioner must be detained pending the outcome of her removal proceedings, with the agency following the precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025), to which it must adhere. The Government adopts by reference its prior arguments made to this Court in that regard.

WHEREFORE, ICE submits that Petitioner is not entitled to a writ of habeas corpus. The Government respectfully submits that the court should dispose of and dismiss the matter as law and justice require. 28 U.S.C. § 2243. The Government will be prepared for and attend any hearing set in this matter.

Dated: November 26, 2025  
Bangor, Maine

Respectfully submitted,

ANDREW B. BENSON  
United States Attorney

/s/ ANDREW K. LIZOTTE

Andrew K. Lizotte  
Civil Chief  
United States Attorney's Office  
202 Harlow Street  
Bangor, Maine 04401  
(207) 262-4636  
[Andrew.Lizotte@usdoj.gov](mailto:Andrew.Lizotte@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2025, I caused the foregoing to be electronically filed with Clerk of Court using the CM/ECF system, which sent such notice to any individuals and entities who have entered appearances in this case to date, pursuant to the Court's ECF system.

ANDREW B. BENSON  
United States Attorney

/s/ ANDREW K. LIZOTTE  
Andrew K. Lizotte  
Civil Chief  
United States Attorney's Office  
202 Harlow Street  
Bangor, Maine 04401  
(207) 262-4636  
Andrew.Lizotte@usdoj.gov

