

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

GERONIMO DA SILVA,

Petitioner,

v.

No. 1:25-cv-00625-JJM

MICHAEL NESSINGER, Warden, Donald W. Wyatt Detention Facility; MICHAEL KROL, HSI New England Special Agent in Charge; PATRICIA HYDE, Director of Boston Field Office; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAM BONDI, Attorney General of the United States, in their official capacities,

Respondents.

RESPONSE TO HABEAS PETITION

Petitioner Geronimo Da Silva filed a Petition for a Writ of Habeas Corpus challenging his immigration detention and seeking immediate release or a bond hearing. ECF 1. Respondents¹ submit that the legal issues presented in the Petition are similar to those recently addressed by this Court in *Juan Carlos Tomas Elias v. Hyde, et al.*² Should the Court follow its reasoning in *Elias*, it would reach the same result here. Accordingly, Respondents submit that the Court may resolve this Petition without further briefing or oral argument.³

Should the Court grant this Petition, the United States respectfully requests that the

¹ The United States does not represent Warden Nessinger.

² Memorandum and Order, *Juan Carlos Tomas Elias v. Hyde, et al.*, No. 1:25-cv-540-JJM-AEM (D. RI. October 27, 2025), ECF 9.

³ Respondents reserve all rights to appeal and incorporate by reference the legal arguments they presented in *Elias*. See generally ECF 7 (1:25-cv-540-JJM-AEM). Respondents will provide further briefing on any issue not addressed in *Elias* if requested by the Court.

Court permit Petitioner's transfer to effectuate release.⁴

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 December 9, 2025.

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⁴ The District of Rhode Island does not contain an ICE facility within its boundaries, nor is the Wyatt Detention Facility an ICE facility. Therefore, to process a detainee for release from ICE custody, Respondents shall be permitted to transfer a detainee to the closest ICE facility, located in Burlington, Massachusetts to allow for the return of property and placement of any monitoring equipment deemed appropriate.