

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MARCELO GOMES DA SILVA,

Petitioner,

V.

C.A. No. _____

PETITION FOR WRIT OF HABEAS CORPUS

PATRICIA HYDE, Field Office Director,

U.S. Immigration and Customs

Enforcement, Boston Field Office,

MICHAEL KROL, HSI New England

Special Agent in Charge, TODD LYONS,

Acting Director, U.S. Immigration and

Customs Enforcement, and

KRISTI NOEM, Secretary of U.S.

Department of Homeland Security,

Respondents.

INTRODUCTION

1. Petitioner Marcelo Gomes Da Silva is an 18-year-old Brazilian national residing in Massachusetts. Petitioner was arrested by U.S. Immigration and Customs Enforcement (“ICE”) on May 31, 2025 in Milford, Massachusetts.
2. He is currently being held unlawfully in federal immigration detention in the District of Massachusetts.
3. To vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
4. Petitioner asks this court to find that he was unlawfully detained and order his release.

JURISDICTION

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
6. Venue is proper because Petitioner resides and was detained in Massachusetts, and on information and belief is detained in the District of Massachusetts.

PARTIES AND FACTS ALLEGED

7. Petitioner entered the US through a student visa in 2012. He is a junior at Milford Public High school. His student visa status has lapsed, but Petitioner is eligible for and intends to apply for asylum.
8. Petitioner has no criminal history anywhere in the world.
9. On information and belief, petitioner Marcelo Gomes Da Silva is currently detained in Massachusetts at the Boston Field Office of U.S. Immigration and Customs Enforcement, 1000 District Ave., Burlington, MA 01803.
10. Respondent Patricia Hyde, the New England Field Office Director for U.S. Immigration and Customs Enforcement.
11. Respondent Patricia Hyde is Petitioner's immediate custodian.
12. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
13. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
14. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
15. All respondents are named in their official capacities.

CLAIM FOR RELIEF

**COUNT I – WRIT OF HABEAS CORPUS
Violation of Fifth Amendment Right to Due Process**

16. On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of his constitutional rights under the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

PRAYER FOR RELIEF

Wherefore, Petitioner asks this Court to GRANT the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of Massachusetts;
- (3) Issue an Order to respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

June 1, 2025

PETITIONER MARCELO GOMES DA SILVA,

By his attorney,

/s/ Miriam Conrad

Miriam Conrad
B.B.O. #550223
207 Washington Street
PO Box 471059
Brookline MA 02447
Tel. 617-245-8011

CERTIFICATE OF SERVICE

I, Miriam Conrad, do hereby certify that I have served this petition on the U.S. Attorney for the District of Massachusetts by email and will serve ICE agents by hand at the detention facility in Burlington, MA.

/s/ Miriam Conrad