

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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MARIO LUIS RODAS-MAZARIEGOS and	)		
RAY ANTHONY MARZOUCA,	)		
Petitioners,	)		
	)	Civil Action No.	
v.	)	20-cv-10597-NMG	
	)		
SUPERINTENDENT ANTONE MONIZ,	)		
Respondent.	)		
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SERVICE ORDER

GORTON, J.

Immigration detainees Mario Luis Rodas-Mazariegos and Ray Anthony Marzouca, who are confined at the Plymouth County Correctional Facility, filed an emergency petition for writ of habeas corpus and injunctive relief. The \$5 filing fee was paid and the petition names three respondents: Antone Moniz, Superintendent of the Plymouth County Correctional Facility; Joseph D. McDonald, Jr., Plymouth County Sheriff; and Todd Lyons, Acting Field Office Director for the Boston Field Office for ICE's Enforcement Removal Operations.

Upon review of the petition, the Court hereby orders:

1. Antone Moniz, Superintendent of the Plymouth County Correctional Facility, shall be the sole respondent. See Rumsfeld v. Padilla, 542 U.S. 426, 439 (2004) (immediate custodian of petitioner is proper respondent in habeas action);


Vasquez v. Reno, 233 F.3d 688, 696 (1st Cir. 2000) (same, as applied to immigration detainee). The other respondents shall be dismissed without prejudice.

2. The clerk of this Court shall serve a copy of the petition upon Superintendent Moniz and the United States Attorney for the District of Massachusetts.

3. The respondent shall file an answer or other responsive pleading within 3 days of the date of this order;

4. In order to give the Court time to consider the matter, unless otherwise ordered by the Court, the petitioner shall not be moved outside the District of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefor. Any such 48-hour notice period shall commence at the date and time such notice is filed and expire 48 hours later, except "[i]f the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(2)(C).

So ordered.

  
Nathaniel M. Gorton  
United States District Judge

Dated: 3/26/20