

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

GILBERTO PEREIRA BRITO, FLORENTIN  
AVILA LUCAS, and JACKY CELICOURT,  
individually and on behalf of all those similarly  
situated,

*Plaintiff-Petitioners,*

v.

WILLIAM BARR, et al.,

*Defendant-Respondents.*

Case No. 19-11314-PBS

**STATUS REPORT REGARDING  
PLAINTIFF-PETITIONERS PEREIRA BRITO AND AVILA LUCAS**

As a supplement to paragraph 19 of the Affidavit of Sidra Vitale, Esq. with Regard to Gilberto Pereira Brito (filed under seal), counsel for the petitioners hereby report that, on June 17, 2019, the Hingham District Court dismissed the 2009 charge against Mr. Pereira Brito for driving with a suspended license. A copy of the docket reflecting the dismissal is attached as Exhibit A.

As a supplement to paragraph 15 of the Affidavit of Melanie M. Chaput, Esq. with Regard to Florentin Avila Lucas, counsel for petitioners hereby report that, at the hearing on June 18, 2019, the Immigration Judge indicated that he is reviewing the motion to suppress and opposition memoranda, and that he will issue a written order to schedule the next phase of the proceedings (either an evidentiary hearing on the motion, or a hearing for further removal proceedings).

Mr. Pereira Brito and Mr. Avila Lucas remain detained at the Plymouth County Correctional Facility.

Respectfully submitted,

GILBERTO PEREIRA BRITO, FLORENTIN AVILA LUCAS, and JACKY CELICOURT, individually and on behalf of all those similarly situated,

By their attorneys,

/s/ Daniel L. McFadden

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Dated: June 19, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2019, the above-captioned document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Daniel L. McFadden  
Daniel L. McFadden

# Exhibit A

<b>CRIMINAL DOCKET</b>		DOCKET NUMBER <b>0958CR000932</b>	NO. OF COUNTS <b>1</b>	<b>Trial Court of Massachusetts District Court Department</b>	
DEFENDANT NAME AND ADDRESS <b>Gilberto A Lourenco 296 Martha St Rockland, MA 02370</b>		DOB [REDACTED]	GENDER <b>Male</b>	COURT NAME & ADDRESS <b>Hingham District Court 28 George Washington Boulevard Hingham, MA 02043</b>	
		DATE COMPLAINT ISSUED <b>05/07/2009</b>			
		PRECOMPLAINT ARREST DATE <b>05/07/2009</b>		INTERPRETER REQUIRED <b>Portuguese</b>	
FIRST FIVE OFFENSE COUNTS					
CCOUNT	CODE	OFFENSE DESCRIPTION	OFFENSE DATE		
<b>1</b>	<b>90/23/D</b>	<b>LICENSE SUSPENDED, OP MV WITH c90 §23</b>	<b>05/07/2009</b>		
DEFENSE ATTORNEY <b>Thomas</b>		OFFENSE CITY/TOWN <b>Hanover</b>	POLICE DEPARTMENT <b>Hanover PD</b>		
DATE & JUDGE	DOCKET ENTRY		DATE & JUDGE	FEES IMPOSED	
<b>MAY - 7 2009 Huntley</b>	<input type="checkbox"/> Attorney appointed (SJC R. 3:10) <input type="checkbox"/> Atty denied & Deft. Advised per 211D §2A <input type="checkbox"/> Waiver of Counsel found after colloquy			Counsel Fee (211D § 2A(2)) <input type="checkbox"/> WAIVED \$	
	Terms of release set: <input checked="" type="checkbox"/> PR <input type="checkbox"/> Bail <input type="checkbox"/> See Docket for special condition <input type="checkbox"/> Held (276 §58A)			Counsel Contribution (211D § 2) <input type="checkbox"/> WAIVED \$	
	Arraigned and advised: <input type="checkbox"/> Potential of bail revocation (276 §58) <input type="checkbox"/> Right to bail to review (276 §58) <input type="checkbox"/> Right to drug exam (111E § 10)			Default Warrant Fee (276 § 30(1)) <input type="checkbox"/> WAIVED \$	
	Advised of right to jury trial <input type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive			Default Warrant Arrest Fee (276 § 30 (2)) <input type="checkbox"/> WAIVED \$	
	Advised of trial rights as pro se (Dist. Ct. Supp.R.4)			Probation Supervision Fee (276 § 87A) <input type="checkbox"/> WAIVED \$	
	Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)			Bail Order Forfeited	
<b>SCHEDULING HISTORY</b>					
NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/ STOP
1	05/07/2009	Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
2	6-5-09	P.T.	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<b>PH</b>	
3			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
4			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
5			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
6			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
7			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
8			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
9			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
10			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
<b>APPROVED ABBREVIATIONS</b> ARR = Arraignment PTH = Probable cause hearing DCE = Discovery compliance & jury selection BTR = Bond trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review SRP = Status review of payments FAT = First appearance in jury selection SEN = Sentencing CWF = Continuance without finding scheduled to terminate PRO = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.					
A TRUE COPY ATTEST:		CLERK-MAGISTRATE / ASST CLERK <b>X</b>	TOTAL NO. OF PAGES <b>4</b>	ON (DATE) <b>6-17-19</b>	



CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Gilberto A Lourenco		DOCKET NUMBER 0958CR000932		
COUNT / OFFENSE 1 LICENSE SUSPENDED, OP MV WITH c90 §23		DISPOSITION DATE AND JUDGE <i>Byrne</i> 6/17/19				
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input checked="" type="checkbox"/> Dismissed upon: <input checked="" type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until; <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until; <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION		JUDGE	DATE	
		<input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				
COUNT / OFFENSE		DISPOSITION DATE AND JUDGE				
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until; <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until; <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION		JUDGE	DATE	
		<input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				
COUNT / OFFENSE		DISPOSITION DATE AND JUDGE				
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until; <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until; <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION		JUDGE	DATE	
		<input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				



<b>CRIMINAL DOCKET</b>	DEFENDANT NAME <b>Gilberto A Lourenco</b>	DOCKET NUMBER <b>0958CR000932</b>
<b>DOCKET ENTRIES</b>		

DATE	DOCKET ENTRIES
MAY - 7 2009	Motion of Probation Violation & Hearing - Filed
5-9-19	Request for ICE habeas to issue - Motion attached - <del>filed</del>
6-6-19	Dispo - <del>filed</del> - <del>filed</del>
06/06/19	Not transported on #-1125 this date.
	used Habeas to Issue ICE Boston Field Office in the names of:
	Gilberto Lourenco AKA Gilberto Pereira - Brito and Gilberto Brito set: 06/17/2019 - Status.
	Judge Leoney Atty Thomas, Atty Petta.
6/17/19	1st Session (10:05) Byrne Remit any outstanding issues Sgt. Salucci - Atty Thomas. DISMISSED lack of prosecution

**APPROVED ABBREVIATIONS**  
 ARR = Arraignment    PTH = Pretrial hearing    DCE = Discovery compliance & jury selection    BTR = Bench trial    JTR = Jury trial    PCH = Probable cause hearing    MCH = Motion hearing    SRE = Status review  
 SRP = Status review of payments    FAT = First appearance in jury session    SEN = Sentencing    CWF = Continuance without finding scheduled to terminate    PRO = Probation scheduled to terminate  
 DFTA = Defendant failed to appear & was defaulted    WAR = Warrant issued    WARD = Default warrant issued    WR = Warrant or default warrant recalled    PVH = Probation revocation hearing.

