UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

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GILBERTO PEREIRA BRITO, FLORENTIN AVILA LUCAS, JACKY CELICOURT, et al. Petitioners, v. WILLIAM P. BARR, U.S. Attorney General, et al.,) Respondents.

C.A. No. 1:19-cv-11314-PBS

STATUS REPORT REGARDING **DETENTION STATUS OF NAMED PETITIONERS**

Pursuant to this Court's request during the Status Conference held on June 26, 2019, the undersigned counsel submits this status report to update the Court as to the detention status of Petitioners Florentin Avila Lucas ("Lucas") and Jacky Celicourt ("Celicourt).¹

Immigration and Customs Enforcement ("ICE") has advised the Department of Justice that, on June 28, 2019, it revisited the custody of Petitioners Lucas and Celicourt and issued a new Notice of Custody Determination ("Form I-286") for each. See Exs. A, B. With respect to Petitioner Lucas, ICE determined that he may be released upon payment of a \$3,000 bond, and, in the case of Petitioner Celicourt, ICE determined that he may be released upon payment of a \$5,000 bond. Id. The corresponding Form I-286s reflect that neither Petitioner Lucas nor Petitioner Celicourt requested review of these new custody determinations before an immigration

¹ As Respondents previously advised the Court, ICE released Petitioner Gilberto Pereira Brito on June 25, 2019. See ECF No. 32 at Ex. A.

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judge. *Id.* ICE has further advised that Petitioner Lucas posted bond on the day of this filing and has now been released from custody.²

Based on the Court's statements during the June 26, 2019 status conference hearing, Respondents understand that responses to the individual petitions are no longer necessary insofar as two of the three Petitioners have now been released, and none of the Petitioners continues to be detained based on the result of a custody redetermination hearing before an immigration judge.³ June 26, 2019 Tr. 12:15-14:1; *cf.* ECF No. 34 (Electronic Clerk's Notes reflecting that the Government should file a response to the individual petitioners by July 8, 2019). Accordingly, unless the Court directs otherwise, Respondents will forego filing responses to the individual petitions on July 8, 2019, and will, instead, proceed to file their opposition to Petitioners' Motion for Class Certification by July 19, 2019, as directed by the Court during the June 26, 2019 status conference hearing. *See* ECF No. 34.

DATE: July 1, 2019

Respectfully submitted,

JOSEPH H. HUNT Assistant Attorney General Civil Division

WILLIAM C. PEACHEY Director Office of Immigration Litigation District Court Section

ELIANIS N. PÉREZ Assistant Director

² The Department of Justice has not yet been informed whether Petitioner Celicourt has posted bond and been released, but will promptly advise the Court if and when this occurs.

³ As noted above, it appears Petitioner Celicourt is not seeking review of ICE's new custody determination before an immigration judge. *See* Ex. B. As such, the issue of which party bears the burden of proof at custody redetermination hearing (and whether due process requires consideration of specific factors) is no longer at issue in his case.

J. MAX WEINTRAUB Senior Litigation Counsel

HUY M. LE TRIAL ATTORNEY

<u>/s/ C. Frederick Sheffield</u> C. FREDERICK SHEFFIELD Senior Litigation Counsel Florida Bar No. 59505 Senior Litigation Counsel United States Department of Justice, Civil Division Office of Immigration Litigation – DCS P.O. Box 868, Ben Franklin Station Washington, DC 20044 (202) 532-4737 Carlton.f.sheffield@usdoj.gov

Attorneys for Respondents

CERTIFICATE OF SERVICE

I, C. Frederick Sheffield, Trial Attorney for the Department of Justice Office of Immigration Litigation, hereby certify that this document filed through the ECF system 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.

<u>/s/ C. Frederick Sheffield</u> C. Frederick Sheffield

Dated: July 1, 2019

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EXHIBIT A

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DEPARTMENT OF HOMELAND SECURITY NOTICE OF CUSTODY DETERMINATION

Alien's Name: AVILA-LUCAS, FLORENTIN	A-File Number:
	Date: 06/28/2019
Event ID:	Subject ID:
Pursuant to the authority contained in section 236 of the Federal Regulations, I have determined that, pending a	ne Immigration and Nationality Act and part 236 of title 8, Code of a final administrative determination in your case, you will be:
Detained by the Department of Homeland Secu	
x] Released (check all that apply):	х. Х
x Under bond in the amount of \$ 3,000	
On your own recognizance.	
Under other conditions. [Additional docume	nt(s) will be provided.]
WESLING, D 7266	06/28/2019 09:17 AM
Name and Signature of Authorized Officer	Date and Time of Custody Determination
SDDO	ICE ERO Boston Field Office 1000 District Avenue Burlington, MA US 01803
Title	Office Location/Address
You may request a review of this custody determination	by an immigration judge.
I acknowledge receipt of this notification, and	
Ido request an immigration judge review of	of this custody determination.
🔀 Ido not request an immigration judge revi	iew of this custody determination.
the state of the s	
Floro NTIL HAVITA WGS Signature of Alien	06/28/19
The contents of this notice were read to AVILA-LUCAS, FLORE (Name of	
Mapril Plut	(Name of Language)
Name and Signature of Officer	Name or Number of Interpreter (if applicable)
D.O.	
Title .	

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EXHIBIT B

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DEPARTMENT OF HOMELAND SECURITY NOTICE OF CUSTODY DETERMINATION

Alien's Name: CELICOURT, JACKY	A-File Number: 2
· · ·	Date: 01/16/2019
Event ID:	Subject ID: 3
Pursuant to the authority contained in section 236 of the Federal Regulations, I have determined that, pending a	Immigration and Nationality Act and part 236 of title 8, Code of final administrative determination in your case, you will be:
Detained by the Department of Homeland Securi	ty.
x Released (check all that apply):	,
X Under bond in the amount of \$ 5,000	
On your own recognizance.	
Under other conditions - [Additional documen	t(s) will be provided.]
Name and Signature of Authorized Officer	Date and Time of Custody Determination
SDDO	ICE ERO Boston Field Office 1000 District Avenue Burlington, &
Title	Office Location/Address
You may request a review of this custody determination b	by an immigration judge.
I acknowledge receipt of this notification, and	
Ido request an immigration judge review of	this custody determination.
Ido not request an immigration judge revie	w of this custody determination.
auterfront	1/20/19
Signature of Alien	Date
/ (
The contents of this notice were read to CELICOURT, JACKY (Name of	Alien) in the language.
Muchues Plus	
Name and Signature of Officer	Name or Number of Interpreter (if applicable)
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