

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

ESTEVES CELESTINO, CHARLLES GUSTAVO)

Petitioner,)

v.)

AMY BONCHER, Warden for FCI Berlin,)

PATRICIA HYDE, Field Office Director,)

MICHAEL KROL, HSI New England Special)

Agent in Charge,)

TODD LYONS, Acting Director U.S. Immigrations)

and Customs Enforcement,)

KRISTI NOEM, Secretary of Homeland Security,)

PAMELA BONDI, Attorney General of the U.S,)

And DONALD TRUMP, President of the U.S.)

Case No. 25-544

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Charles Gustavo Esteves Celestino is a native and citizen of Brazil. Petitioner entered the United States without inspection at an unknown place at an unknown time. He was detained by ICE on November 22, 2025 at the Abington Police department in Abington, Massachusetts, and then issued an NTA dated November 22, 2025, charging him with violating 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). He is currently in custody at FCI Berlin in Berlin, New Hampshire and has a custody redetermination hearing on December 30, 2025, before Immigration Judge Natalie Smith at the Chelmsford Immigration Court in Chelmsford, Massachusetts.
2. Documents provided by ICE state that petitioner had previously been in immigration court proceedings and that those proceedings were terminated on May 1, 2025.

3. Petitioner's Special Immigrant Juvenile I-360 was granted with deferred action on April 4, 2025.
4. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
5. Petitioner asks this Court to find that he was unlawfully detained and order his release.
6. Petitioner may be a member of the class certified in *Guerrero Orellana v. Moniz*, No. 25-CV-12664-PBBS, 2025 WL 3033769 (D. Mass. Oct. 30, 2025), as well as the class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment (citing *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (granting partial summary judgment to named Plaintiff-Petitioners))).

JURISDICTION

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
8. Venue is proper because Petitioner is detained and still in the state of New Hampshire to the best of our knowledge.

PARTIES & FACTS ALLEGED

9. The petitioner Charles Gustavo Esteves Celestino is a native and citizen of Brazil.
10. The petitioner currently resides at FCI Berlin at 1 Success Loop Road, Berlin, New Hampshire 03570.

11. The petitioner entered the United States without inspection at an unknown date and unknown time.
12. The petitioner was taken into custody by ICE on November 22, 2025.
13. The petitioner was issued a Notice to Appear dated November 22, 2025.
14. The petitioner has a bond hearing scheduled for December 30, 2025, before Immigration Judge Natalie Smith at the Chelmsford Immigration Court in Chelmsford, Massachusetts.
15. The petitioner's A number is 
16. Respondent Amy Boncher is the Warden for FCI Berlin and is, to the best of our knowledge, petitioner's immediate custodian.
17. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
18. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
19. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
20. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
21. Respondent Pamela Bondi is the Attorney General of the United States.
22. Respondent Donald J. Trump is the President of the United States.
23. All respondents are named in their official capacities.
24. On information and belief, Petitioner is currently in custody in the District of New Hampshire, and one or more of the Respondents is his immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

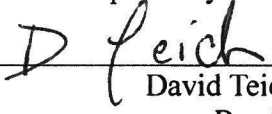
25. On information and belief, Petitioner was arrested in Maine and then placed in custody at FCI Berlin in New Hampshire without cause and in violation of his constitutional rights to due process of law.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- 1) Assume jurisdiction over this matter.
- 2) Order that Petitioner shall not be transferred outside the District of New Hampshire.
- 3) Issue an Order to Show Cause ordering 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,



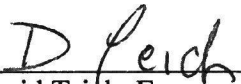
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Counsel for Petitioner

Dated: December 22, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Cristovao Lumano, and I submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 22nd day of December, 2025.



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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 with enclosed supplemental evidence upon the following by first-class mail, postage prepaid, and/or by electronic filing through the Court's CM/ECF, PACER system.