

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

**CHARLES GUSTAVO ESTEVES
CELESTINO,**

Petitioner,

v.

WARDEN, FCI Berlin et al.;

Respondents.

Civil No. 1:25-cv-00544-JL-AJ

RESPONSE IN OPPOSITION TO PETITION

Respondents by and through their attorney, Erin Creegan, United States Attorney for the District of New Hampshire, submit this response in opposition to Charles Gustavo Esteves Celestino's ("Petitioner") Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (the "Petition"). DN 1.¹ For the reasons set forth herein, the Court should deny the Petition.

INTRODUCTION

This Court cannot extend the writ of habeas corpus unless an individual demonstrates he "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner asks this Court to declare his detention unlawful but fails to

¹ Respondents respond to the Petition as contemplated by Rules 4 and 5 of the Federal Rules Governing Section 2254. See Rule 1(b) ("The district court may apply any or all of these rules to a habeas corpus petition...").

articulate any facts or legal authority upon which this Court could make such a finding. He has thus failed to meet his burden and the Court must deny his Petition.

STANDARD OF REVIEW

It is axiomatic that “[t]he district courts of the United States . . . are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil Corp. v. Allopach Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). The Supreme Court has recognized that § 2241(c)(3) confers on the District Court jurisdiction to hear habeas corpus challenges to the legality of the detention of aliens. *Rasul v. Bush*, 542 U.S. 466, 483-84 (2004) (“[Alien] Petitioners contend that they are being held in federal custody in violation of the laws of the United States. . . . Section 2241, by its terms, requires nothing more.”); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (“We note at the outset that the primary federal habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.” (citing 28 U.S.C. § 2241(c)(3))).

To warrant a grant of writ of habeas corpus, the burden is on the petitioner to prove that his custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Espinoza v. Sabol*, 558 F.3d 83, 89 (1st Cir. 2009) (“The burden of proof of showing deprivation of rights leading to an unlawful detention is on the petitioner.”) (citing *Walker v. Johnston*, 312 U.S. 275, 286, 61 S.Ct. 574, 85 L.Ed. 830 (1941); *see also Waddington v. Sarausad*, --- U.S. ----, 129 S.Ct. 823, 831, 172 L.Ed.2d 532 (2009); *Smith v. Robbins*, 528 U.S. 259, 285-86, 120 S.Ct. 746, 145 L.Ed.2d 756 (2000); *Bader v. Warden*, 488 F.3d 483, 488 (1st Cir. 2007)).

BACKGROUND

According to the Petition, Petitioner is a native and citizen of Brazil who entered the United States without inspection at an unknown place and time. Pet. ¶ 1. The Petition is silent as to the duration of Petitioner's unlawful presence in the United States or as to prior contacts with immigration authorities. Petitioner alleges that he was taken into ICE custody on November 22, 2025 in Abington, Massachusetts, and was issued a Notice to Appear ("NTA") the same day. *Id.* He has a custody redetermination hearing scheduled before an Immigration Judge ("IJ") on December 30, 2025. *Id.* Petitioner is detained at FCI Berlin. *Id.*

ARGUMENT

The Petition asks this Court in conclusory fashion to declare Petitioner's detention unlawful but fails to articulate any cognizable claim for relief. Petitioner does not expressly articulate the legal premise under which he believes his detention is unlawful. He does not assert that he is entitled to a bond hearing by statute nor does he set forth a substantive or procedural due process argument. Petitioner avers that he "may be a member of the class certified in *Guerrero Orellana v. Moniz*, No. 25-cv-12664-PBS, 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)." Pet.

¶ 6. However, the Petition fails to allege facts that would establish that Petitioner meets the criteria for membership in either certified class.

The burden is on Petitioner to establish that his detention is in violation of the Constitution, laws, or treatises of the United States. Because he has failed to do so, the Court must deny the Petition.

CONCLUSION

Petitioner's claims are neither adequately developed nor supported by the bare bones factual allegations set forth in the Petition. As such, the Court should deny the Petition or, alternatively, direct Petitioner to amend the Petition to fully develop his legal and factual arguments and permit Respondents additional time to respond.

Dated: December 28, 2025

Respectfully submitted,

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