

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

ORLANDINO DA SILVA,	)	
	)	
Petitioner,	)	
	)	
v.	)	4:13-cv-01525-MHH
	)	
DEPARTMENT OF HOMELAND SECURITY,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

This is an action on a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner Orlandino Da Silva challenges his detention pending his removal from the United States pursuant to the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq. (Doc. 1). On September 2, 2014, the magistrate judge to whom the action was referred for preliminary review entered a report pursuant to 28 U.S.C. § 636(b), recommending that the Court deny Mr. Da Silva’s application for habeas relief. (Doc. 11). Specifically, the magistrate judge concluded that Mr. Da Silva’s claims contesting his detention fail because his extended period of detention is a consequence of his failing to cooperate with the removing authorities. (Doc. 11).

Mr. Da Silva has filed an affidavit in which he objects to the magistrate judge’s report and recommendation. (Doc. 12). He challenges his continued detention, but he offers no evidence or argument supporting his release. In fact, the attachments to the affidavit show that as recently as July 21, 2014, Mr. Da Silva still refused to cooperate with authorities from the Consulate of Brazil, making it impossible for those authorities to issue a travel document for Mr. Da Silva. (Doc. 12, p. 3). The instruction sheet attached to Mr. Da Silva’s affidavit sets forth in detail the steps that Mr. Da Silva must take to work with ICE to obtain travel documents. (Doc.

12, p. 5; *see also* Doc. 10, pp. 14, 18, 21). The record contains no evidence that Mr. Da Silva has complied with these instructions.

The Court has carefully reviewed and considered de novo all the materials in the court file, including the findings and recommendation of the magistrate judge and Mr. Da Silva's submission in the nature of an objection.<sup>1</sup> Based on this review, the Court adopts the magistrate judge's findings and accepts his recommendation. The Court overrules Mr. Da Silva's objection. As a result, the Court denies Mr. Da Silva's application for a writ of habeas corpus. The Court will enter a separate final judgment.

DONE and ENTERED this 31<sup>st</sup> day of October, 2014.



MADELINE HUGHES HAIKALA  
U.S. DISTRICT JUDGE

---

<sup>1/</sup> Mr. Da Silva filed a motion for additional time in which to file objections to the magistrate judge's report and recommendation. (Doc. 13). The magistrate judge granted the motion and ordered Mr. Da Silva to file his objections on or before October 23, 2014. (Doc. 14). The Court has not received additional objections from Mr. Da Silva.