

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HERMOGENES M. MONTEIRO,)	
Petitioner,)	
)	
v.)	C.A. No. 13-11911-PBS
)	
STEVE SOUZA, Superintendent)	
Respondent.)	

SERVICE ORDER

SARIS, C.J.

On August 6, 2013, petitioner Hermogenes Monteiro, an immigration detainee at the Bristol County House of Correction, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 naming the following individuals as respondents: Eric H. Holder, Attorney General of the United States; Janet Napolitano, Secretary of Homeland Security; and Dorothy Herrera-Niles, ICE Field Director. With the petition, Monteiro filed a motion for appointment of counsel and a motion for leave to proceed in forma pauperis.

ACCORDINGLY, this Court hereby orders that:

1. Petitioner's motion (#3) for leave to proceed in forma pauperis is granted.
2. Steve Souza, Superintendent of the Bristol County House of Correction, shall be the sole respondent in this action. See Rumsfeld v. Padilla, 542 U.S. 426, 439 (2004) (immediate custodian of petitioner is proper respondent in habeas action); Vasquez v. Reno, 233 F.3d 688, 696 (1st Cir. 2000) (same, as applied to immigration detainee immediate custodian of petitioner is proper respondent in habeas action).
3. The Clerk of this Court shall serve a copy of the Petition upon the United States Attorney for the District of Massachusetts and Steve Souza, Superintendent of the Bristol

County House of Correction, 400 Faunce Corner Road, North
Dartmouth, MA 02747.

4. The Respondent shall, within 21 days of this Order, file an answer or other responsive pleading.
5. The Respondent shall provide the Court with at least 48 hours (i.e. two (2) business days) notice prior to any removal of petitioner from the jurisdiction.
6. Petitioner's motion (#2) for appointment of counsel is denied without prejudice to renew after respondent has filed a responsive pleading to the petition.

SO ORDERED.

August 19, 2013

DATE

/s/ Patti B. Saris

PATTI B. SARIS

Chief, U.S. District Judge