

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
POTTA YOU,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 17-10484-NMG
)	
THOMAS M. HODGSON,)	
<i>Sheriff of Bristol County Jail and House of Correction,</i>)	
)	
Respondent.)	
_____)	

MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Now comes the Respondent, Thomas M. Hodgson, as Sherriff of Bristol County Jail and House of Correction, by and through his attorney, William D. Weinreb, Acting U.S. Attorney for the District of Massachusetts, and moves the Court to dismiss the Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 filed by Petitioner Potta You (“Petitioner”). Petitioner is detained by the Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), and seeks relief from his detention through timely removal from the United States to Cambodia. Petitioner alleges that his recent detention pending execution of his final order of removal dates from August 19, 2016, and is therefore in excess of the presumptively lawful six-month detention limit allowed by the Supreme Court in Zadvydas v. Davis, et al., 533 U.S. 678, 701 (2001) (recognizing six months as a presumptively reasonable period of post-final order detention within which to allow the government to accomplish an alien’s removal). As set forth in the Memorandum of Law in support of this motion and the Declaration of Anthony Ciuella, Acting Assistance Field Officer Director with ICE’s Enforcement and Removal Operations, filed and served herewith, Petitioner’s removal is to be effectuated in the reasonably foreseeable future – specifically on or before May 10, 2017 – and, as such, his detention remains lawful

Motion allowed. T.M. Gorton, USDJ 5/10/17