

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW
HAMPSHIRE

Henzo Requelme De Pina Tavares v. U.S. Immigration and Customs
Enforcement and Removal Operations, Field Office Director et al.

Tavares, 2026 DNH 058 P (D. N.H. 2026) · No. Civil No. 26-cv-00222-LM-AJ · Decided May 18, 2026

SUMMARY

The United States District Court for the District of New Hampshire denied without prejudice Henzo Requelme De Pina Tavares's amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that he had not exhausted available administrative remedies concerning his post-acquittal bond claim, that his prolonged-detention and adjustment-of-status due process claims lacked merit, and that his statutory claims under 8 U.S.C. §§ 1231 and 1255 did not warrant relief.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Landya B. McCafferty
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	May 18, 2026
DOCKET	Civil No. 26-cv-00222-LM-AJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging civil immigration detention and alleged interference with an adjustment-of-status application.
STANDARD OF REVIEW	Under 28 U.S.C. § 2241(c)(3), habeas relief is available for custody violating the Constitution, laws, or treaties of the United States. Because the material facts were undisputed, the court resolved the petition on the merits without an evidentiary hearing; the petitioner bore the burden of proving unlawful confinement.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Henzo Requelme De Pina Tavares v. U.S. Immigration and Customs Enforcement and Removal Operations, Field Office Director et al.

TOPICS

immigration detention

removal proceedings

adjustment of status

procedural due process

exhaustion of remedies

PRACTICE AREAS

immigration

immigration detention

habeas corpus

administrative law

constitutional law

QUESTIONS PRESENTED

1. Whether Tavares's approximately seven-month detention violated due process because it had become unreasonably prolonged.
2. Whether Tavares's acquittal after his initial bond hearing constituted a material change in circumstances requiring release or a new bond hearing.
3. Whether detention and the alleged failure to facilitate Tavares's USCIS interview violated a protected liberty or property interest under the Fifth Amendment.
4. Whether Tavares's detention violated 8 U.S.C. §§ 1231 or 1255 and related regulations.
5. Whether Tavares's request for an order facilitating a future USCIS interview was moot after he attended the rescheduled interview.

HOLDINGS

1. Tavares could not obtain habeas relief on his claim that his acquittal materially changed the bond circumstances because he did not allege that he requested and was denied a new bond hearing after the acquittal, and he did not show that pursuing that administrative remedy would be futile.
2. Tavares was not entitled to relief based on the alleged prolongation of his detention because the remedy for constitutionally prolonged detention is a bond hearing, he had already received a bond hearing, and he did not allege that the immigration judge failed to apply the required burden of proof.
3. Tavares's due-process claim based on his pursuit of adjustment of status failed because adjustment of status is discretionary and creates no protected property or liberty interest.
4. Tavares's § 1231 claim lacked merit because his detention was governed by § 1226, not § 1231, where he did not yet have a final order of removal.
5. Tavares was not entitled to release or other habeas relief based on missing an initial USCIS interview because the interview was rescheduled and attended, and the governing regulations permit USCIS to waive an interview when it determines one is unnecessary.

KEY QUOTATIONS

“The remedy for a prolonged detention is a bond hearing before an immigration judge at which the government bears the burden of proving that the [noncitizen] should not be released on bond.” (Discussion, Part II)

FACTUAL BACKGROUND

Tavares, a citizen of Cape Verde who entered the United States on a B-2 visa in 2018, overstayed and was placed in removal proceedings after ICE detained him in October 2025. An immigration judge denied bond based in part on then-pending criminal charges, and a subsequent bond request was denied for lack of materially changed circumstances. After Tavares was acquitted of the criminal charges in March 2026, he had not requested another bond hearing. He also pursued adjustment of status, missed an initial USCIS interview while detained, but attended a rescheduled interview before the court ruled.

PROCEDURAL HISTORY

Tavares filed an initial § 2241 petition on March 25, 2026, and amended it on April 13, 2026. Respondents moved to dismiss or otherwise objected. The district court resolved the petition on the undisputed factual record and denied the amended petition without prejudice, directing the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- *Cummings v. Fed. Corr. Inst., Berlin*, Civ. No. 22-cv-468-SM-AJ, 2024 WL 1256068, at *1 (D.N.H. Mar. 25, 2024)
- *Espinoza v. Sabol*, 558 F.3d 83, 89 (1st Cir. 2009)
- *Corado-Arriaza v. Lynch*, 844 F.3d 74, 75 n.1 (1st Cir. 2016)
- *Thomas v. Garland*, 25 F.4th 50, 51-52 (1st Cir. 2022)
- *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)
- *Hernandez-Lara v. Lyons*, 10 F.4th 19, 26, 41 (1st Cir. 2021)
- *Gimenez v. Hernandez*, No. 2:26-cv-00966-GJL, 2026 WL 1156075, at *8 (W.D. Wash. Apr. 29, 2026)
- *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 774 (N.D. Cal. 2019)
- *Brito v. Garland*, 22 F.4th 240, 255-56 (1st Cir. 2021)
- *Anversa v. Partners Healthcare Sys., Inc.*, 835 F.3d 167, 174-75 (1st Cir. 2016)
- *Williams v. Warden, FCI Berlin*, 793 F. Supp. 3d 412, 422 (D.N.H. 2025)
- *Fils-Aime v. FCI Berlin, Warden*, 808 F. Supp. 3d 218, 226 (D.N.H. 2025)
- *Smorodska v. Strafford Cnty. Dep't of Corr.*, Civ. No. 20-cv-446-JL, doc. no. 31 at 5 (D.N.H. May 14, 2020)
- *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)
- *G.P. v. Garland*, 103 F.4th 898, 901-02 (1st Cir. 2024)
- *Naeem v. Gonzales*, 469 F.3d 33, 38 (1st Cir. 2006)
- *Calderon Jimenez v. Mayorkas*, No. 18-cv-10225-MLW, 2025 WL 220511, at *1 (D. Mass. Jan. 16, 2025)
- *Gomes-Afonseca v. Lyons*, No. 26-cv-10215-AK, 2026 WL 538167, at *2 (D. Mass. Feb. 26, 2026)