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Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
625 Evans Street
Elizabeth, New Jersey 07201

In the Matter of)
)
)
Diego Ramos Moura)
)
In Removal Proceedings)
)

File No. A.242-424-643

Immigration Judge: **Addicott, Jacob T.** Next Hearing Date: **27 August, 2026 at 8:30AM**

RESPONDENT'S MOTION TO CHANGE VENUE

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COMES NOW, Otavio Haverroth Silva, counsel for the above-referenced Respondent, and respectfully moves this Court, pursuant to 8 C.F.R. § 1003.20, to transfer venue of the above-captioned proceedings from the Elizabeth Immigration Court to the Newark Immigration Court, located at 970 Broad Street, Room 1200, Newark, New Jersey 07102. Respondent further requests expedited consideration of this motion in light of the Master Hearing currently scheduled for August 27, 2026. In support of this motion, Respondent states as follows:

On August 8, 2026, officers of the U.S. Immigration and Customs Enforcement took Respondent into custody, and detained him at the Delaney Hall Detention Facility in Newark, New Jersey. That same day, DHS filed the Notice to Appear commencing these removal proceedings, and the case was docketed before the Elizabeth Immigration Court — the detained-docket court exercising jurisdiction over Respondent’s place of custody — before Immigration Judge Jacob T. Addicott, with a Master Hearing currently scheduled for August 27, 2026.

On Friday, August 21, 2026, Respondent was released from DHS custody pursuant to a petition for a writ of habeas corpus filed in the United States District Court for the District of New Jersey. Respondent is no longer detained. He now resides at a fixed, non-institutional address — 30 Broad

Street, Eatontown, New Jersey 07724 — and, through counsel, filed Form EOIR-33/IC with the Court on August 25, 2026 pursuant to 8 C.F.R. § 1003.15(d). Undersigned counsel entered his appearance the same day (Form EOIR-28). No pleadings have been taken and no individual hearing has been scheduled; the only hearing set to date is the August 27, 2026 Master Hearing.

Venue “shall lie at the Immigration Court where jurisdiction vests pursuant to § 1003.14,” and an Immigration Judge may change venue “for good cause” upon motion of either party, after the opposing party has had an opportunity to respond. 8 C.F.R. § 1003.20(a)-(b). No change of venue may be granted “without identification of a fixed street address ... where the respondent/applicant may be reached for further hearing notification.” 8 C.F.R. § 1003.20(c). “Good cause” is determined by balancing administrative convenience, expeditious treatment of the case, and factors commonly associated with the respondent’s place of residence. *Matter of Rahman*, 20 I&N Dec. 480, 482–83 (BIA 1992).

Good cause exists for the requested transfer. The sole basis for venue in the Elizabeth Immigration Court was Respondent’s physical custody within its jurisdiction; that basis no longer exists now that Respondent has been released and is subject to no further DHS custody in connection with this case. Respondent is now a non-detained respondent residing at a fixed address in New Jersey, and the Newark Immigration Court — the non-detained forum for respondents in his circumstances — is the appropriate venue going forward, allowing him to meaningfully participate in his defense without the burdens of a court oriented around detained proceedings. No prejudice results from transfer at this early stage: no pleadings have been taken and no individual hearing has been scheduled beyond the pending Master Hearing, and DHS is equally able to appear before the Newark Immigration Court. Respondent has satisfied the procedural prerequisites of 8 C.F.R. §§ 1003.20(c) and 1003.15(d) by identifying a fixed address and filing Form EOIR-33/IC.

Given the proximity of the August 27, 2026 Master Hearing, Respondent respectfully requests expedited consideration of this motion. Filing this motion does not excuse compliance with the current hearing schedule, and Respondent and counsel will appear as scheduled unless and until this motion is granted; should the Court not rule beforehand, Respondent respectfully requests that the Court address this motion, and Respondent’s change in custodial status, at that hearing.

For the foregoing reasons, Respondent respectfully requests that this Honorable Court:

- (a) grant this Motion to Change Venue;
- (b) order the transfer of venue in the above-captioned removal proceedings from the Elizabeth

Immigration Court to the Newark Immigration Court; and

(c) grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



Otavio Silva (Bar N. 343486)

Attorney at Law

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San Diego, CA 92169

Counsel for Respondent

Proof of Service

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

RESPONDENT'S MOTION TO CHANGE VENUE

To the following:

Office Location:	Mailing Address:
Office of the Principal Legal Advisor Department of Homeland Security Elizabeth Detention Facility 625 Evans Street, Room 135 Elizabeth, NJ 07201	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor, Elizabeth Elizabeth Detention Facility 625 Evans Street, Room 135 Elizabeth, NJ 07201

by:

☒ Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



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