

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ERIC TOWET,

Petitioner,

v.

CASE NO. 17-3033-JWL

**IMMIGRATION AND CUSTOMS
ENFORCEMENT,**

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for writ of habeas corpus filed under 28 U.S.C. § 2241. Petitioner is a detainee currently held at the Butler County Jail, El Dorado, Kansas, under an order of removal to Kenya. Petitioner's travel document request has been pending since June 13, 2016, and messages and telephone calls to the Kenya Consulate by ICE personnel have been unanswered or returned as undeliverable.

By a Memorandum and Order entered on May 26, 2017, the Court found that the record did not show progress in obtaining the necessary travel documents for Petitioner's removal and that the presumptively valid period of six months' detention ended on or about November 1, 2016. Accordingly, the Court ordered Respondent to rebut the record and show that Petitioner's removal in the foreseeable future is likely.

Respondent filed a timely response (Doc. #19). The declaration prepared by the Deportation Officer shows that on May 30, 2017, the Point of Contact at ICE Headquarters advised that he is "attempting to arrange face-to-face interviews with the Embassy of Kenya, for

many Kenya nationals with Final Orders.”¹ An effort to contact the Immigration Officer at the Kenya Consulate on June 14, 2017, was unsuccessful.²

The Court directs the parties to file status reports with the Court by July 12, 2017. If Respondent has not obtained travel documents or scheduled a face-to-face interview with the Embassy of Kenya by that date, the Court is inclined to grant the petition. Petitioner’s release will be subject to supervision in accordance with 8 U.S.C. § 1231(a)(3), and any other terms and conditions requested by Respondent that the Court deems appropriate. Any such requests by Respondent shall be included in the status report.

IT IS THEREFORE BY THE COURT ORDERED that the parties shall file a joint status report or separate status reports by **July 12, 2017**.

IT IS SO ORDERED.

Dated this 27th day of June, 2017, at Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE

¹ Doc. 20, Attach., decl. of Katy Cassell, p. 9, par. 54.

² *Id.*, p. 10, par. 55.