

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION  
AT COVINGTON

CIVIL ACTION NO. 2011-217 (WOB-CJS)

MANUEL DE JESUS FAMILIA ROSARIO

PETITIONER

VS.

ORDER

EDWARD PRINDLE, In his official  
Capacity as Elected Jailer for the  
Boone County Jail;  
SHERIFF MICHAEL A. HELMIG, In his  
Official capacity as Sheriff of  
Boone County, Kentucky;  
RICARDO WONG, In his official  
Capacity as Kentucky Field Office  
Director, United States Immigration  
And Customs Enforcement;  
JANET NAPOLITANO, In her official  
Capacity as Secretary of the  
U.S. Department of Homeland Security;  
AND  
ERIC HOLDER, In his official  
Capacity as Attorney General of  
United States of America

RESPONDENTS

This matter is before the Court on the Report and  
Recommendation of the United States Magistrate Judge (Doc. #23),  
the respondents' objections filed thereto (Doc. #25), and  
petitioner's response to such objections (Doc. #26), and the  
court being sufficiently advised,

**IT IS ORDERED** that the objections to the Report and  
Recommendation of the Magistrate Judge be, and they are, hereby  
**overruled**; that the Report and Recommendation be, and it hereby

is, **adopted** as the findings of fact and conclusions of law of this Court; that respondents' motion to dismiss be, and it hereby is, **denied**; that the petitioner's petition for writ of habeas corpus be, and it hereby is, **granted in part** to the extent he requests the Immigration Court hold an individualized bond hearing, pursuant to 8 U.S.C. Section 1226(a); and **denied in part** as to his request for immediate release and for an award of attorney's fees; and that this matter is hereby remanded to the Immigration Court to provide Petitioner an individualized bond hearing, pursuant to 8 U.S.C. Section 1226(a) within fourteen (14) days of the date of this Order.

This 4<sup>th</sup> day of January, 2012.



**Signed By:**

**William O. Bertelsman** *WOB*

**United States District Judge**