

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTOINE TEEL,

Petitioner,

v.

CASE NO. 2:08-CV-13172
MARIANNE O. BATTANI

CARMEN PALMER,

Respondent.

ORDER DENYING PETITIONER'S EMERGENCY MOTION FOR BOND

This matter is before the Court on Petitioner's motion for release on bond. Petitioner has filed his petition for writ of habeas corpus and supporting materials, and Respondent has filed an answer to the petition contending that it should be denied. The Court has conducted a preliminary review of the case, but has yet to rule on the petition. Petitioner seeks release on bond because his case has been pending for more than one year, he has served one-third of his sentence, he is not a flight risk, and he believes that his claims are meritorious.

The United States Court of Appeals for the Sixth Circuit has stated that to receive bond pending a decision in a federal habeas case,

[P]risoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of 'some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.' *Aronson v. May*, 85 S. Ct. 3, 5; 13 L. Ed. 2d 6, 9 (1964) [additional citations omitted]. There will be few occasions where a prisoner will meet this standard.

Lee v. Jabe, 989 F.2d 869, 871 (6th Cir. 1993) (quoting *Dotson v. Clark*, 900 F.2d 77, 79 (6th

Cir. 1990)). Federal district courts may grant bail when granting the writ. *See Sizemore v. District Ct.*, 735 F.2d 204, 208 (6th Cir. 1984). However, to grant bond prior to making a determination on the merits is extraordinary. *See Moore v. Egeler*, 390 F. Supp. 205, 207 (E.D. Mich. 1975) (Feikens, J.). This is not such a case. The Court is not persuaded that the interests of justice require release on bond pending resolution of the case.

Accordingly,

IT IS ORDERED that Petitioner's motion is **DENIED**.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: April 6, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record.

s/Bernadette M. Thebolt
Case Manager