

CASE CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KASTRIOT BACUKU,

Plaintiff,

v.

OSCAR AVILES, et al.,

Defendants.

Civil Action No. 16-1388 (MCA)

MEMORANDUM AND ORDER

This matter having been opened by Petitioner Kastriot Bacuku's Petition for a writ of habeas corpus challenging his detention pursuant to 28 U.S.C. § 2241 (Civ. Act. No. 16-1388, ECF Nos. 1-2.) It appearing that:

1. On April 9, 2015, Petitioner, proceeding through counsel, filed a Petition for a writ of habeas corpus in the United States District Court for the District of New Jersey, challenging his prolonged detention pursuant to 28 U.S.C. § 2241. (*See* Civ. Act. No. 15-2543, ECF No. 1 (hereafter referred to "*Bacuku I*").) On May 6, 2015, this Court ordered the Respondent to file its response. (*Bacuku I*, ECF No. 2.) Respondent filed its response on July 20, 2015, and Petitioner's counsel filed a reply on his behalf on August 18, 2015. (*Id.*, ECF Nos. 9, 11.) The Court subsequently ordered supplemental briefing, which was completed on November 4, 2015. (*Id.*, ECF Nos. 15-17.) On March 2, 2016, the Court issued an Opinion and Order, granting the writ of habeas corpus and ordering a bond hearing for Petitioner to be held by an Immigration Judge within 10 days of the Court's Order. (*Id.*, ECF Nos. 20-21.) On March 9, 2016, Assistant United States Attorney Frances C. Bajada informed the Court that an Immigration Judge had conducted an individualized bond hearing for Petitioner on March 8, 2016 and determined that

he may be released from custody upon the posting of a \$7500.00 bond. (*Id.*, ECF No. 22, Letter from AUSA Bajada.) The letter also informed the Court that Petitioner “posted bond and was released.” (*Id.*)

2. While *Bacuku I* was pending, Petitioner, proceeding *pro se*, filed the instant Petition, along with an application for *in forma pauperis* (“IFP”) status, in the Southern District of New York, challenging his prolonged detention under 28 U.S.C. § 2241 (*See* Civ. Act. No. 16-1388 (hereafter referred to as *Bacuku II*.) *Bacuku II* was docketed in the Southern District of New York on January 12, 2016. (*See id.*, ECF Nos. 1-3.) The District Court for the Southern District of New York granted Petitioner’s IFP application, ordered Respondents to file a response (1) addressing the Court’s jurisdiction and (2) whether the matter should be transferred to this District, where *Bacuku I* was then pending. (*Id.* at ECF Nos. 4, 6.) After receiving the Government’s response on February 18, 2016, the District Court for the Southern District of New York transferred *Bacuku II* to the District of New Jersey on March 1, 2016, and it was assigned to the undersigned. (*Id.* at ECF Nos. 8, 10.)

3. As noted above, this Court granted Petitioner a bond hearing in *Bacuku I* on March 2, 2016, and Petitioner was released on bond on March 8, 2016. (*Bacuku I*, ECF Nos. 20-22.)

4. This Court has reviewed *Bacuku II* and finds that the Petition should be dismissed as the Petitioner is no longer in custody, having already received a bond hearing and having been released on bond (*see Bacuku I*, ECF No. 22), which is the only relief he is entitled to in this habeas action.

IT IS THEREFORE on this 4 day of May, 2016

ORDERED that the Petition for a Writ of Habeas Corpus is dismissed because Plaintiff has already received the relief requested and has been released on bond; and it is further

ORDERED that the Clerk is to serve a copy of this Order on Petitioner and mark this case as CLOSED.



Madeline Cox Arleo, District Judge
United States District Court