

NOT FOR PUBLICATION

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

MIGUEL ANGEL AVILA-MORALES, :
 :
 : Civil Action No. 16-2795 (SRC)
 :
 : Petitioner, :
 :
 :
 :
 : v. : **OPINION**
 :
 : CHARLES GREEN, :
 :
 : Respondent. :
 :
 : _____


CHESLER, District Judge

This matter comes before the Court upon Petitioner Avila-Morales's ("Petitioner") Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (Pet., ECF No. 1.) Petitioner has been in detention pursuant to 8 U.S.C. § 1226(c), detention of a criminal alien pending removal proceedings, since October 26, 2015. (Id.) Respondent filed a letter response asserting that Respondent does not object to the Court entering an order remanding this matter to the Immigration Court for a bond hearing under 8 C.F.R. § 1003.19(c). (Letter Response, ECF No. 3.)

Petitioner is entitled to a bond hearing pursuant to Chavez-Alvarez v. Warden York County Prison, 783 F.3d 469, 478 (3d Cir. 2015) (holding that the Due Process Clause limits the Government's authority to detain an alien under 8 U.S.C. § 1226(c) without a

bond hearing because, as the length of detention grows, the burden on the alien's liberty outweighs any justification for detention without consideration of bond). The appropriate relief is to order a bond hearing before an Immigration Judge. See Id. at 477 n.12. An appropriate Order follows.

DATED: 6/28, 2016


STANLEY R. CHESLER
United States District Judge