

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

GUADALUPE PINA,	:	
Petitioner,	:	Civ. No. 16-4280 (KM)
v.	:	
TISH CASTILLE,	:	MEMORANDUM AND ORDER
Respondent.	:	

The petitioner, Guadalupe Pina, is an immigration detainee currently lodged at the Hudson County Correctional Facility in Kearny, New Jersey. She is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 that challenges her immigration detention.

Respondent filed a response in opposition to the habeas petition in September, 2016. Respondent indicated at that time that a hearing on the merits of Ms. Pina’s application to bar her removal to Mexico was scheduled for October 19, 2016. Petitioner did not file a reply.

Before ruling on the merits of Ms. Pina’s habeas petition, this Court will order Respondent to file a status report with respect to Ms. Pina’s immigration proceedings. This status update is particularly relevant to the issues presented in this case—in particular, whether her reinstated order of removal constitutes an administratively final order of removal. *Compare Guerrero v. Aviles*, No. 14-4367, 2014 WL 5502931, at *9 (D.N.J. Oct. 30, 2014) (“[W]here the Immigration Judge has yet to conduct a hearing as to whether or not to withhold Guerrero’s reinstated order of removal to Honduras, Guerrero’s order of removal to Honduras is not final and his detention is governed by 8 U.S.C. § 1226(a).”) (citation omitted), *with Reyes v. Lynch*, No. 15-0442, 2015 WL 5081597, at *2 (D. Colo. Aug. 28, 2015) (holding that reinstated order of

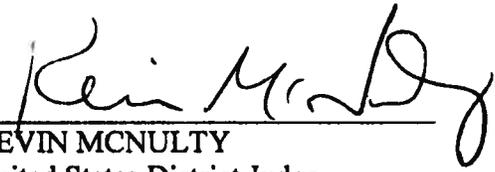
removal is final for purposes of detention). Petitioner shall also be given a chance to respond to respondent's status report.

Accordingly, IT IS this 19th day of January, 2017,

ORDERED that respondent shall file a status report as to petitioner's immigration proceedings within ^{ten} ~~ten~~ (10) days of the date of this Order; and it is further

ORDERED that within 10 days after respondent files its status report, petitioner may file an optional response; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.



KEVIN MCNULTY
United States District Judge