

**NOT FOR PUBLICATION**

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

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|                   |   |                                |
|-------------------|---|--------------------------------|
| FREDERIC CENILUS, | : |                                |
|                   | : | Civil Action No. 16-7389 (JMV) |
| Petitioner,       | : |                                |
|                   | : |                                |
| v.                | : | <b><u>OPINION</u></b>          |
|                   | : |                                |
| CHARLES GREEN,    | : |                                |
|                   | : |                                |
| Respondent.       | : |                                |
|                   | : |                                |

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APPEARANCES:

Frederic Cenilus  
354 Doremus Avenue  
Newark, NJ 07105  
Acting *pro se*

Durwood Heinrich Riedel  
U.S. Department of Justice, Civil Division  
P.O. Box 868  
Washington, DC 20044  
On behalf of Respondent

**VAZQUEZ**, District Judge

This matter comes before the Court upon Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (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 April 4, 2016. (*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). (ECF No. 6.)

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 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 *Chavez-Alvarez*, 783 F.3d at 477 n. 12.

An appropriate Order follows.

DATED: February 7, 2017  
At Newark, New Jersey

s/ John Michael Vazquez  
JOHN MICHAEL VAZQUEZ  
United States District Judge