

**NOT FOR PUBLICATION**

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

\_\_\_\_\_ :  
KENDALL JACKSON JIMINEZ, :

Civil Action No. 17-293 (JMV)

Petitioner, :

v. :

**OPINION**

CHARLES L. GREEN, :

Respondent. :  
\_\_\_\_\_ :

**APPEARANCES:**

**MIKHAIL USHER**

Usher Law Group, PC

2711 Harway Avenue

Brooklyn, NY 11214

On behalf of Petitioner

**MARK CHRISTOPHER ORLOWSKI**

Office of the U.S. Attorney

District of New Jersey

970 Broad Street, Suite 700

Newark, NJ 01701

On behalf of Respondent.

**VAZQUEZ**, United States District Judge

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on January 16, 2017. (ECF No. 1.) He alleges a violation of his right to due process based on prolonged pre-final removal order detention in the custody of Immigration and Customs Enforcement. (“ICE”). (*Id.*) Petitioner is confined in Essex County Correctional Facility, and he has been in custody since May 19, 2016. (*Id.*, ¶10.)

Respondent submitted a letter response to the petition on March 27, 2017. (ECF No. 4.)

Respondent does not object to a remand ordering an Immigration Judge to provide Petitioner with a bond hearing, in accordance with 8 C.F.R. § 1003.19(c). The Court will, therefore, grant the habeas petition and order Respondent to provide Petitioner with a bond hearing. *See Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015) (due process requires that detention without bail pursuant to 8 U.S.C. § 1226(c) be limited to a reasonable period of time to further the goals of the detention statute.)

An appropriate Order follows.

Date: March 29, 2017  
At Newark, New Jersey

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