

**NOT FOR PUBLICATION**

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

_____	:	
MICHEL HERVE JOHNNY,	:	Civil Action No. 17-364 (JMV)
	:	
Petitioner,	:	
	:	
v.	:	<b>OPINION</b>
	:	
CHARLES GREEN,	:	
	:	
Respondent.	:	
_____	:	

**APPEARANCES:**

MICHEL HERVE JOHNNY  
Essex County Correctional Facility  
354 Doremus Ave.  
Newark, NJ 07105  
                    Petitioner, *pro se*

DAVID V. SIMUNOVICH  
Office of the U.S. Attorney  
District of New Jersey  
970 Broad Street, Suite 700  
Newark, NJ 07102  
                    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 1, 2017. (ECF No. 1.) He alleges a violation of his right to due process based on prolonged 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 23, 2016. (*Id.*, at 2.)

Respondent submitted a letter response to the petition on March 1, 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: April 25, 2017  
At Newark, New Jersey

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