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## NOT FOR PUBLICATION

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

STEVE BALBOSE, Civil Action No. 17-1830 (JMV)

Petitioner,

**OPINION** v.

ORLANDO RODRIGUEZ,

Respondent.

APPEARANCES:

STEVE BALBOSE Elizabeth Detention Center 625 Evans Street Elizabeth, NJ 07201

Petitioner, pro se

DANIEL WILLIAM MEYLER 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 March 16, 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, and he has been in custody since July 27, 2016. (*Id.*, at 2.)

Respondent submitted a letter response to the petition on April 10, 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

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