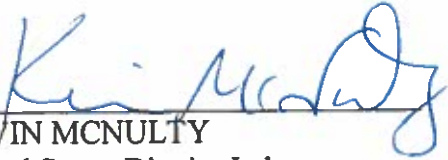


answer responding to the petition. (ECF No. 2.) Counsel for respondent subsequently filed a response indicating that petitioner was detained under 8 U.S.C. § 1226(a). (ECF No. 4.) The response stated that, “[u]pon information and belief, Petitioner appeared once for a bond hearing, but no action was taken because the Immigration Judge wanted additional information.” (*Id.*) Respondent’s counsel represented that “the United States does not object to the Court entering an order remanding this matter to the Immigration Court for a bond hearing.” (*Id.*)

An alien taken into custody pending a removal determination under 8 U.S.C. § 1226(a) may be detained or may be released on bond or parole. Generally aliens detained under § 1226(a) should receive a bond hearing at the outset of detention. *See* 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1). As respondent seemingly concedes that petitioner should receive a bond hearing and explicitly does not object to the ordering of such a hearing, I will remand this proceeding to the Immigration Court for that purpose

For the foregoing reasons, the habeas petition will be granted insofar as ordering that an Immigration Judge provide petitioner with an individualized bond hearing, pursuant to 8 U.S.C. § 1226, within fourteen days of the date of this memorandum opinion and order. An appropriate order will be entered.

DATED: April 2, 2018


KEVIN MCNULTY
United States District Judge