

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YUN ZHOU ZHANG,

Petitioner,

-v.-

OSCAR AVILES, *in his official capacity as Warden of Hudson County Correctional Facility*, CHRISTOPHER SHANAHAN, *in his official capacity as New York Field Office Director for U.S. Immigration and Customs Enforcement*, JEH JOHNSON, *in his Official Capacity as Secretary of Homeland Security*, and LORETTA LYNCH, *in her official capacity as Attorney General of the United States*,

Respondents.

15 Civ. 5340 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On July 29, 2015, the Honorable Shira A. Scheindlin entered an Order requiring the Government to provide Petitioner with an individualized bond hearing within fifteen days and closing this case. (Dkt. #7). On September 28, 2015, Respondents filed a notice of appeal of that decision. (Dkt. #9). On April 27, 2020, the Second Circuit Court of Appeals remanded this matter for further consideration in light of the Supreme Court's decisions *Nielsen v. Preap*, 139 S. Ct. 954 (2019), and *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). The matter was reassigned to this Court on April 28, 2020. On May 18, 2020, the Court issued an Order requiring the parties to file a joint letter advising the Court as to their positions regarding whether the Petition had been mooted by developments following Judge Scheindlin's July 29, 2015 Order. (Dkt. #12).

On June 1, 2020, the parties filed a joint letter stating that Petitioner had received two bond hearings and had been released from custody in December 2015. Accordingly, the parties advised the Court that Petitioner had received the relief sought in his Petition. The parties requested that the Petition be dismissed without prejudice.

In light of the fact that Petitioner has received the relief sought in his Petition, the parties' acknowledgment that no further action is required in this case, and the parties' joint request for dismissal without prejudice, the Petition is hereby DISMISSED without prejudice to Petitioner's ability to refile a habeas petition should future circumstances warrant it. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: June 2, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge