

PS/CD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRIGHT FALODUN,

Petitioner,

-v-

18-CV-6133CJS
ORDER

JEFF SESSION, Attorney General of the United States; WALTER M. INGRAM, Office of Enforcement and Removal Operations, Post Order Custody Review Unit Chief, Washington DC Field Office; THOMAS E. FEELEY, Deputy Field Office Director Office of Enforcement and Removal Operations Buffalo Field Office; SEAN CALLAGHER, Designated Field Office Director, ERO Buffalo Federal Detention Facility; TODD TRYON, Assistant Field Office Director, Buffalo Federal Detention Facility; SCHRADER, Supervisory Detention and Deportation Officer, Buffalo Federal Detention Facility and OFFICER J. KLAYBOR, Deportation Officer Buffalo Federal Detention Facility,

Respondents.



The Petitioner, Bright Falodun, is a civil immigration detainee currently detained at the Buffalo Federal Detention Facility. Subject to a final order of removal, the Petitioner claims that he has been in U.S. Immigration and Customs Enforcement custody for far longer than the 90-day removal period and that he currently is being detained in violation of the U.S. Constitution. *See generally* 8 U.S.C. § 1231(a)(1)(A), (B)(i) (Attorney General, succeeded by the Secretary of Homeland Security for this purpose, must remove alien within 90 days of final order of removal), (a)(6) (“An alien ordered removed . . . may be detained beyond the [90-day] removal period . . .”); *Zadvydas v. Davis*, 533 U.S. 678,

700-01 (2001) (presumptive limit to reasonable duration of detention under § 1231(a)(6) is six months; after six months, “once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing”). He therefore seeks relief pursuant to 28 U.S.C. § 2241, Docket Item 1, and has paid the \$5.00 filing fee.

ORDER

Accordingly, it is hereby

ORDERED that within **45 days of the date of this Order**, the Respondents shall file and serve an **answer** responding to the allegations in the Petition; and it is further

ORDERED that within **45 days of the date of this Order**, the Respondents shall file and serve, in addition to their answer, a **memorandum of law** addressing each of the issues raised in the Petition and including citations to supporting authority and applicable sections of the Immigration and Nationality Act; and it is further

ORDERED that within **45 days of the date of this Order**, instead of their answer, the Respondents may file a **motion to dismiss** the Petition, accompanied by appropriate exhibits demonstrating that an answer to the Petition is unnecessary; and it is further

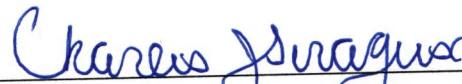
ORDERED that the Petitioner shall have **25 days after his receipt of the Respondents’ answer or motion to dismiss** to file a written reply; and it is further

ORDERED that the Clerk of Court shall serve a copy of the application, together with a copy of this Order, by certified mail, upon:

1. Acting Director, Buffalo Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, 250 Delaware Avenue, Suite 700, Buffalo, NY 14202;
2. Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane SW, Mail Stop 0485, Washington, DC 20528-0485;
3. Director, U.S. Immigration and Customs Enforcement, 500 12th St., SW Washington, D.C. 20536;
4. Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001;
5. Acting United States Attorney for the Western District of New York, Civil Division, 138 Delaware Avenue, Buffalo, New York 14202.

**THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND
CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENTS.**

SO ORDERED.



Charles J. Siragusa
United States District Judge

DATED: FEB 27, 2018
Rochester, NY