**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| **AUGUSTINO SMITH,** | : | |
| **Petitioner** | : | **CIVIL NO. 3:CV-16-2226** |
| **v.** | : | **(Judge Caputo)** |
| **MARY SABOL,** | : | |
| **Respondent** | : | |

**O R D E R**

**AND NOW,** this **25th** day of **SEPTEMBER, 2017**, upon consideration of the petition for writ of habeas corpus (ECF No. 1) and Mr. Smith's pending motions (ECF Nos. 3, 18, 19 and 22), and in accordance with this Court's accompanying Memorandum, it is hereby **ORDERED** that:

1. Petitioner's motion (ECF No. 3) for preliminary injunction is DENIED.

2. Petitioner's motions (ECF Nos. 18, 19 and 22) to expedite decision are DENIED.

3. Mr. Smith's petition for writ of habeas corpus is **DENIED**.

4. ICE shall treat the instant petition for writ of habeas corpus as a request for release under 8 C.F.R. §§ 241.4 and 241.13. ICE shall provide Mr. Smith with a response to his request within thirty (30) days.

5. The Clerk of Court is directed to serve a copy of the Petition and this Order on the Warden of the York County Prison and the United States Attorney.

6. The Clerk of Court is directed to **CLOSE** this case.

**/s/ A. RICHARD CAPUTO**
**A. RICHARD CAPUTO**
**United States District Judge**

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