

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

ZAKARIA SHERIFF,	:	No. 4:16-cv-02464
	:	
Petitioner,	:	(Judge Brann)
	:	
v.	:	
	:	
WARDEN CRAIG A. LOWE, <u>et al.</u> ,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 22nd day of February, 2017, the parties having notified the Court that no objections to the Report & Recommendation will be filed, **IT IS HEREBY ORDERED** that:

1. To the extent that it seeks an individualized bond hearing before an immigration judge, the Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, ECF No. 1, is **GRANTED**.

2. By granting the Petition, this Court confirms the need for an individualized bond hearing but expresses no opinion as to the Petition's underlying substantive arguments regarding the

propriety of detention. That determination is reserved to the sole discretion of the immigration judge. See Quinteros v. Sabol, No. 4:15-CV-02098, 2016 WL 6525295 (M.D. Pa. Nov. 3, 2016) (Brann, J.); Ahad v. Lowe, No. 1:16-CV-01864, 2017 WL 66829, at *2 n.1 (M.D. Pa. Jan. 6, 2017) (Kane, J.).

3. An individualized bond hearing shall be conducted by an immigration judge within thirty (30) days of the issuance of this Order.
4. At this hearing, the immigration judge shall make an individualized inquiry into whether detention remains necessary to fulfill the purposes of ensuring that the Petitioner attends removal proceedings and whether his release will pose a danger to the community, in accordance with Chavez-Alvarez v. Warden York County Prison, 783 F.3d 469, 475 (3d Cir. 2015).
5. At the hearing, the Government shall bear the burden of presenting evidence and proving that continued detention is

necessary to fulfill the statutory purposes of detention, in accordance with Diop v. ICE/Homeland Sec., 656 F.3d 221, 233 (3d Cir. 2011).

6. The Report and Recommendation, ECF No. 7, submitted by United States Magistrate Judge Joseph F. Saporito, Jr., is **ADOPTED** to the extent consistent with this Order.
7. The Clerk of Court is directed to close this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge