

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE L. VELESACA and ABRAHAM CARLO :
UZATEGUI NAVARRO, on his own behalf and :
behalf of others similarly situated, :

Petitioners-Plaintiffs, :

-against- :

THOMAS R. DECKER, in his official capacity as :
New York Field Office Director for U.S. :
Immigration and Customs Enforcement; :
MATTHEW ALBENCE, in his official capacity as :
the Acting Director for U.S. Immigration and :
Customs Enforcement; UNITED STATES :
IMMIGRATION AND CUSTOMS :
ENFORCEMENT; CHAD WOLF, in his official :
capacity as Acting Secretary of the U.S. Department :
of Homeland Security; UNITED STATES :
DEPARTMENT OF HOMELAND SECURITY; :
CARL E. DUBOIS, in his official capacity as the :
Sheriff of Orange County, :

Respondents-Defendants. :

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ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER GRANTING
PLAINTIFFS’ MOTION FOR A
PRELIMINARY INJUNCTION**

20 Civ. 1803 (AKH)

Upon the findings and conclusions stated on the record at the oral argument conducted telephonically on March 30, 2020, Plaintiffs’ motion for preliminary injunctive relief, *see* ECF No. 40, is hereby granted as follows.

The Court grants preliminary injunctive relief, enjoining Defendant Thomas R. Decker in his official capacity as New York Field Office Director for U.S. Immigration and Customs Enforcement (“ICE”), and all successors appointed or acting, from using or applying practices or policies relating to the discretion by ICE officers to release to the community on recognizance or pursuant to bond, under Section 236 of the Immigration and Nationality Act,

8 U.S.C. § 1226(a), and all applicable implementing regulations, to any person now or hereafter arrested by Defendants or officers or agents directly or indirectly supervised by Defendants, in any manner more stringent or more onerous than those used or applied prior to June 6, 2017.

This order shall not apply to any person so arrested who has had his bond or recognizance application heard by an immigration judge.

Defendant shall file a report on April 17, 2020, identifying, as of April 10, 2020, all persons thus arrested by or under the authority of ICE's New York Field Office and, of such persons, all such persons who have had their bond or recognizance application heard by an immigration judge.

Although the order delivered extemporaneously is final, the Court intends, in due course, to deliver a more fulsome statement of its reasoning. The Clerk is directed to terminate the open motion (ECF No. 40).

SO ORDERED.

Dated: March 31, 2020
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge