

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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OLUWATOMIWA BABATUNDE	:	
ADEJIMI,	:	
	:	Civil No. 18-1941 (KM)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
ORLANDO RODRIGUEZ,	:	
	:	
Respondent.	:	

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Petitioner, Oluwatomiwa Babatunde Adejimi, is an immigration detainee currently held at the Elizabeth Detention Center, in Elizabeth, New Jersey. Acting pro se, he filed, on February 9, 2018, a petition for writ of habeas corpus, under 28 U.S.C. § 2241, as well as an application to proceed *in forma pauperis*. As an initial matter, leave to proceed in this Court *in forma pauperis* is authorized. See 28 U.S.C. § 1915.

Petitioner challenges the duration of his present immigration detention. Under Rule 4 of the Rules Governing § 2254 Cases (applied in this proceeding under Rule 1(b) of the Rules Governing § 2254 Cases), this Court has examined the petition and determined that dismissal without receiving an answer and the underlying record is not warranted. In addition to any other arguments concerning petitioner’s claims, respondent’s answer shall specifically address what impact, if any, *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015), has on the petition.

Accordingly, IT IS this 15th day of February 2018

ORDERED that Petitioner’s application to proceed *in forma pauperis*, (ECF No. 1-1), is hereby granted; and it is further

ORDERED that the Clerk shall serve a copy of the petition (ECF No. 1) and this Order upon respondent by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (ECF No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

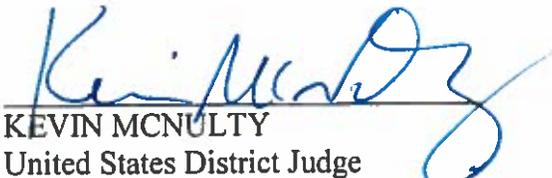
ORDERED that, within thirty (30) days of the entry of this Order, respondent shall file and serve an answer that (1) responds to the allegations and grounds in the petition, (2) includes all affirmative defenses respondent seeks to invoke, and (3) addresses specifically, in addition to any other arguments, what impact, if any, *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015), has on the petition; and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within thirty (30) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, by parole or otherwise, as well as any change in the basis for petitioner's immigration detention, respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.

  
KEVIN MCNULTY  
United States District Judge