

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VERNON JONES, et al.,

Petitioners,

v.

20-CV-361
ORDER

CHAD WOLF, Acting Secretary, U.S.
Department of Homeland Security, et al.,

Respondents.

The petitioners are twenty-four civil immigration detainees currently held at the Buffalo Federal Detention Facility in Batavia, New York (“Batavia”). The petitioners claim that their continued detention during the COVID-19 global pandemic violates their Fifth Amendment right to be free from deliberate indifference to their serious medical needs. See Docket Item 1 at 17-18. The petitioners allege not only that “[t]he conditions maintained at [Batavia] subject [them] to a heightened risk of contracting COVID-19,” *id.* at 23, but further that because they are “all older adults and/or persons with pre-existing medical conditions,” *id.* at 22, they are at “particularly grave risk of developing serious complications or death if they contract COVID-19,” *id.*

ORDER

IT IS HEREBY ORDERED that **on or before March 27, 2020** the petitioners shall file and serve a **memorandum of law** explaining, for each petitioner, (1) his or her detention status (length, statutory basis, and prior bond hearings); (2) medical evidence, including opinions from healthcare professionals, supporting his or her claim of being at

“particularly grave risk of developing serious complications or death if [he or she] contract[s] COVID-19”; and (3) proposed terms and conditions of release, including any supervision; and it is further

ORDERED that the respondents shall file and serve an **answer** responding to the allegations in the petition **on or before March 30, 2020**; and it is further

ORDERED that **on or before March 30, 2020**, the respondents shall file and serve, in addition to their answer, a **memorandum of law** addressing (1) each petitioner’s detention status (length, statutory basis, prior bond hearings, efforts to effect removal, and the “likelihood of removal in the reasonably foreseeable future,” *Zadvydas v. Davis*, 533 U.S. 678, 700-01 (2001)); (2) each petitioner’s claim of being at “particularly grave risk of developing serious complications or death if [he or she] contract[s] COVID-19;” (3) the conditions of confinement at Batavia, including measures being taken to limit the risks posed by COVID-19; and (4) each petitioner’s proposed terms and conditions of supervised release; and it is further

ORDERED that **on or before March 30, 2020**, 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 parties shall appear by telephone for **oral argument** on **March 31, 2020, at 9:00 AM**; and it is further

ORDERED that the Clerk of Court shall serve a copy of the petition, together with a copy of this order, electronically via a notice of electronic filing to the United States Attorney’s Office, Western District of New York, at USANYW-Immigration-Habeas@usdoj.gov.

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

SO ORDERED.

Dated: March 26, 2020
Buffalo, New York

/s/ Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE