

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

BHARATKUMAR G. THAKKER,	:	1:20-cv-480
<i>et al.</i> ,	:	
Petitioners-Plaintiffs,	:	
	:	
v.	:	Hon. John E. Jones III
	:	
CLAIR DOLL, <i>in his official capacity</i>	:	
<i>as Warden of York County Prison,</i>	:	
<i>et al.</i> ,	:	
Respondents-Defendants.	:	

ORDER

April 13, 2020

On March 31, 2020, we issued a Temporary Restraining Order (“TRO”) which directed Respondents to release Petitioners immediately on their own recognizance from ICE detention facilities due to imminent, dire threat of COVID-19 contraction. (Doc. 47). That TRO is scheduled to expire today at 5:00 p.m. (*Id.*).

As we are permitted to do, we shall now **EXTEND** that TRO for a like period. FED. R. CIV. P. 65(b)(2). The gravity of the COVID-19 pandemic in this country has only worsened since we issued our initial TRO, and, as such, Petitioners’ continued release during this process is warranted. Moreover, this extension gives both parties ample opportunity to augment the record before us prior to our decision on the issuance of a preliminary injunction. In so doing, we are mindful that both parties face challenges in collecting documentation and

affidavits to support their respective positions and recognize that additional time is necessary to properly do so. We also note that both Petitioners and Respondents agree that a hearing on this matter is not necessary and so find that a complete record is all the more important. Accordingly, we will allow the parties a period of time to file any declarations and factual stipulations in order to augment those declarations that have already been filed.

In extending this TRO, we shall impose upon Petitioners additional conditions of release meant to assuage the Respondents' concerns that certain Petitioners may pose a flight risk or danger to the community.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Temporary Restraining Order issued in this case, (Doc. 47), is **EXTENDED** for an additional **FOURTEEN (14) DAYS**.
2. This TRO will now **EXPIRE** on **April 27, 2020 at 5:00 p.m.** The said release period shall extend until such time as the COVID-19 state of emergency as declared by the Governor of the Commonwealth of Pennsylvania is lifted, or by further Order of this Court.
3. The parties may augment the record with any additional declarations and factual stipulations by the close of business on **April 23, 2020**.
4. The following conditions shall attach to this Order:
 - a. This Order expires immediately if a Petitioner absconds;

- b. This Order requires Petitioners to comply with all Executive Orders of the Governor of Pennsylvania, as well as national, state, and local guidance regarding staying at home, sheltering in place, and social distancing;
- c. This Order does not prevent the government from taking Petitioners back into custody should they commit any further crimes or otherwise violate the terms of their release;
- d. The Petitioners shall report their whereabouts once per week to their attorneys, who in turn shall report to the Respondents if a Petitioner has absconded;
- e. The Petitioners must appear at all hearings pertaining to their removal proceedings, and in the event that they are subject to a final order of deportation for which arrangements have been finalized within the period of this Order, they shall fully comply with the said order of deportation and all instructions pertaining thereto; and
- f. Respondents may impose other reasonable nonconfinement terms of supervision that would not require Petitioners to violate national, state and local guidance regarding staying at home, sheltering in place, and social distancing.

s/ John E. Jones III
John E. Jones III
United States District Judge