

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:20-cv-03679-JMV**

BENTICK v. DECKER et al
Assigned to: Judge John Michael Vazquez
Case in other court: New York Southern, 1:20-cv-
02759
Cause: 28:2241 Petition for Writ of Habeas Corpus
(federa

Date Filed: 04/06/2020
Date Terminated: 05/19/2020
Jury Demand: None
Nature of Suit: 463 Habeas Corpus -
Alien Detainee
Jurisdiction: U.S. Government
Defendant

Petitioner

DERRON BENTICK

represented by **NABILA J TAJ**
Brooklyn Defender Services
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Petitioner

DARWIN ORLANDO AVILA
HUAYAMAVE
TERMINATED: 04/30/2020

represented by **NABILA J TAJ**
(See above for address)
LEAD ATTORNEY
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Petitioner

CARLOS GODOY LOPEZ
TERMINATED: 04/30/2020

represented by **NABILA J TAJ**
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ELMER RAMOS MACARIO
TERMINATED: 04/30/2020

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EVEROD REID
TERMINATED: 04/30/2020

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BAIRON JOSUE GOMEZ
MEMBRENO
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ERLIN PARADA MOLINA
TERMINATED: 04/30/2020

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EFRAIN DE JESUS RECINOS
GUZMAN
TERMINATED: 04/30/2020

represented by **NABILA J TAJ**
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ATTORNEY TO BE NOTICED

V.

Respondent

THOMAS DECKER
*in his official capacity as Director of
the New York Field Office of U.S.
Immigrations & Customs
Enforcement*

represented by **ELIZABETH PASCAL**
U.S. DEPARTMENT OF JUSTICE
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KRUTI D. DHARIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

CHAD WOLF
*in his official capacity as Acting
Secretary, U.S. Department of
Homeland Security*

represented by **ELIZABETH PASCAL**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KRUTI D. DHARIA
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

STEVE AHRENDT
*in his official capacity as Warden,
Bergen County Jail*

Respondent

RONALD P EDWARDS
*in his official capacity as Director of
Corrections, Hudson County
Correctional Facility*

Date Filed	#	Docket Text
04/02/2020	<u>1</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. (Filing Fee \$ 5.00, Receipt Number ANYSDC-19314840)Document filed by Elmer Ramos Macario, Derron Bentick, Carlos Godoy Lopez, Darwin Avila Huayamave, Everod Reid..(Menschel, Brooke) (Entered: 04/02/2020)
04/02/2020	<u>2</u>	CIVIL COVER SHEET filed..(Menschel, Brooke) (Entered: 04/02/2020)
04/03/2020		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Brooke Menschel. The party information for the following party/parties has been modified: Thomas Decker, Acting Sec. of DHS Chad Wolf. The information for the party/parties has been modified for the following reason/reasons: party text was omitted;. (pc) (Entered: 04/03/2020)
04/03/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Edgardo Ramos. Please download

		and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(pc) (Entered: 04/03/2020)
04/03/2020		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (pc) (Entered: 04/03/2020)
04/03/2020		Case Designated ECF. (pc) (Entered: 04/03/2020)
04/04/2020	3	PROPOSED STIPULATION AND ORDER. Document filed by Thomas Decker..(Cha-Kim, Stephen) (Entered: 04/04/2020)
04/04/2020	4	STIPULATION AND ORDER OF TRANSFER OF VENUE. IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that this action shall be and hereby is transferred to the United States District Court for the District of New Jersey, Newark Division; and IT IS ORDERED that the seven-day waiting period in Local Civil Rule 83.1 is waived and the Clerk of Court is respectfully directed to effectuate this transfer urgently. SO ORDERED. (Signed by Judge Edgardo Ramos on 4/4/20) (yv) (Entered: 04/06/2020)
04/04/2020		CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court - District of District of New Jersey.(yv) (Entered: 04/06/2020)
04/06/2020	5	Certified Copy of Transfer Order and docket received, Case transferred in from District of New York Southern; Case Number 1:20-cv-02759. Original file certified copy of transfer order and docket sheet received. (Entered: 04/06/2020)
04/06/2020		Judge John Michael Vazquez added. (ps,) (Entered: 04/06/2020)
04/08/2020	6	TEXT ORDER: Scheduling a telephone conference for April 9, 2020 at 3:00 p.m. regarding the pending emergent application for release. The court will provide counsel with dial-in instructions. So Ordered by Judge John Michael Vazquez on 4/8/2020. (ro,) (Entered: 04/08/2020)
04/08/2020	7	NOTICE of Appearance by KRUTI D. DHARIA on behalf of THOMAS DECKER, Chad Wolf (DHARIA, KRUTI) (Entered: 04/08/2020)

04/08/2020	<u>8</u>	NOTICE of Appearance by ELIZABETH ANN PASCAL on behalf of THOMAS DECKER, Chad Wolf (PASCAL, ELIZABETH) (Entered: 04/08/2020)
04/09/2020	<u>9</u>	NOTICE of Appearance by NABILA J TAJ on behalf of Darwin Avila Huayamave, Derron Bentick, Carlos Godoy Lopez, EVEROD REID, Elmer Ramos Macario (TAJ, NABILA) (Entered: 04/09/2020)
04/09/2020	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice by All Plaintiffs. (Attachments: # <u>1</u> Declaration of Brooke Menschel, # <u>2</u> Text of Proposed Order)(TAJ, NABILA) (Entered: 04/09/2020)
04/09/2020	<u>11</u>	Second MOTION for Leave to Appear Pro Hac Vice by Darwin Avila Huayamave, Derron Bentick, Carlos Godoy Lopez, EVEROD REID, Elmer Ramos Macario. (Attachments: # <u>1</u> Declaration of Alexandra Lampert, # <u>2</u> Text of Proposed Order)(TAJ, NABILA) (Entered: 04/09/2020)
04/09/2020	<u>12</u>	Minute Entry for proceedings held before Judge John Michael Vazquez: Status telephone Conference held on 4/9/2020. (Court Reporter/Recorder Lisa A. Larsen.) (ro,) (Entered: 04/09/2020)
04/09/2020	13	TEXT ORDER: Opposition to the pending emergent application is due by April 14, 2020. Oral argument is scheduled for April 15, 2020 at 3:00 p.m. by telephone conference. Counsel are to utilize the dial-in instructions the court previously provided. So Ordered by Judge John Michael Vazquez on 4/9/2020. (ro,) (Entered: 04/09/2020)
04/09/2020	<u>14</u>	ORDER granting <u>10</u> Motion for Leave to Appear Pro Hac Vice admission for BROOKE MENSCHER etc. Signed by Judge John Michael Vazquez on 4/9/2020. (bt,) (Entered: 04/09/2020)
04/09/2020	<u>15</u>	ORDER granting <u>11</u> Motion for Leave to Appear Pro Hac Vice admission for ALEXANDRA LAMPERT etc. Signed by Judge John Michael Vazquez on 4/9/2020. (bt,) (Entered: 04/09/2020)
04/12/2020	<u>16</u>	AMENDED COMPLAINT against THOMAS DECKER, Chad Wolf, STEVE AHRENDT, RONALD P EDWARDS, filed by Carlos Godoy Lopez, Darwin Avila Huayamave, Derron Bentick, Elmer Ramos Macario, EVEROD REID, Bairon Gomez Membreno, Erlin Parada Molina, Efrain De Jesus Recinos Guzman.(TAJ, NABILA) (Entered: 04/12/2020)
04/12/2020	<u>17</u>	MOTION for Temporary Restraining Order by Bairon Gomez Membreno, Erlin Parada Molina, EVEROD REID, Elmer Ramos Macario, Efrain De Jesus Recinos Guzman. (Attachments: # <u>1</u> Declaration Saenz Declaration, # <u>2</u> Declaration Basank Declaration,

		# 3 Declaration CGL Declaration, # 4 Declaration Dioni Declaration, # 5 Declaration Legall Declaration, # 6 Declaration Lituma Declaration, # 7 Declaration Martinez Declaration, # 8 Declaration Sanchez Declaration)(TAJ, NABILA) (Entered: 04/12/2020)
04/13/2020	18	Letter from the respondents regarding the amended petition. (DHARIA, KRUTI) (Entered: 04/13/2020)
04/13/2020		Set/Reset Deadlines as to 17 MOTION for Temporary Restraining Order. Motion set for 5/18/2020 before Judge John Michael Vazquez. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (jc,) (Entered: 04/13/2020)
04/13/2020	19	TEXT ORDER : This Court's prior order filed at D.E.13 setting forth the briefing schedule and hearing date as to 17 MOTION for Temporary Restraining Order Motion will be heard on 4/15/2020 at 3:00 PM. So Ordered by Judge John Michael Vazquez on 4/13/2020. (ro,) (Entered: 04/13/2020)
04/14/2020	20	BRIEF in Opposition filed by STEVE AHRENDT, THOMAS DECKER, RONALD P EDWARDS, CHAD WOLF re 17 MOTION for Temporary Restraining Order (Attachments: # 1 Exhibit 1 - 2020-03-23 Interim Guidance on Management of Coronavirus Disease, # 2 Exhibit 2 - 2020-03-27 Memorandum for Detention Wardens and Superintendents on COVID-19, # 3 Exhibit 3 - 2020-04-04 - UPDATED COVID-19 Guidance re Detained Docket Review, # 4 Exhibit 4 - Everod R. Medical Records, # 5 Exhibit 5 - Everod R. Bond Denial, # 6 Exhibit 6 - Elmer M. Medical Records, # 7 Exhibit 7 - Elmer M. NTA, # 8 Exhibit 8 - Elmer M. I-213, # 9 Exhibit 9 - Elmer M. Crim. Compl., # 10 Exhibit 10 - Decl. Director Edwards, Hudson Cnty., # 11 Exhibit 11 - Decl. Warden Ahrendt, Bergen Co., # 12 Exhibit 12 - Yusuf L. Order, # 13 Exhibit 13 - Francisco M. Order, # 14 Exhibit 14 - 2020-04-10 - ERO COVID19 Response Reqs Clean Facilities, # 15 Exhibit 15 - Decl. of Deportation Officer Dare Aniyikaiye, # 16 Certificate of Service)(PASCAL, ELIZABETH) (Entered: 04/14/2020)
04/15/2020	21	Exhibit to 20 Brief in Opposition to Motion,,,, <i>Ex. 6 - Con't - Add'l Med. Records for Elmer M.</i> by STEVE AHRENDT, THOMAS DECKER, RONALD P EDWARDS, CHAD WOLF. (Attachments: # 1 Exhibit 6 - Con't Elmer M. Med. Records)(PASCAL, ELIZABETH) (Entered: 04/15/2020)
04/15/2020	22	REPLY BRIEF to Opposition to Motion filed by All Plaintiffs re 17 MOTION for Temporary Restraining Order (Attachments:

		# 1 Declaration of Robert B. Greifinger, MD, # 2 Declaration of Homer Venters, # 3 Declaration of Andrea Saenz, Esq., # 4 Statement of Kristopher Tyndall, Legal Aid Society attorney, # 5 Statement of Alexis Donovan, LMSW, re Mr. Ramos Macario, # 6 Exhibit 2018 Certificate of Disposition, dismissing case, # 7 Statement of Complaining Witness Explaining Charges Were False, # 8 Exhibit 2000 Certificate of Disposition, # 9 Exhibit 2018 Certificate of Disposition, # 10 Declaration of Tyisha Wilson with attached drivers license, # 11 Statement of Alexis Donovan, LMSW, re Mr. Reid)(TAJ, NABILA) (Entered: 04/15/2020)
04/15/2020	23	Minute Entry for proceedings held before Judge John Michael Vazquez: Hearing held on 4/15/2020 regarding the pending emergent application for release. (Court Reporter/Recorder Lisa A. Larsen.) (ro,) (Entered: 04/15/2020)
04/15/2020	24	TEXT ORDER: Pursuant to the telephone conference held on April 14, 2020, the Government shall file their factual response, along with supporting documents, as to Petitioners Bairan Gomez Membreno and Erlin Parada Molina by April 16, 2020. So Ordered by Judge John Michael Vazquez on 4/15/2020. (ro,) (Entered: 04/15/2020)
04/16/2020	25	Letter from the respondents regarding their factual response as to Membreno and Molina. (Attachments: # 1 Exhibit 1 (Membreno Form I-213), # 2 Exhibit 2 (Membreno RAP sheet), # 3 Exhibit 3 (Membreno Notice to Appear), # 4 Exhibit 4 (Membreno Bond Order), # 5 Exhibit 5 (Membreno Medical Records), # 6 Exhibit 6 (Molina Medical Records), # 7 Exhibit 7 (Molina Notice to Appear), # 8 Exhibit 8 (IJ's order, dated November 17, 2019), # 9 Exhibit 9 (Molina bond decision), # 10 Exhibit 10 (Molina Form I-213), # 11 Exhibit 11 (Molina bond decision), # 12 Exhibit 12 (Molina BIA dismissal of appeal))(DHARIA, KRUTI) (Entered: 04/16/2020)
04/17/2020	26	Letter from Elizabeth Pascal re: Update on Case. (PASCAL, ELIZABETH) (Entered: 04/17/2020)
04/18/2020	27	STATUS REPORT by Darwin Avila Huayamave, Derron Bentick, Carlos Godoy Lopez, Bairon Gomez Membreno, Erlin Parada Molina, EVEROD REID, Elmer Ramos Macario, Efrain De Jesus Recinos Guzman. (Attachments: # 1 Affidavit Lauterback Declaration, # 2 Affidavit Julstrom-Agoyo Declaration)(TAJ, NABILA) (Entered: 04/18/2020)
04/19/2020	28	RESPONSE in Support filed by Darwin Avila Huayamave, Derron Bentick, Carlos Godoy Lopez, Bairon Gomez Membreno, Erlin Parada Molina, EVEROD REID, Elmer Ramos Macario, Efrain De Jesus Recinos Guzman re 17 MOTION for Temporary Restraining

		Order (Attachments: # 1 Affidavit Gonsalves Declaration, # 2 Affidavit Venters Declaration, # 3 Affidavit Santos Declaration)(TAJ, NABILA) (Entered: 04/19/2020)
04/19/2020	29	Letter from Brooke Menschel. (TAJ, NABILA) (Entered: 04/19/2020)
04/20/2020	30	Letter from the respondents regarding Reid and Molina. (DHARIA, KRUTI) (Entered: 04/20/2020)
04/21/2020	31	Letter from the respondents regarding Membreno's test result and enclosing updated declaration from the Bergen Facility. (DHARIA, KRUTI) (Entered: 04/21/2020)
04/27/2020	32	Letter from Brooke Menschel. (Attachments: # 1 Exhibit Doctor Letter, # 2 Affidavit Soto Declaration, # 3 Affidavit Lauterback Declaration, # 4 Affidavit Coomes Declaration, # 5 Affidavit McCarthy Declaration)(TAJ, NABILA) (Entered: 04/27/2020)
04/28/2020	33	Letter from the respondents re 32 Letter. (Attachments: # 1 Exhibit 1(Macario Ramos's updated medical records), # 2 Exhibit 2 (Molina's updated medical records), # 3 Exhibit 3 (Reid's updated medical records), # 4 Declaration of Warden Ahrednt, dated April 27, 2020, # 5 Declaration of Director Edwards, dated April 27, 2020)(DHARIA, KRUTI) (Entered: 04/28/2020)
04/30/2020	34	OPINION. Signed by Judge John Michael Vazquez on 4/30/20. (jc,) (Entered: 04/30/2020)
04/30/2020	35	ORDER denying the 17 Motion of Petitioners Derron B., Darwin O.A. H., Efrain R.G., and Carlos G.L ("Released Petitioners") for a TRO without prejudice as moot. If the Released Petitioners do not believe that their habeas petition (D.E. 1, 16) is now moot in light of their release, the briefing schedule (see Order) shall apply. The 17 Motion of Petitioners Elmer R.M., Everod R., Bairon J. G.M., and Erlin P.M. for a TRO is denied without prejudice. For reasons discussed in Standing Order 2020-10 and using this Court's discretion, the Clerk shall sever Petitioners Derron B., Darwin O.A. H., Efrain R.G., Carlos G.L, Elmer R.M., Everod R., Bairon J. G.M., and Erlin P.M. after the first named Petitioner and file all documents in the originally opened case into separate individual actions with one named Petitioner, each with his own civil action number; the first named Petitioner shall remain as the only named Petitioner in this initially opened case. When this case is severed, each severed Petitioner shall be responsible for paying the applicable filing fee or submitting a completed IFP application. All of the newly opened cases from this matter shall be assigned to Judge John Michael Vazquez. Signed by Judge John Michael Vazquez on 4/30/20. (jc,) (Entered: 04/30/2020)

05/08/2020	36	Letter from Brooke Menschel re 35 Order on Motion for TRO,,,,,. (TAJ, NABILA) (Entered: 05/08/2020)
05/19/2020	37	ORDER dismissing this matter without prejudice. The Clerk shall mark this case as closed. Signed by Judge John Michael Vazquez on 5/19/20. (jc,) (Entered: 05/20/2020)

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