

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
ADRIANO DA SILVA MEDEIROS;)	
JOSE MARCOS PALACIOS MOLINA;)	
and LUIS ORLANDO DURAND LUYO;)	
)	
Petitioners-Plaintiffs,)	
)	
v.)	C.A. No. 20-178 WES
)	
DANIEL W. MARTIN, Warden,)	
Donald W. Wyatt Detention)	
Facility; CENTRAL FALLS)	
DETENTION FACILITY)	
CORPORATION; MATTHEW T.)	
ALBENCE, Acting Director,)	
U.S. Immigration and Customs)	
Enforcement; and TODD LYONS,)	
Acting Field Office Director,)	
U.S. Immigration and Customs)	
Enforcement,)	
)	
Respondents-Defendants.)	
_____)	

ORDER

Petitioners Jose Marco Palacios Molina and Luis Orlando Durand Luyo are civil detainees held at the Donald W. Wyatt Detention Facility ("Wyatt") in Central Falls, Rhode Island. See generally Mot. for Temporary Restraining Order and/or Preliminary Injunctive Relief ("Pets.' Mot."), ECF No. 10. Petitioners filed an emergency petition for a writ of habeas corpus seeking declaratory and injunctive relief relating to the conditions of their confinement during the COVID-19 pandemic. See generally Compl., ECF No. 1. Two days later, they moved: (1) to enjoin

Defendant-Respondents from transferring them outside this Court's jurisdiction throughout this action, which this Court granted for the most part on April 19, 2020; and (2) for their immediate release from Wyatt. See generally Pets.' Mot. Since these filings, Petitioner Adriano da Silva Medeiros has been released, see Status Report Concerning Petitioner Medeiros, ECF No. 18, so this Motion is DENIED AS MOOT as to him.

For reasons that will be explained in a forthcoming Memorandum of Decision, the Court GRANTS Petitioners' Motion, ECF No. 10, in favor of the remaining two Petitioners, finding they have made all necessary showings. See generally NuVasive, Inc. v. Day, 954 F.3d 439 (1st Cir. 2020). The Court further exercises its discretion to waive the bond requirement. See Crowley v. Local No. 82, Furniture & Piano Moving, Furniture Store Drivers, Helpers, Warehousemen, & Packers, 679 F.2d 978, 999-1001 (1st Cir. 1982), rev'd on other grounds, 467 U.S. 526 (1984).

Until further order of the Court, Petitioners are to be immediately released subject to the following conditions:

1. Petitioners shall be released from the physical custody of U.S. Immigration and Customs Enforcement ("ICE") by Friday, April 24, 2020, at 5:00 p.m.
2. ICE shall implement GPS monitoring as to both Petitioners. ICE may establish "exclusion zones" as necessary to effectuate the terms of this Order.

3. Petitioner Durand Luyo is directed to provide ICE with proof of a paid ticket and itinerary information for a departure flight to Peru within thirty days of the date on which commercial flights to Peru resume, with a departure date no later than 45 days after those flights resume, unless Petitioner's temporary release is terminated prior to that time.

4. Petitioners are directed to furnish a proposed residence address (other than the residences of any individual who has been the subject of a civil or criminal restraining order against either Petitioner, or any individual who has been the alleged victim of domestic violence in any criminal charge against either Petitioner). Petitioners must provide an affidavit from a primary resident (tenant/owner/relative) at the proposed residence stating that the Petitioner may reside at that location. Petitioners must reside at the respective proposed locations for the duration of their release.

5. Petitioners are ordered to have no physical contact with the alleged victims of their former/pending domestic violence charges during their release. Petitioners are free to return to the Court for a modification of this restriction if circumstances change.

6. Petitioners must self-quarantine for a period of fourteen days at the location to which each Petitioner is

released and are permitted to leave that location during the 14-day period solely for the purpose of obtaining necessary medical treatment. This period may be shortened if Petitioners are tested for COVID-19 and receive a negative test result.

7. Petitioners are directed to refrain from engaging in any illegal activity during the period of their temporary release, including the use of illegal drugs, or excessive consumption of alcohol.

8. ICE may conduct home visits either in person or by telephone or video during the period of release.

9. Petitioners' release is predicated upon the existing COVID-19 pandemic and the resulting risk to each Petitioner while in custody. Each Petitioner's release is temporary and conditional on the continued existence of such risk, and each Petitioner must promptly return to ICE custody at the agency's demand at such time as any constitutionally unjustifiable risk abates, to be determined by the Court.

The Motion for preliminary injunction, ECF No. 10, is GRANTED
IN PART AND DENIED IN PART as set forth above.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH".

William E. Smith
District Judge
Date: April 24, 2020