

Not for Publication

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HARRY PANGEMANAN, MARIYANA
SUNARTO, ROBY SANGER,
GUNAWAN ONGKOWIJOYO LIEM,
individually and on behalf of all others
similarly situated,

Petitioners/Plaintiffs,

v.

JOHN TSOUKARIS, Newark Field
Office Director for Enforcement and
Removal Operations, U.S. Immigration
and Customs Enforcement, MATTHEW
ALBENCE, Executive Associate Director
For Enforcement and Removal
Operations, U.S. Immigration and
Customs Enforcement, THOMAS D.
HOMAN, Acting Director
of U.S. Immigration and Customs
Enforcement, KIRSTJEN M. NIELSEN,
Secretary of the U.S. Department of
Homeland Security, JEFFERSON B.
SESSIONS, Attorney General of the
United States, CHARLES L. GREEN,
Warden, Essex County Correctional
Facility and ORLANDO RODRIGUEZ,
Warden, Elizabeth Detention Center,

Respondents/Defendants.

Civil Action No. 18-1510 (ES)

ORDER

SALAS, DISTRICT JUDGE

This matter having come before the Court upon Petitioners/Plaintiffs' Motion for a Temporary Restraining Order and Stay of Removal; and the Court having carefully reviewed all submissions made in support of the Motion; and Petitioners/Plaintiffs and Respondents/

Defendants having appeared before this Court on February 2, 2018; and the Court having considered the parties' arguments in open court on February 2, 2018; and the Court finding that an order is necessary to maintain the status quo until the Court determines whether it has jurisdiction over this matter, *see United States v. United Mine Workers of Am.*, 330 U.S. 258, 290 (1947); and for the reasons stated on the record and good cause having been shown,

IT IS on this 2nd day of February 2018,

ORDERED that Respondents/Defendants are hereby temporarily enjoined and prohibited from removing or causing the removal—or transferring or causing the transfer—from the United States of all named Petitioners/Plaintiffs in this action who have final orders of removal, who have been, or will be, arrested, detained or removed by ICE; and it is further

ORDERED that any such removals or transfers now pending are hereby STAYED and shall NOT proceed until further Order of this Court; and it is further

ORDERED that this Order shall apply to the removal of Petitioners/Plaintiffs and all members of the proposed class, defined as: All Indonesian nationals within the jurisdiction of the Newark ICE Field Office, with administratively final orders of removal predating 2009 and were subject to an order of supervision; and it is further

ORDERED that bifurcation is necessary such that issues of jurisdiction are determined first before proceeding to the merits; and it is further

ORDERED that Petitioners/Plaintiffs shall file an opening brief concerning jurisdiction by February 16, 2018; and it is further

ORDERED that Respondents/Defendants shall file a responsive brief concerning jurisdiction by March 2, 2018; and it is further

ORDERED that Petitioners/Plaintiffs shall file a reply brief concerning jurisdiction by March 9, 2018; and it is further

ORDERED that the Court will hold an in-person status conference, if necessary, within 7 days of issuing its Order concerning jurisdiction.

s/ Esther Salas
Esther Salas, U.S.D.J.