

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Jason W.,

Petitioner,

v.

William J. ANDERSON, in his official
capacity as Warden of the Essex County
Correctional Facility, et al.,

Respondents.

Civil Action No.:

2:20-cv-03704 (BRM)

STIPULATION OF DISMISSAL

WHEREAS Petitioner brought this action in the District of New Jersey, due to the impact of the global COVID-19 pandemic on his health and safety while in Respondents' custody;

WHEREAS the Court issued an Order dated April 17, 2020 (ECF No. 23), preliminarily granting the release of Petitioner from Respondents' custody, subject to certain conditions;

WHEREAS the Court has since extended the terms of its April 17, 2020 Order numerous times, most recently on May 20, 2021 (ECF No. 59);

WHEREAS Petitioner filed a Motion to Extend Preliminary Injunction (ECF No. 64);

WHEREAS the Court required additional briefing on Petitioner's Motion to Extend Preliminary Injunction due to "the constantly evolving status of the

COVID-19 pandemic, specifically the Omicron variant” and administratively terminated Petitioner’s Motion to Extend Preliminary Injunction pending such additional briefing (ECF No. 79); and

WHEREAS the parties jointly seek to resolve this matter;

NOW THEREFORE, Petitioner and Respondents, by and through their undersigned counsel, hereby stipulate and agree to the dismissal of this action without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), each party to bear its own costs and fees, subject to the following revised terms of release:

1. Absent a change of circumstances, including but not limited to changes in Petitioner’s removal status, non-compliance with release conditions, further criminal arrests, and further criminal conduct, Petitioner shall remain outside of Respondents’ custody;
2. Petitioner shall continue to be subject to periodic reporting as directed by U.S. Immigration and Customs Enforcement (“ICE”) and ATD electronic bracelet monitoring by ICE, absent a change in circumstances as defined above;
3. Petitioner shall comply with the conditions of release that ICE already imposed on Petitioner when he was initially released from Respondents’ custody;
4. Petitioner shall comply with any court orders and attend all court dates; and

5. Petitioner shall comply with all national, state, local, and CDC-issued guidelines regarding COVID-19.

Dated: March 16, 2022

Dated: _____

By: Tracey Salmon-Smith

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Attorneys for Respondents

SO ORDERED:



BRIAN R. MARTINOTTI, U.S.D.J

Dated: 03/18/2022