

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

PAUL KAMIENSKI,	x	
	x	
Petitioner,	x	
	x	<b>Civil Action No. 02-3091</b>
v.	x	
	x	<b>ORDER</b>
ROY HENDRICKS, et al.,	x	
	x	
Respondents.	x	
	x	

**CHESLER, U.S.D.J.**

**THIS MATTER** having come before the Court on Petitioner Paul Kamienski’s motion for modification of the Personal Recognizance Bond with Conditions entered by the Court on July 7, 2009 (hereinafter, the “July 7 Bail Order”) [docket entry 73]; and

**IT APPEARING** that the July 7 Bail Order placed Kamienski under supervision pending review of the Third Circuit’s order directing this Court to issue a writ of habeas corpus; and it further

**APPEARING** that the July 7 Bail Order placed various conditions on Kamienski’s release pending review; and it further

**APPEARING** that on July 10, 2009, after entry of the July 7 Bail Order, the United States Court of Appeals for the Third Circuit issued its mandate to this Court to issue the writ of habeas corpus; and it further

**APPEARING** that Kamienski thereafter filed the instant motion to modify the conditions of his release so that he (1) may be permitted to travel to any state in the continental United

States without having to obtain prior approval of the Ocean County, New Jersey Probation Department (“OCPD”) and (2) is required to report to the OCPD on a no more onerous basis than once a week by telephone; and it further

**APPEARING** that Respondent the State of New Jersey has opposed this motion on the grounds that the parties contemplated that the July 7 Bail Order would remain in effect during the pendency of the State of New Jersey’s petition for rehearing by the Third Circuit and during the time period that may result if the State of New Jersey chooses to file a petition for a writ of certiorari with the United States Supreme Court; and it further

**APPEARING** that the deadline for filing such a petition is on or about September 30, 2009; and it further

**APPEARING** that the State of New Jersey states that it intends to file a petition for a writ of certiorari in September 2009; and it further

**APPEARING** that, as the Third Circuit has denied the State of New Jersey’s petition for rehearing and issued its mandate, the Court finds good cause for modifying the July 7 Bail Order, albeit in a slightly different manner than requested by Kamienski; therefore,

**IT IS** on this 24<sup>th</sup> day of July, 2009,

**ORDERED** that Kamienski’s motion for modification of the July 7 Bail Order [docket entry 73] be and hereby is **GRANTED IN PART and DENIED IN PART**; and it is further

**ORDERED** that the conditions set forth in the July 7 Bail Order be and hereby are **MODIFIED** as follows:

(1) Kamienski is permitted to travel to any State in the continental United States provided he gives prior notice to the OCPD of his travel itinerary; and

(2) Kamienski is required to report to the OCPD on a basis no more onerous than once a week by telephone.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge