

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

PAUL KAMIENSKI,
Petitioner,

Civil Action No. 02-3091

v.

Motion to Vacate Bail Order

ROY HENDRICKS, et al.,

Respondents.

Petitioner Paul Kamienski moves to vacate the Personal Recognizance Bond with Conditions entered by the Court on July 7, 2009 (hereinafter, the “July 7 Bail Order”) [docket entry 73], and modified by the Court on July 24, 2009 [docket entry 81] (hereinafter, the “July 24 Modified Bail Order”) (collectively, the “Bail Orders”).

The grounds for relief are as follows:

The Bail Orders placed Kamienski under supervision of this Court and the New Jersey Department of Probation pending the outcome of the State of New Jersey’s petition for a writ of certiorari to the United States Supreme Court to review the Third Circuit’s order directing this Court to issue a writ of habeas corpus on behalf of Kamienski in this matter.

On January 19, 2010, the United States Supreme Court denied the State of New Jersey’s petition for a writ of certiorari.

There is no good cause for continuing the conditions of bail set forth in the Bail Orders.

Accordingly, the Bail Orders should be vacated forthwith.

Respectfully submitted,

/s Jerome A. Ballarotto

Jerome A. Ballarotto, Esq.
(Local Counsel for Petitioner)
143 Whitehorse Avenue
Trenton, NJ 08610
(609) 581-8555

Timothy J. McInnis, Esq.
(*Pro Hac Vice Counsel to Petitioner*)
521 Fifth Avenue, Suite 1700
New York, NY 10175-0038
(212) 292-4573

Dated: January 19, 2010