

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Paul Kamienski)	
Plaintiff,)	
v.)	CIVIL NO. 2:02-cv-03091-SRC
Roy Hendricks, et al)	<u>WRIT ORDERING RELEASE ON BAIL</u>
Defendants)	

TO: Anne Milgram, Attorney General State of New Jersey; Marlene Lynch Ford, Ocean County Prosecutor, George W. Hayman, Commissioner, New Jersey Department of Corrections; Karen Balicki, Administrator, South Woods State Prison, Bridgeton, New Jersey; or other representative of the State of New Jersey and New Jersey Department of Corrections responsible for the custody and supervision on release of Appellant.

WHEREAS, judgment was entered on the 28th day of May, 2009 in an action in the United States Court of Appeals for the Third Circuit in the matter of Paul Kamienski, Appellant, v. Roy L. Hendricks, Administrator, et al, Appellees, Docket No. 06-4536, in favor of Appellant and against Appellees, which judgment remanded the matter to the United States District Court for the District of New Jersey with an instruction to issue the writ of *habeas corpus* on behalf of Appellant, who is currently incarcerated at the South Woods State Prison in Bridgeton, New Jersey (sbi no. 000302652B); and

WHEREAS, on May 28, 2009, said judgment was duly entered in the Offices of the Clerk of the United States Court of Appeals for the Third Circuit and the United States District Court for the District of New Jersey; and

WHEREAS, on June 11, 2009, Appellees filed a combined motion in the United States Court of Appeals for the Third Circuit for panel rehearing and rehearing en banc pursuant to Fed.R.App.P. 40 and 35, respectively, and

WHEREAS, on June 12, 2009, upon consideration of the parties' written submissions, the United States Court of Appeals for the Third Circuit issued an order pursuant to Fed.R.App.P. 23(c) granting Appellant's motion to be released forthwith on a personal recognizance bond during all pending applications by Appellees for review of the May 28, 2009 judgment, and further remanding the matter to the United States District Court for the District of New Jersey for the limited purpose of setting such terms of release as weekly reporting to the appropriate state authorities during the period of release; and

WHEREAS, on June 12, 2009, the above order directing Appellant's immediate release on bail was duly entered in the Offices of the Clerk of the United States Court of Appeals for the Third Circuit and the United States District Court for the District of New Jersey

THEREFORE, you are hereby commanded to satisfy the said order by

1. Immediately releasing Appellant from the custody of the New Jersey Department of Corrections pursuant to a personal recognizance bond in the amount of

\$1 million;

2. Said personal recognizance bond shall include the State's normal conditions of pretrial release.

3. In addition, the bond may provide for regular reporting to the appropriate State authority, as determined by it, but in no event, on a more onerous basis than weekly in person reporting.

4. The bond may further provide for limiting Appellant's travel, but in no event shall it restrict Appellant from residing in and/or travel to, the States of New Jersey, Florida and New York.

5. The bond shall direct Appellant to surrender any unexpired passports and preclude him from seeking any new passports during the period of release.

6. The bond shall remain in effect during the pendency of the State's petition for rehearing by the United States Court of Appeals for the Third Circuit and any subsequent period that may result if a petition for a writ of certiorari is filed with the United States Supreme Court.

7. APPELLANT'S RELEASE SHALL BE IMMEDIATE. THE STATE AND APPELLANT WILL HAVE ONLY TWO

WITNESS, the Honorable Stanley R. Chesler, a Judge of the United States District Court, District of New Jersey this 15 day of June 2009.

WORKS TO FORMALIZE AND EXECUTE THE BAIL BOND, and Kaminski will have 48 hrs thereafter to escape it.

HON. STANLEY R. CHESLER, USDJ