

“[r]elease would not pose a danger to property or persons, and that he is likely to appear for any future proceeding.” 8 C.F.R. § 1236.1(c)(8).

III. DISCUSSION

Respondent is a thirty-eight-year-old native and citizen of the Kenya. In 2017, Respondent was arrested on a domestic violence charge in Hillsborough County, Florida; thus, the Court initially denied Respondent’s Second Bond Motion because he had an arrest with pending charges. After the denial of bond, Respondent, through counsel, filed the Third Bond Motion, alleging that a material change in circumstances had occurred. See 8 C.F.R. §§ 1003.19(e), 236.1(d), 1236.1(d). Respondent presented evidence that the State of Florida entered a *nolle prosequi* in his criminal case, dropping charges from the 2017 arrest, which would constitute a change in circumstances. See *id.* Moreover, the Court notes that Respondent and his wife, the victim in his closed criminal case, are divorced, which indicates that such an incident is unlikely to reoccur. In addition, the mother of Respondent’s child, who is severely autistic, testified before the Court in September of 2019, and she attested to the fact that Respondent is not a violent person.

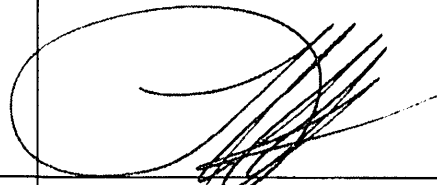
The Court finds that Respondent had demonstrated a material change in circumstances. The documents that Respondent submitted to the Court — including the Florida Comprehensive Case Information System printout stating the criminal case is closed and the Notice of *Nolle Prosequi* from the State of Florida stating that the charges were dropped — are sufficient to support a finding of changed circumstances because these documents were unavailable at the time of the initial bond redetermination. Having considered the evidence available to the Court, the Court finds that Respondent established his eligibility for a bond because he proved that he poses no danger to persons or property. 8 C.F.R. § 1236.1(c)(8). Although the Court recognizes that the Department does not have the burden of proof, the Court notes that the Department did not submit any evidence which would contradict the Court’s conclusion. Accordingly, after considering Respondent’s Third Bond Motion, the Court finds Respondent has met his burden to demonstrate a material change in circumstances, and in order to ensure Respondent’s appearance at future hearings, the Court will set a bond in the amount of \$10,000.

ORDERS OF THE IMMIGRATION JUDGE

IT IS HEREBY ORDERED that the Respondent’s Motion for Bond Redetermination based upon Changed Circumstances is **GRANTED**.

IT IS FURTHER ORDERED that Respondent be released from custody under **BOND** of **\$10,000**.

DATED this Dec. 13, 2019



LOURDES RODRIGUEZ DE JONGH
IMMIGRATION JUDGE