

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2490

Ahmed Hassan Ali, also
known as Ahmed Warsame,

Petitioner-Appellee,

v.

Mark Cangemi, Interim Director,
Bureau of Immigration and Customs
Enforcement,

Respondent-Appellant.

*
*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Minnesota.

[TO BE PUBLISHED]

Submitted: September 13, 2004
Filed: September 27, 2004

Before RILEY, LAY, and SMITH, Circuit Judges.

PER CURIAM.

Ahmed Hassan Ali was born in Somalia in 1967. He first entered the United States in 1995 and was arrested in Minnesota in July 2002. It is conceded that Ali is barred from deportation to Somalia as a member of the class of Ali v. Ashcroft, 346 F.3d 873 (9th Cir. 2003). Ali has been held in detention awaiting deportation over

seventeen months. The district court¹ adopted the Magistrate Judge's recommendation for release on June 1, 2004, after de novo review. On June 17, 2004, the Government appealed this ruling.

Upon review of the briefs and case law, including Zadvydas v. Davis, 533 U.S. 678 (2001); Jama v. Ashcroft, 362 F.3d 1117 (8th Cir. 2004); Jama v. INS, 329 F.3d 630 (8th Cir. 2003), cert. granted, 124 S. Ct. 1407 (2004); and Ali v. Ashcroft, 346 F.3d at 880-86, this court is convinced the district court properly ordered Ali's release pursuant to Zadvydas, 533 U.S. at 701 and Ali, 346 F.3d at 886.

The case is remanded to the Immigration and Naturalization Service (INS), now known as the Bureau of Immigration and Customs Enforcement (BICE) organized under the Department of Homeland Security. Upon remand, the INS shall set forth conditions of Petitioner's supervised release. The INS is instructed to terminate Ali's incarceration as soon as possible.

IT IS SO ORDERED.

¹The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota.