

03-878 CLARK V. MARTINEZ

DECISION BELOW: 03-35053, 1/18/03, not reported

LOWER COURT CASE NUMBER: 03-35053

QUESTION PRESENTED:

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), this Court avoided constitutional concerns by interpreting 8 U.S.C. 1231(a)(6) to limit to a "reasonable time" the period that permanent resident aliens may be detained following final orders directing their removal from the United States. Applying that standard, the Court held that a resident alien generally may not be detained under Section 1231(a)(6) for more than six months after being ordered removed, if the alien demonstrates that there is not a significant likelihood of removal in the reasonably foreseeable future. The question presented in this case is whether Section 1231(a)(6) and *Zadvydas* compel the release of an arriving alien who was apprehended at the border of the United States, denied admission, and ordered removed from the United States.

CONSOLIDATED WITH 03-7434 FOR ONE HOUR ORAL ARGUMENT. CERT.

GRANTED: 03/01/2004

CERT. GRANTED 3/1/2004