

Probert challenge avoids jail

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Body

A federal judge kept the Detroit Red Wings' Bob **Probert** out of **jail** and put him in the middle of a legal donnybrook with constitutional ramifications far beyond his case.

Probert, 25, successfully **challenged** a U.S. Immigration and Naturalization Service statute under which he would have been **jailed** while appealing his deportation to Canada.

U.S. District Judge Horace Gilmore said the statute is unconstitutional because it calls for detainment without the possibility of a bond hearing.

He said **Probert** could be detained only if he is proved to be a threat to flee or a risk to society. Michigan INS Director Jim Montgomery said no bond hearing will be held.

"This is just getting over one more hurdle," **Probert** said. "There is a large one yet to come. Until that is over with, I can't get on with my life."

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