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7
8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MOHAMMED BELAL,

11 Petitioner,

12 v.

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14 CHRISTOPHER LaROSE, *Warden,*
Otay Mesa Detention Center, et al.,

15 Respondent.
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Case No.: 26-cv-01427-BAS-BLM

**AMENDED RETURN TO PETITION
FOR WRIT OF HABEAS CORPUS**

1 Respondents herein respectfully submit this amended response to Petitioner's habeas
2 petition. Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). *See*
3 *Jennings v. Rodriguez*, 583 U.S. 281 (2018). However, the government argued in its
4 untimely Return, ECF No. 10, that Petitioner had failed to exhaust his administrative
5 remedies by not appealing an Immigration Judge's (IJ) order denying him bond to the
6 Board of Immigration Appeals. The undersigned has since been informed that Petitioner
7 was not denied bond. *See* Exhibit (Ex.) 1 (IJ Order). On August 22, 2025, an IJ allowed
8 Petitioner to withdraw his custody re-determination request, after the immigration court
9 found that it did not have jurisdiction to hold a bond hearing for Petitioner pursuant to
10 *Matter of MS*, 27 I&N Dec. 509 (AG 2019). Ex. 1 at 1. Accordingly, there does not appear
11 to be a meaningful administrative remedy for left for Petitioner to exhaust as it relates to
12 his mandatory detention under 8 U.S.C. § 1225(b).

13 Moreover, the government acknowledges that courts in this District have repeatedly
14 inferred a constitutional right against prolonged mandatory detention. Taking into
15 consideration those prior rulings and the length of time Petitioner has been in custody, the
16 government does not oppose this Court ordering that Petitioner receive an individualized
17 bond hearing before an immigration judge. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-
18 BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-
19 SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26, 2025).

20 DATED: April 16, 2026

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