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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 WINDER MUNOZ-NIEVES,

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE, et al.,

16 Respondents.
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Case No.: 26-cv-1497-JLS-JLB

RESPONSE TO PETITION

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
2 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
3 (2018). However, the government acknowledges that courts in this District have repeatedly
4 inferred a constitutional right against prolonged mandatory detention. Taking into
5 consideration those prior rulings and the length of time Petitioner has been in custody, the
6 government concedes that this Court should order that Petitioner receive a bond hearing,
7 where the government would bear the burden of proof of establishing, by clear and
8 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
9 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
10 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
11 2025).

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13 DATED: March 24, 2026

ADAM GORDON
United States Attorney

15 *s/ Michael D. Wallace*
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