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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ROBERTO ZACARIAS HERNANDEZ,

11 Petitioner,

12 v.

13 WARDEN, *Otay Mesa Detention Center,*
14 *et al.,*

Respondents.

Case No.: 26-cv-01448-DMS-JLB

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

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

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13 DATED: March 19, 2026

14 Respectfully submitted,

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16 ADAM GORDON
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18 s/ Hunter V. Norton
19 HUNTER V. NORTON
Assistant United States Attorney
20 Attorney for Respondents
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