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

10 AKYLBEK ZHUMAGULOV,

11 Petitioner,

12 v.

13 JEREMY CASEY, et al.,

14 Respondents.  
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Case No.: 26-cv-1609-RBM-SBC

**RETURN TO HABEAS  
PETITION  
AND NOTICE OF NON-  
OPPOSITION**

20 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is  
21 subject to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583  
22 U.S. 281 (2018). However, the government acknowledges that courts in this District have  
23 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking  
24 into consideration those prior rulings and the length of time Petitioner has been in  
25 custody, the government concedes that this Court should order that Petitioner receive a  
26 bond hearing, where the government would bear the burden of proof of establishing, by  
27 clear and convincing evidence, that Petitioner poses a danger to the community or a risk  
28 of flight. *See Sadeqi v LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D.

1 Cal. Nov. 12, 2025); *Gao v LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633  
2 (S.D. Cal. Sept. 26, 2025).<sup>1</sup>

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4 DATED: April 1, 2026

Respectfully submitted,

5 ADAM GORDON  
6 United States Attorney

7 *s/Michael D. Wallace*  
8 MICHAEL D. WALLACE  
9 Assistant United States Attorney  
Attorneys for Respondents

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28 <sup>1</sup> Petitioner was ordered removed to Kyrgyzstan on December 9, 2025. He appealed to the BIA on January 7, 2026 with briefs due April 7, 2026.