

Document 5

1 ADAM GORDON
United States Attorney
2 HUNTER V. NORTON
Assistant U.S. Attorney
3 D.C. Bar No. 1780736
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8592
Email: Hunter.Norton2@usdoj.gov

6 Attorneys for Respondent
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 KEVIN ALEXANDER
12 PORTILLO LUNA
13 Petitioner,
14

15 v.

16 CHRISTOPHER J. LAROSE, *et al.*,
17 Respondents.
18
19
20
21
22
23
24
25
26
27
28

Case No. 26-cv-01645-TWR-AHG

**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. Taking
5 into consideration those prior rulings and the length of time Petitioner has been in
6 custody, the government concedes that this Court should order that Petitioner receive a
7 bond hearing, where the government would bear the burden of proof of establishing, by
8 clear and convincing evidence, that Petitioner poses a danger to the community or a risk
9 of flight. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D.
10 Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633
11 (S.D. Cal. Sept. 26, 2025).

12 DATED: March 25, 2026

ADAM GORDON

United States Attorney

14 s/ Hunter Norton

15 HUNTER V. NORTON

Assistant United States Attorney