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

11 SAMARE ALI,

12
13 Petitioner,

14 v.

15 KRISTI NOEM, et al.,

16 Respondents.
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Case No.: 26-cv-01699-RBM-VET

RESPONSE TO PETITION

19 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
20 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
21 (2018). However, the government acknowledges that courts in this District have repeatedly
22 inferred a constitutional right against prolonged mandatory detention. Taking into
23 consideration those prior rulings and the length of time Petitioner has been in custody, the
24 government concedes that this Court should order that Petitioner receive a bond hearing,
25 where the government would bear the burden of proof of establishing, by clear and
26 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.¹

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28 ¹ To the extent Petitioner asserts claims that immigration judges' neutrality have been compromised, ECF No. 8 at 10, the Court lacks jurisdiction over such claims because they do not

1 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
2 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
3 2025).

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5 DATED: April 10, 2026

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26 challenge the lawfulness of his custody. Habeas relief is available to challenge only the legality or
27 duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023); *Crawford v. Bell*,
28 599 F.2d 890, 891 (9th Cir. 1979); *Dep't of Homeland Security v. Thraissigiam*, 591 U.S. 103, 117
(2020) (The writ of habeas corpus historically “provide[s] a means of contesting the lawfulness of
restraint and securing release.”).