

Page 4

1 ADAM GORDON
United States Attorney
2 ERIN M. DIMBLEBY
Assistant U.S. Attorney
3 California State Bar No. 323359
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-6987
Facsimile: (619) 546-7751
6 Email: Erin.Dimbleby@usdoj.gov
7
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 DIYAR CAKAN,

12
13 Petitioner,

14 v.

15 TODD M. LYONS, *et al.*,

16 Respondents.
17
18

Case No.: 26-cv-01683-TWR-BJW

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 this Court has repeatedly inferred a
22 constitutional right against prolonged mandatory detention. Taking into consideration
23 those prior rulings, the government concedes that this Court should order that Petitioner
24 receive a bond hearing, where the government would bear the burden of proof of
25 establishing, by clear and convincing evidence, that Petitioner poses a danger to the
26 community or a risk of flight. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL
27 3154520 (S.D. Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL
28

1 2770633 (S.D. Cal. Sept. 26, 2025).

2

3 DATED: March 23, 2026

4

ADAM GORDON
United States Attorney

5

s/ Erin M. Dimbleby
ERIN M. DIMBLEBY
Assistant United States Attorney

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28