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

11 LEONARDO VARONA THOMAS,
12

13 Petitioner,

14 v.

15 JEREMY CASEY,
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17 Respondent.
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Case No.: 26-cv-2013-DMS-MMP

RESPONSE TO PETITION

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20 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject
21 to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S.
22 281 (2018).

23 However, the government acknowledges that courts in this District have
24 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking
25 into consideration those prior rulings, the current progress of the removal proceedings,
26 the cause of delay in the proceedings, and the length of time Petitioner has been in
27 custody, the government concedes that this Court should order that Petitioner receive a
28 bond hearing, where the government would bear the burden of proof of establishing, by

1 clear and convincing evidence, that Petitioner poses a danger to the community or a risk
2 of flight. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D.
3 Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633
4 (S.D. Cal. Sept. 26, 2025).¹

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6 DATED: April 24, 2026

ADAM GORDON
United States Attorney

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8 *s/Michael D. Wallace*
MICHAEL D. WALLACE
Assistant United States Attorney
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26 ¹ Petitioner has an appeal of his removal order to Cuba, or in the alternative, Mexico, pending
27 at the BIA, which was filed on April 9, 2026. In addition, Petitioner was taken into custody after his
28 conviction on May 29, 2025, for attempted illegal entry in violation of 8 U.S.C. §1325(a)(1), 25-cr-
1989.