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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

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12 OZER NESE,

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE,  
16 WARDEN, OTAY MESA DETENTION  
CENTER,

17 Respondent.

Case No.: 26-cv-01973-JO-SBC

RESPONSE TO PETITION

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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.  
27 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,  
28

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

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4 DATED: April 7, 2026

ADAM GORDON  
United States Attorney

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6 *s/ Mary Cile Glover-Rogers*  
MARY CILE GLOVER-ROGERS  
Assistant United States Attorney  
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