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7 **UNITED STATES DISTRICT COURT FOR THE**  
**SOUTHERN DISTRICT OF CALIFORNIA**  
8

9 AILAN LI,

10 Petitioner,

11 v.

12 CHRISTOPHER LAROSE, *et al.*,

13 Respondents.  
14  
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Case No. 26-cv-2073 JLS DEB

**PETITIONER’S REPLY TO**  
**RESPONDENTS’ RESPONSE TO**  
**HABEAS PETITION**

16  
17 Petitioner (“Ms. Li” or “Petitioner”) submits this reply to Respondents’ Response filed on  
18 April 7, 2026.

19 Respondents contend that Ms. Li is subject to mandatory detention under 8 U.S.C. § 1225(b),  
20 and her detention therefore does not violate due process. *See* Dkt. 5.

21 **I. Although Petitioner is subject to mandatory detention, her prolonged detention**  
22 **violates her due process rights.**

23 Citing *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018), Respondents argue that noncitizens  
24 detained under § 1225(b) are not entitled to bond hearings. True, in *Jennings*, the Supreme Court  
25 found the Ninth Circuit “erroneously concluded that period bond hearings are required” under §  
26 1225(b). *See Jennings* at 307 (the issue before the Court is “can §§1225(b), 1226(c), and 1226(a)  
27 be read to require bond hearings every six months without doing violence to the statutory  
28 language”). However, while *Jennings* concluded that § 1225(b)(1) does not authorize period bond

1 hearings, “it did not provide specific guidance as to whether an alien could assert an as-applied  
2 challenge to prolonged detention without a bond hearing under the Fifth Amendment due process  
3 clause.” *Gevorg v. Warden of the Golden State Annex Det. Facility*, No. 1:25-cv-00992-HBK  
4 (HC)1, 2025 WL 3496436 (E.D. Cal. Dec. 5, 2025). Although the Ninth Circuit has not yet taken  
5 a position on whether due process requires a bond hearing for noncitizens subject to mandatory  
6 detention, numerous courts across the country recognized that unreasonably prolonged detention  
7 under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process. *See e.g.*  
8 *Hamideh Sadeqi v. Larose*, 809 F. Supp. 3d 1090, 1094 (S.D. Cal. 2025); *Zhakuov v. Noem*, No.  
9 3:26-cv-00288-RBM-DDL, 2026 WL 517981 (S.D. Cal. Feb. 25, 2026); *Sandesh v. Larose*, No.  
10 26-cv-0846-JES-DDL, 2026 WL 622690 (S.D. Cal. Mar. 4, 2026).

11 Further, Respondents argue that “[arriving aliens] have no due process rights other than  
12 those afforded by statute.” *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–  
13 40 (2020). True, “[f]ollowing the Supreme Court’s decision in *Thuraissigiam*, some district courts  
14 have adopted Respondents’ reasoning to dismiss or deny habeas petitions in the context of arriving  
15 aliens subject to mandatory detention under Section 1225(b)(1).” *Gao v. LaRose*, 805 F. Supp. 3d  
16 1106, 1110 (S.D. Cal. 2025). But “[m]ost courts have ruled otherwise.” *Id.* (collecting cases).  
17 Indeed, “essentially all district courts that have considered the issue agree that prolonged mandatory  
18 detention pending removal proceedings, without a bond hearing, will—at some point—violate the  
19 right to due process.” *Abubakar Abdul-Samed v. Warden of the Golden State Annex Det. Facility*,  
20 No. 1:25-cv-00098-SAB-HC, 2026 WL 836351 (E.D. Cal. July 24, 2025) (internal citation omitted).  
21 This Court has also repeatedly reached the same conclusion. *See Chenghong Xie v. Larose*, No.  
22 3:26-cv-01116-RBM-MMP, 2026 WL 836351 (S.D. Cal. Mar. 26, 2026) (“The Court thus joins  
23 the majority of courts across the country in concluding that an unreasonably prolonged detention  
24 under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process.”).

25 Respondents also rely on *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–  
26 09 (1953), to argue that continued detention does not violate due process. As many courts  
27 recognized, *Mezei* is distinguishable because it arose in the context of national security concerns.  
28 *See Rosales-Garcia v. Holland*, 322 F.3d 386, 413-14 (6th Cir. 2003) (“[T]he *Mezei* Court

1 explicitly grounded its decision in the special circumstances of a national emergency and the  
2 determination by the Attorney General that *Mezei* presented a threat to national security.”) Unlike  
3 the noncitizen in *Mezei*, Ms. Li has never been excluded on national security grounds and presents  
4 no such threat.

5 **II. Petitioner’s detention is unconstitutionally prolonged.**

6 Respondents argue that Ms. Li’s detention, approximately nine months, is not prolonged  
7 because courts have found longer periods of detention to be unreasonable. The fact that some courts  
8 have deemed longer periods of detention unconstitutional does not automatically render Ms. Li’s  
9 nine-month detention reasonable. Indeed, “[c]ourts have found detention over seven months  
10 without a bond hearing weighs toward a finding that it is unreasonable.” *Amado v. United States*  
11 *DOJ*, No. 25-cv-2687-LL(DDL), 2025 WL 3079052 (S.D. Cal. Nov. 4, 2025); *see also Masood v.*  
12 *Barr*, No. 19-cv-07623-JD, 2020 WL 95633 (N.D. Cal. Jan. 8, 2020) (finding detention for nearly  
13 nine months weighs in favor of the petitioner); *Cabral v. Decker*, 331 F. Supp. 3d 255, 261  
14 (S.D.N.Y. 2018) (over seven months); *Perez v. Decker*, No. 18-CV-5279 (VEC), 2018 WL  
15 3991497 (S.D.N.Y. Aug. 20, 2018) (over nine months).

16 With respect to the duration of future detention, a merits hearing does not signify the end  
17 of the proceedings. Regardless of the outcome, either party may seek appellate review, resulting in  
18 many additional months, if not years, of continued detention. Continued detention is virtually  
19 certain. *See Guatam v. Corr. Corp. of Am.*, No. 3:25-cv-3600-JES-DEB, 2026 WL25846 (S.D. Cal.  
20 Jan. 5, 2026) (“[A] removal order may not become final until after the appeals Petitioner could file,  
21 to both the Board of Immigration Appeals and Ninth Circuit... These appeals can take a long time.”);  
22 *see also Banda v. McAleenan*, 385 F. Supp. 3d at 1119 (finding an appeal to the BIA and subsequent  
23 judicial review “may take up to two years or longer”).

24 Accordingly, Ms. Li’s detention has become unreasonably prolonged, and her continued  
25 detention without a bond hearing violates due process. Ms. Li respectfully requests that this Court  
26 order either a bond hearing before an Immigration Judge at which the Government bears the burden  
27 of establishing, by clear and convincing evidence, that she poses a danger to the community or a  
28 risk of flight, or her immediate release.

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Respectfully submitted,  
Juris Path Law Firm, PC

/s/Yunchao Song  
Yunchao Song, Esq.  
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