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8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 ASRAR ZEYNU SIRAJ,

12
13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security; et al.,

16
17 Respondents.

Case No.: 26-cv-02091-LL-DEB

**RETURN TO AMENDED
PETITION**

18
19 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject
20 to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*,
21 583 U.S. 281 (2018). However, the government acknowledges that courts in this District
22 have repeatedly inferred a constitutional right against prolonged mandatory detention.
23 Considering 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.
28 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal.

1 Sept. 26, 2025). Because there is no evidence establishing a lack of neutrality on the part
2 of Immigration Judges in this District, the Court should reject Petitioner’s argument that
3 the appropriate remedy is release.

4 DATED: April 21, 2026

Respectfully submitted,

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6 ADAM GORDON
7 United States Attorney

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11 Attorneys for Respondents
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