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

12 YASSINE KOUR,

13 Petitioner,

14 v.

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16 WARDEN OF IMPERIAL REGIONAL
DETENTION FACILITY; et al.,

17 Respondents.
18

Case No.: 26-cv-02317-JO-SBC

RESPONSE TO PETITION

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20 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
21 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
22 (2018). Here, Petitioner contends that his detention authority is 8 U.S.C. § 1226. However,
23 given that Petitioner was detained while he was entering the U.S. without inspection and
24 has been in custody ever since, it is the Department's authority that he is detained under 8
25 U.S.C. § 1225(b)(2) and is subject to mandatory detention. *See Exhibit 1 (I213)*.

26 However, the government acknowledges that courts in this District have repeatedly
27 inferred a constitutional right against prolonged mandatory detention. Taking into
28 consideration those prior rulings and the length of time Petitioner has been in custody, the

1 government concedes that this Court should order that Petitioner receive a bond hearing,
2 where the government would bear the burden of proof of establishing, by clear and
3 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
4 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
5 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
6 2025).

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8 DATED: April 20, 2026

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