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9 **UNITED STATES DISTRICT COURT**

10 **SOUTHERN DISTRICT OF CALIFORNIA**

11
12 SYLVA REBECCA NSELE MUSONGO,

13 Petitioner,

14 v.

15 SIXTO MARRERO

16 Respondent.
17
18

Case No.: 3:26-cv-02321-TWR-DDL

RESPONSE TO PETITION

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*, 583 U.S.
21 281 (2018). However, the government acknowledges that courts in this District have
22 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking
23 into consideration those prior rulings and the length of time Petitioner has been in
24 custody, the government concedes that this Court should order that Petitioner receive an
25 individualized bond hearing, where the government would bear the burden of proof of
26 establishing, by clear and convincing evidence, that Petitioner poses a danger to the
27 community or a risk of flight. *See Sadeqi v. LaRose*, 809 F.Supp.3d 1090 (S.D. Cal.
28

2025); *Gao v. LaRose*, 805 F.Supp.3d 1106 (S.D. Cal. 2025).

DATED: April 16, 2026

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