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

11
12 ROGER FRYE LARGO,
13 Petitioner,
14 v.
15 ALEJANDRO MAYORKAS, et al.,
16 Respondents.
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Case No.: 26-cv-2128-JO-BLM
RESPONSE TO PETITION

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1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
2 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
3 (2018). However, the government acknowledges that courts in this District have repeatedly
4 inferred a constitutional right against prolonged mandatory detention. Taking into
5 consideration those prior rulings and the length of time Petitioner has been in custody, the
6 government concedes that this Court should order that Petitioner receive a bond hearing,
7 where the government would bear the burden of proof of establishing, by clear and
8 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
9 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
10 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
11 2025).¹

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13 DATED: April 23, 2026

ADAM GORDON
United States Attorney

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15 *s/ Michael D. Wallace*
MICHAEL D. WALLACE
16 Assistant United States Attorney
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27 ¹ Petitioner is no longer subject to a final order of removal. The Board of Immigration
28 Appeals granted the motion to reconsider and his appeal is now pending at the BIA.