

1 ADAM GORDON
United States Attorney
2 JACOB T. METZGER
Special Assistant U.S. Attorney
3 Ohio State Bar No. 104783
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8592/8693
Facsimile: (619) 546-7751
6 Email: jacob.metzger@usdoj.gov

7 Attorneys for Respondents

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

12 YAOVI ENA KOTSE,

13 Petitioner,

14 v.

15 JEREMY CASEY, *Warden*

16 Respondents.
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Case No.: 26-cv-02316-JES-MMP

**RETURN TO PETITION FOR
WRIT OF HABEAS CORPUS**

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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). However, the government acknowledges that courts in this District have repeatedly
23 inferred a constitutional right against prolonged mandatory detention. Taking into
24 consideration those prior rulings and the length of time Petitioner has been in custody, the
25 government concedes that this Court should order that Petitioner receive a bond hearing,
26 where the government would bear the burden of proof of establishing, by clear and
27 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
28 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,

1 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
2 2025).

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4 DATED: May 5, 2026

Respectfully submitted,

5 ADAM GORDON
6 United States Attorney

7 *s/Jacob T. Metzger*
8 Jacob T. Metzger
9 Special Assistant United States Attorney
10 Attorneys for Respondents
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