

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 Attorney for Respondents

8
9 UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 M.K,

12 Petitioner,

13 v.

14 SIXTO MARRERO et al.,

15 Respondents.
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Case No.: 26-cv-02499-RBM-MMP

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

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22 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
23 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
24 (2018). However, the government acknowledges that courts in this District have repeatedly
25 inferred a constitutional right against prolonged mandatory detention. Taking into
26 consideration those prior rulings and the length of time Petitioner has been in custody, the
27 government concedes that this Court should order that Petitioner receive a bond hearing,
28 where the government would bear the burden of proof of establishing, by clear and

1 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
2 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
3 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
4 2025).

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6 DATED: April 29, 2026

Respectfully submitted,

7 ADAM GORDON
8 United States Attorney

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