

1 ADAM GORDON  
 United States Attorney  
 2 JACOB T. METZGER  
 Special Assistant U.S. Attorney  
 3 Ohio State Bar No. 104783  
 HUNTER V. NORTON  
 4 Assistant U.S. Attorney  
 Washington D.C. Bar No. 1780736  
 5 Office of the U.S. Attorney  
 880 Front Street, Room 6293  
 6 San Diego, CA 92101-8893  
 Telephone: (619) 546-8693/8592  
 7 Facsimile: (619) 546-7751  
 Email: jacob.metzger@usdoj.gov  
 8 Email: hunter.norton2@usdoj.gov  
 9 Attorneys for Respondents

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

13 GILBERT OJONGATUMBA JOACHIM,

14  
 15 Petitioner,

16 v.

17 CHRISTOPHER LAROSE, *et al.*,

18 Respondents.  
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Case No.: 26-cv-02574-DMS-MMP

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

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

1 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,  
2 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,  
3 2025).

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5 DATED: April 29, 2026

Respectfully submitted,

6 ADAM GORDON  
7 United States Attorney

8 *s/ Jacob T. Metzger*  
9 JACOB T. METZGER  
10 Special Assistant U.S. Attorney  
11 Attorney for Respondents  
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