

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 Mobile: (619) 885-2119
Facsimile: (619) 546-7751
8 Email: jacob.metzger@usdoj.gov
Email: hunter.norton2@usdoj.gov

9 Attorneys for Respondents

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

14 NIDAL ALMASHIRIKI,

15
16 Petitioner,

17 v.

18 CHRISTOPHER LAROSE, *et al.*,

19 Respondents.
20

Case No.: 26-cv-02682-BJC-AHG

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

21
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).

5
6 DATED: May 4, 2026

Respectfully submitted,

7 ADAM GORDON
8 United States Attorney

9 s/ Jacob T. Metzger
10 JACOB T. METZGER
11 Special Assistant U.S. Attorney
12 Attorney for Respondents
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28