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7 Attorneys for Respondents

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 ISMAIL MALLOUK,

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14 Petitioner,

15 v.

16 WARDEN, IMPERIAL REGIONAL
17 DETENTION FACILITY,

18 Respondent.

Case No.: 26-cv-02422-AGS-MSB

RESPONSE TO PETITION

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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. *See*
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1 *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: May 5, 2026

ADAM GORDON
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7 *s/Tom Merritt*
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