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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 PADAM GHARTI MAGAR,
12

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE; et al.,
16

17 Respondents.
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Case No.: 26-cv-02579-AGS-VET

RESPONSE TO PETITION

19 Petitioner has filed a second habeas petition under 28 U.S.C. § 2241. Petitioner is
20 subject to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583
21 U.S. 281 (2018). However, the government acknowledges that courts in this District have
22 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking
23 into consideration those prior rulings and the length of time Petitioner has been in custody,
24 the government concedes that this Court should order that Petitioner receive a bond
25 hearing, where the government would bear the burden of proof of establishing, by clear
26 and convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
27 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
28

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

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