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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 AZIZ MORADI RASHID,

11 Petitioner,

12 v.

13 MARKWAYNE MULLIN, Secretary of the
14 Department of Homeland Security; et al.,

15 Respondent.

Case No.: 26-cv-02758-JO-MSB

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

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject
2 to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S.
3 281 (2018). However, the government acknowledges that courts in this District have
4 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking
5 into consideration those prior rulings and the length of time Petitioner has been in
6 custody, the government concedes that this Court should order that Petitioner receive a
7 bond hearing, where the government would bear the burden of proof of establishing, by
8 clear and convincing evidence, that Petitioner poses a danger to the community or a risk
9 of flight. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D.
10 Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633
11 (S.D. Cal. Sept. 26, 2025).

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13 DATED: May 8, 2026

Respectfully submitted,

14 ADAM GORDON
15 United States Attorney

16 *s/Hunter V. Norton*
17 Hunter V. Norton
18 Assistant United States Attorney

19 Attorneys for Respondents
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