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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 ANGEL LILIGUISHUZCA-CHUQI,

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13 Petitioner,

14 v.

15 PATRICK DIVVER, et al.,

16 Respondents.
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Case No.: 26-cv-2892-AGS-GC

RESPONSE TO PETITION

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20 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject
21 to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S.
22 281 (2018). Petitioner was apprehended upon entry into the United States on January 21,
23 2024. Ex. 1 (I-213). Given these facts, Petitioner is not a member of the Bond Eligible
24 Class because he was apprehended upon arrival. *See Rodriguez v. Jeffreys, et al.*, No.
25 8:25CV714, 2025 WL 3754411, *16 (D. Neb. Dec. 29, 2025) (rejecting *Bautista* as basis
26 for relief and denying habeas petition because, among other things, “there is ‘a bright-
27 line rule’ applicable in [these] circumstances”) (citations omitted).

28 However, the government acknowledges that courts in this District have

1 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking
2 into consideration those prior rulings, the current progress of the removal proceedings,
3 the cause of delay in the proceedings, other petitioners in similar factual circumstances,
4 and the length of time Petitioner has been in custody, the government concedes that this
5 Court should order that Petitioner receive a bond hearing, where the government would
6 bear the burden of proof of establishing, by clear and convincing evidence, that Petitioner
7 poses a danger to the community or a risk of flight. *See Sadeqi v. LaRose*, No. 25-cv-
8 2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-
9 cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26, 2025).¹

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DATED: May 15, 2026

ADAM GORDON
United States Attorney

s/Michael D. Wallace
MICHAEL D. WALLACE
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¹ Petitioner has an appeal pending at the 9th Circuit which has issued a temporary stay on her removal.