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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 NAJMEDIN MASAR ZAKARIA,
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13 Petitioner,
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15 v.
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17 IMMIGRATION AND CUSTOMS
18 ENFORCEMENT, et al.,
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20 Respondents.
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Case No.: 26-cv-2751-BJC-MMP

RESPONSE TO PETITION

29 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
30 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
31 (2018). However, the government acknowledges that courts in this District have repeatedly
32 inferred a constitutional right against prolonged mandatory detention. Taking into
33 consideration those prior rulings and the length of time Petitioner has been in custody, the
34 government concedes that this Court should order that Petitioner receive a bond hearing,
35 where the government would bear the burden of proof of establishing, by clear and
36 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
37 *See Sadeqi v. LaRose*, 809 F. Supp. 3d 1090 (S.D. Cal. Nov. 12, 2025); *Gao v. LaRose*,
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1 805 F. Supp. 3d 1106 (S.D. Cal. Sept. 26, 2025).

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3 DATED: July 14, 2026

ADAM GORDON
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