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9 Attorneys for Respondent

10 **UNITED STATES DISTRICT COURT**
11
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 BENITO MARIANO MICHA ANGONO,

14 Petitioner,

15 v.

16 WARDEN, JEREMY CASEY,

17 Respondent.
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Case No.: 3:26-cv-02313-CAB-DEB

RESPONSE TO PETITION

20 Petitioner, proceeding *Pro Se*, has filed an amended habeas petition under 28
21 U.S.C. § 2241 to which the Court has directed a response. ECF 3, 4. The amended
22 petition states that Petitioner has been detained since December 2024. ECF 3, “Statement
23 of Facts,” Page ID 19. Petitioner asserts in his amended petition that he is being detained
24 “pending immigration removal proceedings” which are not final due to a “pending
25 appeal.” Id. at Statement of Facts, Page ID 19. Petitioner is subject to mandatory
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1 detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281, 297, 303
2 (2018) (construing detention provisions of 1225(b)). However, the government
3 acknowledges that courts in this District have repeatedly inferred a constitutional right
4 against prolonged mandatory detention. Taking into consideration those prior rulings and
5 the length of time Petitioner has been in custody, the government concedes that this Court
6 should order that Petitioner receive an individualized bond hearing, where the
7 government would bear the burden of proof of establishing, by clear and convincing
8 evidence, that Petitioner poses a danger to the community or a risk of flight. *See Sadeqi*
9 *v. LaRose*, 809 F.Supp.3d 1090 (S.D. Cal. 2025); *Gao v. LaRose*, 805 F.Supp.3d 1106
10 (S.D. Cal. 2025).
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15 DATED: May 5, 2026

16 Respectfully submitted,

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22 Attorneys for Respondent
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