

1 ADAM GORDON
United States Attorney
2 TOM MERRITT
Assistant U.S. Attorney
3 Washington State Bar No. 27723
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-7632
Facsimile: (619) 546-7751
6 Email: thomas.merritt@usdoj.gov

7 Attorneys for Respondents

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

12 NEBIYU NURE FUJAGA,

13
14 Petitioner,

15 v.

16 JEREMY CASEY, Warden, Imperial
17 Regional Detention Facility, *et al.*,

18 Respondents.
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Case No.: 26-cv-02694-RBM-MSB

RESPONSE TO PETITION

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21 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
22 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
23 (2018). However, the government acknowledges that courts in this District have repeatedly
24 inferred a constitutional right against prolonged mandatory detention. Taking into
25 consideration those prior rulings and the length of time Petitioner has been in custody, the
26 government concedes that this Court should order that Petitioner receive a bond hearing,
27 where the government would bear the burden of proof of establishing, by clear and
28 convincing evidence, that Petitioner poses a danger to the community or a risk of flight. *See*

1 *Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
2 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
3 2025).

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5 DATED: May 6, 2026

ADAM GORDON
United States Attorney

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7 s/ Tom Merritt
TOM MERRITT
Assistant United States Attorney
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