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

11 XIAOYAN YU,

12
13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE, et al.,

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17 Respondents.
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Case No.: 26-cv-2910-CAB-GC

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

20 **I. INTRODUCTION**

21 Petitioner requests the Court to order his immediate release from Immigration and
22 Customs Enforcement (ICE) custody or require that he be afforded a bond hearing because,
23 he alleges, his mandatory civil immigration detention under 8 U.S.C. § 1226(c) has become
24 “prolonged” in violation of his due process rights under the Fifth Amendment. Respondents
25 aver that Petitioner remains subject to mandatory detention under § 1226(c). *See Demore v.*
26 *Kim*, 538 U.S. 510, 513 (2003). However, the government acknowledges that courts in this
27 District have repeatedly inferred a constitutional right against prolonged mandatory
28 detention. Taking into consideration those prior rulings, the current progress of the removal

1 proceedings, the cause of delay in the proceedings, and the length of time Petitioner has
2 been in custody, the government concedes that this Court should order that Petitioner
3 receive a bond hearing, where the Petitioner bears the burden of proof of establishing that
4 Petitioner does not pose a danger to the community or a risk of flight. 8 U.S.C. §
5 1226(c)(4).¹

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7 DATED: May 19, 2026

Respectfully submitted,

8 ADAM GORDON
9 United States Attorney

10 s/ Michael D. Wallace
11 MICHAEL D. WALLACE
12 Assistant United States Attorney
13 Attorneys for Respondents
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28 ¹ Petitioner was convicted of conspiracy to engage in money laundering and was ordered to pay \$78,215 in restitution on November 14, 2022. He was detained on January 3, 2025, and has a merits hearing on May 21, 2026.