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Attorneys for Petitioner XIUQIN YOU

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA**

XIUQIN YOU,

Petitioner,

v.

JEREMY CASEY, *et al.*,

Respondents.

Case No. 26-cv-03156-BJC-JLB

**PETITIONER'S REPLY TO
RESPONDENTS' RETURN TO HABEAS
PETITION**

Petitioner submits this reply to Respondents' return filed on May 28, 2026.

Respondents conceded that this Court, and courts in this District, have consistently held that noncitizens, like Petitioner, who were previously released by the immigration authorities and were already within the United States when apprehended and arrested, are subjected to 8 U.S.C. § 1226(a), rather than § 1225(b). *See* Dkt. No. 6. Respondents further conceded that the facts of this case are not materially distinguishable from the other cases in which courts found that petitioners' detention to be governed by § 1226(a) and accordingly do not oppose the petition. *Id.*

This Court has repeatedly held that immediate release is the appropriate remedy when a noncitizen's detention is unlawful under the Due Process Clause. *See e.g. Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Maceda-Garcia v. Noem*, No.

1 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *Arias Torres v. Bondi*, No. 25-cv-2457-
2 BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025).

3 Accordingly, Petitioner respectfully requests that the Court grant the Petition, order
4 Petitioner's immediate release without the imposition of any conditions more restrictive than those
5 previously in place.

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7 Dated: May 28, 2026

Respectfully submitted,
Juris Path Law Firm, PC

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10 /s/Yunchao Song
11 Yunchao Song, Esq.
12 Attorneys for Petitioner
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