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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FABRICE MUHANUKA, Petitioner, v. CHRISTOPHER J. LAROSE, et al., Respondents.	Case No.: 26-cv-3127-RSH-MSB **RESPONSE TO PETITION**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c). However, the government acknowledges that courts in this District have repeatedly inferred a constitutional right against prolonged mandatory detention. Taking into consideration those prior rulings and the length of time Petitioner has been in custody, the government concedes that this Court should order that Petitioner receive an individualized bond hearing before an immigration judge. *See Lopez v. Garland*, 631 F. Supp. 3d 870, 882-83 (E.D. Cal. 2022); *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093 (S.D. Cal. April 20, 2023); *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 (S.D. Cal. Feb. 21, 2024) (detained over

two-and-a-half years).

Petitioner was convicted on January 3, 2024, in the State of Michigan of a 3rd Degree Criminal Sexual Conduct involving Force or Coercion (MCL §750.520(D)(1)(B)), sentenced to 127 days in prison, placed on 3 years of supervised probation and required to register as a sexual offender.

DATED: June 22, 2026

ADAM GORDON
United States Attorney

s/ Michael D. Wallace
MICHAEL D. WALLACE
Assistant United States Attorney