

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Jose Luis Nunez Jaimes v. Warden, Otero County Processing Center, et al.

Nunez Jaimes v. Warden · No. Civ. No. 26-0910-KG-KRS · Decided March 27, 2026

SUMMARY

The United States District Court for the District of New Mexico orders the respondents to answer Jose Luis Nunez Jaimes’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition concerns an immigration detainee’s alleged change in custody status without due process and possibly the lack of an adequate bond hearing. The court directs the United States Attorney’s Office to respond within ten business days and permits an optional reply within seven business days thereafter.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kenneth J. Gonzales
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 27, 2026
DOCKET	Civ. No. 26-0910-KG-KRS
DISPOSITION	other
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 by an immigration detainee; the court issued an order requiring respondents to answer.
STANDARD OF REVIEW	For purposes of determining whether to order a response, the court accepted the petition's factual allegations as true and assessed whether they stated a colorable claim for relief.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Jose Luis Nunez Jaimes v. Warden, Otero County Processing Center, Mary De Anda-Ybarra, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement, Todd Lyons, Acting Director, Immigration and Customs Enforcement, Markwayne Mullin, U.S. Department of Homeland Security, Pamela Bondi, U.S. Attorney General

TOPICS

immigration detention

removal proceedings

procedural due process

civil procedure

immigration

PRACTICE AREAS

immigration

habeas corpus

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the petitioner's allegations concerning a change in immigration custody status without due process and the possible denial of an adequate bond hearing stated a colorable claim under 28 U.S.C. § 2241 warranting an answer.
2. Whether the court should add the proper respondent parties in the immigration habeas proceeding.

HOLDINGS

1. Accepting the petition's factual allegations as true, the petitioner raised a colorable claim for relief concerning his immigration custody status and possible entitlement to an adequate bond hearing; respondents therefore must answer the petition.
2. The court added the identified custodial and agency officials as respondents in the immigration habeas proceeding.

FACTUAL BACKGROUND

Jose Luis Nunez Jaimes is an immigration detainee held at the Otero County Processing Center. He alleged that his custody status was changed without due process and that he may not have received an adequate bond hearing. The court treated those allegations as sufficient at the preliminary stage to warrant a response.

PROCEDURAL HISTORY

Petitioner, an immigration detainee proceeding pro se, filed a § 2241 habeas petition challenging a change in custody status without due process and possibly the failure to provide an adequate bond hearing. The court found that, accepting the petition's allegations as true, it raised a colorable claim for relief, added the proper respondents, electronically served them, and ordered an answer and optional reply according to a briefing schedule.

DISPOSITION

other

CASES CITED

- Torres-Torres v. Miller, 2020 WL 4430519 (D.N.M. July 31, 2020)
- Lowmaster v. Dir., Bureau of Prisons, 2024 WL 5135970, at *1 (D. Kan. Dec. 17, 2024)
- Danderson v. Page, 2024 WL 3913051, at *2 (E.D. Okla. Aug. 20, 2024)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO JOSE LUIS NUNEZ JAIMES, Petitioner, v. Civ. No. 26-0910-KG-KRS WARDEN, Otero County Processing Center, MARY DE ANDA-YBARRA, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement; TODD LYONS, Acting Director Immigration and Customs Enforcement; MARKWAYNE MULLIN, U.S. Department Of Homeland Security; AND PAMELA BONDI, U.S. Attorney General, Respondents,¹ ORDER TO ANSWER This matter is before the Court on the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc.

1) (Petition). Petitioner is an immigration detainee at the Otero County Processing Center and is proceeding pro se. The Petition appears to challenge Petitioner's change in custody status without due process and possibly the failure to provide an adequate bond hearing. Accepting the facts as true, Petitioner has raised a colorable claim for relief.

The Clerk's Office has electronically served Respondents by Notice of Electronic Filing (NEF) using the Case Management and Electronic Case Filing (CM/ECF) system. (Doc. 3). The Court will set 1 The Court will add the above-mentioned parties as Respondents. See *Torres-Torres v. Miller*, 2020 WL 4430519 (D.N.M. July 31, 2020) (discussing the respondents in an immigration habeas case); *Lowmaster v. Dir., Bureau of Prisons*, 2024 WL 5135970, at *1 (D.

Kan. Dec. 17, 2024) ("the Court notes that it routinely substitutes the" proper parties as "respondent in habeas cases"); *Danderson v. Page*, 2024 WL 3913051, at *2 (E.D. Okla. Aug. 20, 2024) (substituting the proper party respondent in a habeas case). a briefing schedule, as set forth below. IT IS ORDERED that: 1.

The United States Attorney's Office must answer the Petition within ten (10) business days of entry of this Order. 2. If Petitioner wishes to file an optional reply, he must do so within seven (7) business days after the response is filed. 3.

The Clerk's Office shall update CM/ECF to include the Respondents added by this Order. /s/Kenneth J. Gonzales_____ CHIEF UNITED STATES DISTRICT JUDGE • Please note that this document has been electronically filed.

To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the Court's PACER public access system.