

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Chen Xuebin v. Warden Castro

Xuebin · No. No. 26-cv-0724-SMD-JHR · Decided March 11, 2026

SUMMARY

The United States District Court for the District of New Mexico orders the respondents to answer Chen Xuebin’s 28 U.S.C. § 2241 habeas petition concerning immigration detention and permits an optional reply. The court prohibits the government from transferring Xuebin out of the district while the case is pending, but denies his request for immediate release because the record does not establish a likelihood of success or sufficient grounds for emergency relief.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Sarah M. Davenport
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 11, 2026
DOCKET	No. 26-cv-0724-SMD-JHR
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a motion for a temporary restraining order seeking immediate release from immigration detention. On initial review, the court found that the petition was not subject to summary dismissal, ordered the government to answer, denied the request for immediate release in part, and prohibited transfer of petitioner from the district while the case remained pending.
STANDARD OF REVIEW	On initial review, the court determined whether the petition was subject to summary dismissal. For the temporary restraining order, the court applied the Winter factors, requiring a showing of likely success on the merits, likely irreparable harm, and that the balance of equities and public interest favor relief.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Chen Xuebin v. Warden Castro, 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, Current Secretary, U.S. Department of Homeland Security, Pamela Bondi, U.S. Attorney General

TOPICS

immigration detention

removal proceedings

injunctions

civil procedure

immigration

PRACTICE AREAS

immigration law

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition was subject to summary dismissal on initial review.
2. Whether petitioner was entitled to a temporary restraining order requiring immediate release from immigration detention.
3. Whether the court should prohibit the government from transferring petitioner out of the District of New Mexico while the habeas case was pending.
4. Whether the case caption should be updated to add or substitute the proper respondent parties.

HOLDINGS

1. The petition was not subject to summary dismissal, so the government was required to answer it.
2. Petitioner was not entitled to immediate release before briefing because he had not shown a likelihood of success on the merits or sufficient irreparable harm.
3. The government was prohibited from transferring petitioner from the District of New Mexico while the case remained pending.
4. The clerk was directed to update the caption to reflect the parties added or substituted as respondents.

KEY QUOTATIONS

“A petitioner seeking a TRO “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,” and that the balance of equities and public interest favor relief.”

FACTUAL BACKGROUND

Petitioner was detained at the Otero County Processing Center in New Mexico. He alleged that he entered the United States in 2023, was paroled by immigration officials, and was later re-detained; the immigration court denied bond after he missed a reporting appointment. A removal order was entered on January 8, 2026, but it was not yet final because an appeal was pending before the Board of Immigration Appeals. Petitioner challenged prolonged detention and the adequacy of the process provided.

PROCEDURAL HISTORY

Xuebin filed a § 2241 petition challenging his immigration detention and alleging inadequate process, together with a motion for a temporary restraining order. The court conducted an initial review, ordered an answer within 10 business days, allowed an optional reply, denied release before briefing, prohibited transfer from the District of New Mexico during the case, and directed the clerk to update the caption.

DISPOSITION

other

CASES CITED

- *Torres-Torres v. Miller*, 2020 WL 4430519 (D.N.M. July 31, 2020)
- *Lowmaster v. Director, 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)
- *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008)
- *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001)
- *Ngefack v. Castro*, 2026 WL 473161, at *1 (D.N.M. Feb. 19, 2026)
- *Themeus v. U.S. Department of Justice*, 643 F. App'x 830, 833 (11th Cir. 2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO CHEN XUEBIN, Petitioner, v. No. 26-cv-0724-SMD-JHR WARDEN CASTRO, 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; CURRENT SECRETARY, U.S. Department Of Homeland Security; AND PAMELA BONDI, U.S. Attorney General, Respondents,¹ ORDER TO ANSWER AND PROHIBITING TRANSFER OUT OF DISTRICT

This matter is before the Court on the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241.

Doc. 1 (“Petition”). Also before the Court is Petitioner’s Motion for Temporary Restraining Order. Doc. 3 (“TRO Motion”). Petitioner is detained at the Otero County Processing Center in Chaparral, New Mexico. The Petition alleges he entered the United States in 2023; was paroled by immigration officials; and was re-detained on an unspecified date. Doc. 1 at 2.

The immigration court denied bond on the ground that he missed one reporting appointment. *Id.* at 8. A removal order was entered on January 8, 2026, and the matter is on 1 The Court will substitute or 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). appeal with the Bureau of Immigration Appeals (“BIA”). Id. at 1-2. Petitioner argues he is subject to prolonged detention and has not received adequate process.

Id. Having conducted an initial review of the claims, the Court finds the Petition is not subject to summary dismissal. The Clerk’s Office has electronically served Respondents - including the Respondents added in this Order - by Notice of Electronic Filing (NEF) using the Case Management and Electronic Case Filing (CM/ECF) system. Doc. 5.

The United States Attorney’s Office (USAO) shall answer the Petition within 10 business days of entry of this Order. Petitioner may file an optional reply within 10 days after the answer is filed. To preserve the status quo, the Government will be enjoined from transferring Petitioner from the District of New Mexico while this case remains pending. Petitioner filed a TRO Motion along with the opening pleading.

In the TRO Motion, he seeks an immediate release from custody before briefing is complete. A petitioner seeking a TRO “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,” and that the balance of equities and public interest favor relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008).

The Court cannot find a likelihood of success on the merits with respect to Petitioner’s claim for prolonged detention because he does not specify when the detention began. To the extent the Petition cites *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001), which generally requires immigration officials to effectuate a removal within six months, that case does not apply because Petitioner’s removal order is not yet final.

See *Ngefack v. Castro*, 2026 WL 473161, at *1 (D.N.M. Feb. 19, 2026) (“Petitioner does not appear to raise a colorable claim challenging his detention under 8 U.S.C. § 1231 or *Zadvydas* ... because his removal order is not yet final”); *Themeus v. U.S. Dep’t of Just.*, 643 Fed. App’x 2 830, 833 (11th Cir. 2016) (same). It also appears that Petitioner received a bond hearing where the immigration judge considered at least some traditional factors, as bond was denied based on the failure to appear at a reporting appointment.

Doc. | at 8. As to irreparable harm, the TRO Motion fails to show any injury beyond continued detention. The Court is cognizant that unwarranted detention itself can cause harm. However, the District of New Mexico has received over 500 § 2241 petitions this year, and unfortunately a case cannot move ahead of others absent a true emergency.

The Court will deny the TRO Motion, in part. The facts warrant a response and an expedited review of the filings, but the Court declines to release Petitioner before briefing is complete. IT IS ORDERED that the USAO shall answer the Petition within 10 business days of entry of this Order; and Petitioner may file an optional reply within 10 days after the response is filed.

IT IS FURTHER ORDERED that the Government is prohibited from transferring Petitioner Chen Xuebin from the District of New Mexico while the above-captioned case remains pending. IT IS FINALLY ORDERED that the Clerk's Office shall UPDATE the case caption to match the party Respondents added/substituted via this Order. HON. SARAH M.DAVENPORT UNITED STATES DISTRICT JUDGE