

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Pascual Cruz Bonilla 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; Current Secretary, U.S. Department of Homeland
Security; and Pamela Bondi, U.S. Attorney General

Cruz Bonilla v. Warden · No. Civ. No. 26-0824-KG-GBW · Decided March 20, 2026

SUMMARY

The United States District Court for the District of New Mexico orders Respondents to answer Pascual Cruz Bonilla’s 28 U.S.C. § 2241 habeas petition and motion for emergency release. The order addresses alleged prolonged immigration detention and lack of a meaningful bond hearing, sets a March 27, 2026 answer deadline, and permits an optional reply.

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 20, 2026
DOCKET	Civ. No. 26-0824-KG-GBW
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a motion for emergency release by an immigration detainee. Before receiving a response, the court ordered the respondents to answer both filings.
STANDARD OF REVIEW	For purposes of deciding whether to require an answer, the court accepted the petition's factual allegations as true.
PRECEDENTIAL VALUE	Unknown; interlocutory district court order directing an answer
PARTIES	Pascual Cruz Bonilla 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, Current Secretary, U.S. Department of Homeland Security, Pamela Bondi, U.S. Attorney General

TOPICS

immigration detention removal proceedings civil procedure

PRACTICE AREAS

Immigration Federal habeas corpus Civil procedure

QUESTIONS PRESENTED

1. Whether the allegations of prolonged immigration detention and the absence of a meaningful bond hearing warranted requiring the respondents to answer the § 2241 petition and motion for emergency release.
2. Which respondent is proper in an immigration habeas proceeding.

KEY QUOTATIONS

“Accepting the facts as true, the Court will require an answer to the Petition.”

FACTUAL BACKGROUND

Petitioner alleged that he entered the United States in 1999 and was detained by immigration authorities on September 1, 2025. He alleged that he had not received a meaningful bond hearing and was subject to prolonged immigration detention. He was detained at the Otero County Processing Center and proceeded pro se.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition and a motion for emergency release. The court electronically served the respondents, substituted or added the proper respondent parties, and ordered an expedited response by March 27, 2026, with an optional reply permitted thereafter.

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
PASCUAL CRUZ BONILLA, Petitioner, v. Civ. No. 26-0824-KG-GBW 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; CURRENT SECRETARY, 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 alleges he entered the United States in 1999 and was
detained by immigrations on September 1, 2025. (Doc. 1) at 4, 24. He alleges he did not receive a
meaningful bond hearing and that he is subject to prolonged detention. Accepting the facts as true,
the Court will require an answer to the Petition.

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). Based on the
1 The Clerk's Office shall add/substitute 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). alleged facts, and because
Petitioner also filed a Motion for Emergency Release (Doc. 2), the Court will shorten the answer
deadline to March 27, 2026.

See Standing Order, In re Service of Process in Immigration Habeas Petitions Filed Pursuant to §§
2241 et seq., No. 1:26-mc-00004 (D.N.M. Jan. 28, 2026). The answer must address both the
Petition (Doc. 1) and the Motion for Emergency Release (Doc. 2). Petitioner may file an optional
reply within seven (7) business days after the response is filed.

The Court may elect to enter a ruling before a reply is filed, if the record reflects that relief is
warranted. IT IS ORDERED that: 1. The United States Attorney's Office must answer the Petition
(Doc. 1) and the Motion for Emergency Release (Doc. 2) by March 27, 2026. 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 reflect the additional party respondents. /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.

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