

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Deyvis Padilla Lopez v. Pamela Bondi, et al.

Padilla Lopez v. Bondi · No. 2:26-cv-0709-KG-GJF · Decided March 10, 2026

SUMMARY

The United States District Court for the District of New Mexico reviewed a pro se habeas petition challenging immigration detention under 28 U.S.C. § 2241 and alleging the absence of a bond hearing. The court ordered the United States Attorney’s Office to answer and show cause within ten business days, allowed an optional reply, and enjoined the government from transferring the petitioner out of the district while the case remained pending. The court also added or substituted the listed respondents in the case caption.

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 10, 2026
DOCKET	2:26-cv-0709-KG-GJF
DISPOSITION	other
PROCEDURAL POSTURE	Initial review of a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and the absence of a bond hearing.
STANDARD OF REVIEW	Initial review under Habeas Rules 1(b) and 4; the court assessed whether the petition alleged facts presenting a colorable claim for relief.
PRECEDENTIAL VALUE	Unknown
PARTIES	Deyvis Padilla Lopez v. Pamela Bondi, Attorney General of the United States, Acting Secretary, U.S. Department of Homeland Security, Mary De Anda-Ybarra, El Paso Field Office Director, Immigration and Customs Enforcement, Todd Lyons, Acting Director of Immigration and Customs Enforcement, Dora Castro, Warden, Otero County Processing Center

TOPICS

immigration detention

federal habeas corpus

injunctions

removal proceedings

immigration

PRACTICE AREAS

immigration detention

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QUESTIONS PRESENTED

1. Whether the petition alleged a colorable claim that Petitioner's detention was governed by 8 U.S.C. § 1226 and required an individualized bond hearing.
2. Whether the court should order the respondents to answer and show cause why habeas relief should not be granted.
3. Whether the court should enjoin the government from transferring Petitioner out of the District of New Mexico while the habeas proceedings remained pending.

HOLDINGS

1. The petition alleged facts sufficient to raise a colorable claim for relief because Petitioner alleged that he was detained under 8 U.S.C. § 1226 without a bond hearing and did not appear to be detained pursuant to a final order of removal.
2. The United States Attorney's Office was required to answer the petition within ten business days and show cause why the requested relief should not be granted.
3. The government was enjoined from transferring Petitioner out of the District of New Mexico while the proceedings remained pending, absent express written authorization from the court.

KEY QUOTATIONS

“Having conducted an initial review of the Petition, the Court finds the alleged facts raise a colorable claim for relief.”

“To preserve jurisdiction, the Court will grant Petitioner’s request for an order preventing his transfer out of the District of New Mexico.”

FACTUAL BACKGROUND

Petitioner entered the United States in December 2023, voluntarily surrendered to Border Patrol, was released on his own recognizance, and allegedly appeared at all required immigration appointments. Immigration and Customs Enforcement detained him on November 8, 2025, and he alleged that he had not received a bond hearing and was not detained pursuant to a final removal order.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition seeking immediate release or an individualized bond hearing and an order preventing his transfer out of the District of New Mexico. After initial review, the court found the allegations raised a colorable claim, ordered the United States Attorney's Office to answer and show cause, allowed an

optional reply, enjoined transfer while the case was pending, and directed the clerk to add or substitute the proper respondents.

DISPOSITION

other

CASES CITED

- 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)
- Garcia Sanchez v. Noem, et al., 25-cv-1219 KG/JFR
- Pu Sacvin v. De Anda-Ybarra, 2025 WL 3187432, at *3 (D.N.M.)
- Danierov v. Noem, 2026 WL 45288, at *2 (D.N.M.)

OPINION

Warden

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

DEYVIS PADILLA LOPEZ,

Petitioner, v. No. 2:26-cv-0709-KG-GJF PAMELA BONDI, Attorney General of the United States; ACTING SECRETARY, U.S. Department of Homeland Security; MARY DE ANDA-YBARRA, El Paso Field Office Director, Immigration and Customs Enforcement; TODD LYONS, Acting Director of Immigration and Customs Enforcement; and DORA CASTRO, WARDEN, Otero County Processing Center, Respondents.¹

ORDER TO ANSWER AND ENJOINING TRANSFER OUT OF DISTRICT

Before the Court is Petitioner’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc. 1) (Petition). Petitioner is detained at the Otero County Processing Center in Chaparral, New Mexico and is proceeding pro se. Petitioner states he arrived in the United States in December 2023, voluntarily surrendered to the border patrol, and was released on his own recognizance. (Doc. 1) at 9, 11. He subsequently appeared at all his immigration appointments. *Id.* at 9. On November 8, 2025, he was detained by Immigration and Customs Enforcement, and he has not been provided a bond hearing. *Id.* Petitioner seeks immediate 1 The Court adds/substitutes the above-mentioned parties as Respondents in this case. See *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). release from custody or an individualized bond hearing. *Id.* at 7. He also asks the Court to enjoin his transfer out of this District. Having conducted an initial review of the Petition, the Court finds the

alleged facts raise a colorable claim for relief. Petitioner alleges he has not been provided a bond hearing under 8 U.S.C. § 1226, and it does not appear that he is being detained pursuant to a final order of removal. See *Garcia Sanchez v. Noem, et al.*, 25-cv-1219 KG/JFR (concluding petitioner was detained pursuant to 8 U.S.C. § 1226, rather than 8 U.S.C. § 1225, and ordering Respondents to provide a bond hearing); *Pu Sacvin v. De Anda-Ybarra*, 2025 WL 3187432, at *3 (D.N.M.) (Gonzales, J.) (same); *Danierov v. Noem*, 2026 WL 45288, at *2 (D.N.M.) (Gonzales, J.) (same). The Clerk's Office has electronically served a copy of the petition in this matter on all federal respondents by Notice of Electronic Filing (NEF) using the Case Management and Electronic Case Filing (CM/ECF) system. See (Doc. 2). The United States Attorney's Office (USAO) shall answer the Petition within ten (10) business days of entry of this Order and show cause why the requested relief should not be granted. See Habeas Rules 1(b), 4 (courts have discretion to set a time for respondents to answer a habeas petition). Petitioner may file an optional reply within ten (10) business days after the answer brief is filed. If the USAO declines to timely respond, the Court may enter a separate order directing the Immigration Court to conduct a bond hearing in accordance with its prior rulings on this issue. To preserve jurisdiction, the Court will grant Petitioner's request for an order preventing his transfer out of the District of New Mexico. If a final removal order is entered, the USAO can ask the Court to lift the injunction. IT IS THEREFORE ORDERED that:

1. The United States Attorney's Office must answer the Petition within ten (10) business days of entry of this Order and show cause why the requested relief should not be granted;
2. If Petitioner wishes to file an optional reply, he must do so within ten (10) business days after Respondents' response is filed;
3. The Government is enjoined from transferring Petitioner from the District of New Mexico while these proceedings remain pending, absent express written authorization from this Court; and
4. The Clerk's Office shall add the additional party Respondents set forth in the caption of this Order to the docket of this case. /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.