

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Noe Patino-Arroyo v. Kristi Noem, et al.

Patino-Arroyo · No. 1:26-cv-00091-KG-DLM · Decided February 6, 2026

SUMMARY

The United States District Court for the District of New Mexico grants Noe Patino-Arroyo’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court holds that 8 U.S.C. § 1226 governs his detention, that detention without an individualized bond hearing violates due process, and orders a prompt bond hearing at which the Government must establish by clear and convincing evidence that continued detention is warranted.

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	February 6, 2026
DOCKET	1:26-cv-00091-KG-DLM
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention. The Government failed to respond, and the court resolved the petition without a hearing because it presented a purely legal question.
STANDARD OF REVIEW	Habeas review under 28 U.S.C. § 2241(c)(3) determines whether the petitioner is in custody in violation of the Constitution or laws or treaties of the United States.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Noe Patino-Arroyo v. Kristi Noem, et al.

TOPICS

- immigration detention
- procedural due process
- removal proceedings
- cancellation of removal
- judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226, rather than the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2)(A), governed Petitioner's detention.
2. Whether Petitioner's redetention without a bond hearing or individualized custody determination violated procedural due process.
3. Whether the proper habeas remedy was a prompt bond hearing at which the Government bore the burden of proving by clear and convincing evidence that Petitioner was a flight risk or danger to the community.

HOLDINGS

1. Because Petitioner had entered and lived in the United States for more than 20 years and was not apprehended at or near the border while seeking admission, 8 U.S.C. § 1226 governed his detention rather than the mandatory-detention regime in § 1225(b)(2)(A).
2. Petitioner's detention violated procedural due process because he had a protected liberty interest in remaining out of custody on bond and was redetained without the individualized procedures necessary to assess whether circumstances had materially changed.
3. The proper remedy was a prompt bond hearing under § 1226(a), at which the Government had to prove by clear and convincing evidence that Petitioner was a flight risk or danger to the community.

KEY QUOTATIONS

“The proper habeas remedy is a prompt bond hearing at which the Government must prove, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community.” (Section III.C)

“If the Government fails to provide a bond hearing within that timeframe, it must release Petitioner.”
(Conclusion)

FACTUAL BACKGROUND

Noe Patino-Arroyo, a Mexican citizen, entered the United States without inspection approximately 26 years before the petition and lived in the country for decades. ICE arrested him in Florida on August 13, 2025, and transferred him to the Cibola County Correctional Center in New Mexico. DHS initiated removal proceedings, but an Immigration Judge granted cancellation of removal after finding that Petitioner was his family's sole financial provider and that his wife cared full-time for their son, who has Down syndrome. The Government appealed the cancellation decision, while Petitioner remained detained without a bond hearing or individualized custody determination.

PROCEDURAL HISTORY

The Department of Homeland Security initiated removal proceedings against Petitioner. An Immigration Judge granted cancellation of removal, but the Government appealed and the appeal remained pending before the

Board of Immigration Appeals. Petitioner alleged that he had been redetained without a bond hearing or individualized custody determination and sought release or a bond hearing through § 2241 habeas relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government must provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within seven days of the Order. At the hearing, the Government must justify continued detention by clear and convincing evidence. If the Government does not provide the hearing within seven days, it must release Petitioner. The Government must file a status report within ten days confirming that it provided the hearing or released Petitioner.

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 485 (1973)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- Jennings v. Rodriguez, 583 U.S. 281, 288–89 (2018)
- Pu Sacvin v. De Anda-Ybarra, 2025 WL 3187432, at *1, *3 (D.N.M.)
- Barco Mercado v. Francis, 2025 WL 3295903, at *13 (S.D.N.Y.)
- Danierov v. Noem, 2026 WL 45288, at *2 (D.N.M.)
- DHS v. Thuraissigiam, 591 U.S. 103, 140 (2020)
- Domingo v. Castro, 2025 WL 2941217, at *3 (D.N.M.)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)