

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Ali Yildiz v. Pamela Bondi, et al.

No. 2:26-cv-178-KG-DLM · No. No. 2:26-cv-178-KG-DLM · Decided March 27, 2026

SUMMARY

The United States District Court for the District of New Mexico grants Ali Yildiz’s petition for a writ of habeas corpus challenging his immigration detention. The court holds that 8 U.S.C. § 1226, rather than § 1225, governs because Yildiz entered the United States years earlier and was arrested away from the border. It orders the Government to provide a bond hearing before an immigration judge within seven days, with the Government bearing the burden of proving 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	March 27, 2026
DOCKET	No. 2:26-cv-178-KG-DLM
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or a bond hearing.
STANDARD OF REVIEW	The court reviewed the legal challenge to detention under habeas corpus jurisdiction and applied the constitutional procedural due process framework from Mathews v. Eldridge.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion and order with no reporter citation.
PARTIES	Ali Yildiz v. Pamela Bondi, et al.

TOPICS

- immigration detention
- procedural due process
- statutory interpretation
- remedies
- immigration

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226 or the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A) governed Yildiz's detention.
2. Whether detaining Yildiz after his prior release without a bond hearing violated procedural due process.
3. Whether the proper remedy was a prompt bond hearing at which the Government bore the burden of proving that continued detention was justified by clear and convincing evidence.

HOLDINGS

1. Section 1226 governed Yildiz's detention because he had effected an entry into the United States and was arrested years after entering, rather than at or near the border while seeking admission.
2. Yildiz's detention violated due process because, after his prior release and residence in the United States, he had a protected liberty interest in remaining out of custody on bond and was redetained without constitutionally adequate procedures.
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 Yildiz 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 him.” (Conclusion)

FACTUAL BACKGROUND

Yildiz, a Turkish citizen, entered the United States in 2023 and resided there for more than two years. DHS arrested him at an ICE field office in New York on October 28, 2025, and he remained detained at the Otero County Processing Center in New Mexico. He had previously been released and was redetained without a bond hearing or an assessment of whether circumstances had materially changed regarding danger or flight risk.

PROCEDURAL HISTORY

Ali Yildiz filed a petition for a writ of habeas corpus challenging his detention without a bond hearing. The Government filed a response. Because the challenge presented a purely legal question, the court declined to hold a hearing, granted the petition, and ordered a bond hearing before an immigration judge within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government must provide Yildiz 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 that Yildiz is a flight risk or danger to the community. If the Government does not provide the hearing within seven days, it must release Yildiz. The Government must file a status report within ten days confirming that it provided the hearing or released him.

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 485 (1973)
- Zadvydas v. Davis, 533 U.S. 678, 687, 690 (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)
- Buenrostro-Mendez v. Bondi, 2026 WL 323330, at *5 (5th Cir.)
- 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)