

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Mauricio Martinez Ortiz v. Pamela Bondi, et al.

No. 1:26-cv-00287-KG-JFR · No. 1:26-cv-00287-KG-JFR · Decided February 20, 2026

SUMMARY

The United States District Court for the District of New Mexico granted Mauricio Martinez Ortiz’s petition for a writ of habeas corpus challenging his detention by immigration authorities. The court held that 8 U.S.C. § 1226, rather than the mandatory-detention provisions of § 1225, governed because Ortiz had entered the United States decades earlier and was apprehended away from the border. The court ordered a bond hearing before an immigration judge within seven days, requiring the Government to prove by clear and convincing evidence that continued detention was justified.

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 20, 2026
DOCKET	1:26-cv-00287-KG-JFR
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a bond hearing.
STANDARD OF REVIEW	Habeas corpus review under 28 U.S.C. § 2241(c)(3) to determine whether the petitioner is in custody in violation of the Constitution or laws of the United States.
PRECEDENTIAL VALUE	Unknown
PARTIES	Mauricio Martinez Ortiz v. Pamela Bondi, et al.

TOPICS

- immigration detention
- federal habeas corpus
- procedural due process
- due process
- remedies

PRACTICE AREAS

- immigration law
- federal habeas corpus
- constitutional law
- immigration detention
- remedies

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226 or the mandatory-detention provision of 8 U.S.C. § 1225(b)(2)(A) governs the detention of a noncitizen who entered the United States years earlier and was apprehended inland.
2. Whether detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment.
3. Whether the proper habeas remedy is a prompt bond hearing at which the Government bears the burden of proving that continued detention is warranted.

HOLDINGS

1. Section 1226 governs the detention of a noncitizen who entered the United States approximately twenty-nine years earlier and was apprehended inland, rather than at the border; § 1225(b)(2)(A)'s mandatory-detention provision therefore does not apply.
2. Martinez Ortiz's detention without a bond hearing violates his right to procedural due process under the Fifth Amendment.
3. The proper remedy is a prompt bond hearing under § 1226(a), at which the Government must prove by clear and convincing evidence that the detained noncitizen is 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 Mr. Martinez Ortiz is a flight risk or danger to the community.” (Section III.C)

“The Court directs the Government to provide Mr. Martinez Ortiz with a bond hearing under § 1226(a) before an immigration judge within seven days of this Order.” (Conclusion)

FACTUAL BACKGROUND

Martinez Ortiz, a citizen of Mexico, entered the United States without inspection in 1997 and lived in the country for approximately twenty-nine years. His removal proceedings were dismissed in 2013 with the Department of Homeland Security's non-opposition because he was not considered a priority for enforcement. ICE later apprehended him in Minnesota and detained him at the Torrance County Detention Facility without providing a bond hearing. He had no criminal history apart from minor traffic-related matters.

PROCEDURAL HISTORY

Martinez Ortiz filed a § 2241 habeas petition challenging his detention by Immigration and Customs Enforcement. The Government responded, asserting that the immigration court lacked jurisdiction to conduct a bond redetermination hearing. The district court granted the petition and ordered a bond hearing before an immigration judge within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government must provide Martinez Ortiz with a bond hearing under § 1226(a) before an immigration judge within seven days. At the hearing, the Government must justify detention by clear and convincing evidence that Martinez Ortiz is a flight risk or danger to the community; otherwise, it must release him. 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.)
- Patel v. Noem, 2026 WL 103163 (D.N.M.)
- 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)

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