

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Joaquin Ernesto Cordovez Alviarez v. Pamela Bondi, et al.

Cordovez Alviarez v. Bondi · No. Civil Action No. 26-532 (JXN) · Decided January 20, 2026

SUMMARY

The United States District Court for the District of New Jersey addresses Joaquin Ernesto Cordovez Alviarez’s habeas petition under 28 U.S.C. § 2241, motion for an order to show cause, and motion for a temporary restraining order. The court denies the order-to-show-cause motion without prejudice, grants limited injunctive relief barring transfer from the current New Jersey detention facility, and directs the respondents to answer the petition within fourteen days.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Julien Xavier Neals
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 20, 2026
DOCKET	Civil Action No. 26-532 (JXN)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his detention, along with motions for an order to show cause and a temporary restraining order. The district court screened the petition, declined to dismiss it without an answer and record, denied the order-to-show-cause motion without prejudice, granted limited temporary injunctive relief, and ordered respondents to answer.
STANDARD OF REVIEW	On habeas screening, the court applied Rule 4 of the Rules Governing Section 2254 Cases, as incorporated into § 2241 proceedings by Rule 1(b), to determine whether dismissal without an answer and the record was warranted. For temporary injunctive relief, the court applied the four-factor test requiring likely success on the merits, irreparable harm, balance of harms, and consistency with the public interest.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum and order; precedential status is unknown in the source metadata.
PARTIES	Joaquin Ernesto Cordovez Alviarez v. Pamela Bondi, et al.

TOPICS

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PRACTICE AREAS

Federal habeas corpus

Immigration detention

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Civil procedure

QUESTIONS PRESENTED

1. Whether Rule 4 of the Rules Governing Section 2254 Cases, as applied to § 2241 proceedings through Rule 1(b), provides more flexible timing for an answer and supersedes the timing provisions of 28 U.S.C. § 2243 to the extent of a conflict.
2. Whether Petitioner was entitled to an order to show cause under 28 U.S.C. § 2243.
3. Whether Petitioner was entitled to temporary injunctive relief preventing his transfer from his current detention facility.
4. What information and records respondents were required to provide in answering the habeas petition.

HOLDINGS

1. Rule 4 of the Rules Governing Section 2254 Cases, applied to § 2241 cases through Rule 1(b), provides the court with flexible timing for ordering an answer and supersedes the conflicting timing provisions of 28 U.S.C. § 2243.
2. The request for an order to show cause was denied without prejudice because the court instead directed respondents to answer the petition pursuant to the Habeas Rules.
3. Petitioner was entitled to limited temporary injunctive relief barring respondents from transferring him from his current detention facility in New Jersey during the pendency of the proceedings.

KEY QUOTATIONS

“The Court agrees and denies Petitioner’s request for an OTSC under § 2243, as it directs Respondents to answer the Petition pursuant to its authority under the Habeas Rules.”

“Therefore, the Court will grant to TRO solely to the extent that Respondents are enjoined from transferring Petitioner from his current detention facility in New Jersey.”

FACTUAL BACKGROUND

Joaquin Ernesto Cordovez Alviarez was detained in New Jersey and filed a § 2241 petition challenging the legality of his detention. He sought an order to show cause and a TRO barring his transfer, removal, and further detention. The court found that preventing transfer from his current facility would preserve the status quo during the litigation.

PROCEDURAL HISTORY

The petition was filed in the District of New Jersey and challenged Petitioner's detention. After screening under Rule 4 of the Rules Governing Section 2254 Cases, applied to § 2241 proceedings through Rule 1(b), the court directed respondents to answer rather than issue an order to show cause under § 2243. The court also granted a TRO limited to preventing Petitioner's transfer from his current New Jersey detention facility during the proceedings.

DISPOSITION

other

CASES CITED

- Iremashvili v. Rodriguez, No. 15-6320, 2017 WL 935441, at *2 (D.N.J. Mar. 9, 2017)
- Capozzi v. Fed. Bureau of Prisons, No. 21-19533, 2021 WL 5881587, at *1 (D.N.J. Dec. 13, 2021)
- Schumaker v. Knight, No. 23-20834, 2024 WL 866347, at *1 (D.N.J. Feb. 29, 2024)
- Sempier v. Johnson & Higgins, 45 F.3d 724, 736 (3d Cir. 1995)
- United States v. Christian, 660 F.2d 892, 899 (3d Cir. 1981)
- Penfield Co. of Cal. v. SEC, 330 U.S. 585, 589 n.5 (1947)
- Int'l Foodsource, LLC v. Grower Direct Nut Co., No. 16-3140, 2016 WL 4150748, at *6 (D.N.J. Aug. 3, 2016)
- Westchester Fire Ins. Co. v. Glob. Real Constr., LLC, No. 09-0207, 2009 WL 137414, at *1 (D.N.J. Jan. 20, 2009)
- Kos Pharm. Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004)
- Spectrum Produce Distrib., Inc. v. Fresh Mktg., Inc., No. 11-6368, 2011 WL 13063669, at *2 (D.N.J. Nov. 1, 2011)
- Acierno v. New Castle County, 40 F.3d 645, 647 (3d Cir. 1994)
- Punnett v. Cater, 621 F.2d 578, 582 (3d Cir. 1980)

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