

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Keilerson Dayner Torrealba-Gonzalez v. Warden, Otero County Processing Center, Mary De Anda-Ybarra, Todd Lyons, Current Secretary, U.S. Department of Homeland Security, and Pamela Bondi

Torrealba-Gonzalez · No. 2:26-cv-00760-JB-KRS · Decided March 17, 2026

SUMMARY

The United States District Court for the District of New Mexico orders federal respondents to answer a Venezuelan detainee’s 28 U.S.C. § 2241 petition challenging prolonged immigration detention and the absence of an individualized bond hearing. The Court enjoins the Government from transferring the petitioner outside the district while the case is pending, grants in forma pauperis status, and directs the parties regarding briefing and evidence.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kevin R. Sweazea
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 17, 2026
DOCKET	2:26-cv-00760-JB-KRS
DISPOSITION	other
PROCEDURAL POSTURE	Sua sponte initial review of a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention. The court ordered the respondents to answer and temporarily enjoined transfer of the petitioner outside the district.
STANDARD OF REVIEW	Initial habeas screening under Habeas Corpus Rules 1(b) and 4; the court considered whether the petition should be dismissed or whether respondents should be ordered to answer.
PRECEDENTIAL VALUE	Unpublished district-court order; limited persuasive value and preliminary in nature.
PARTIES	Keilerson Dayner Torrealba-Gonzalez v. Warden, Otero County Processing Center, Mary De Anda-Ybarra, Todd Lyons, Current Secretary, U.S. Department of Homeland Security, Pamela Bondi

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QUESTIONS PRESENTED

1. Whether the § 2241 petition raised a colorable challenge to petitioner's immigration detention requiring an answer and development of a full record.
2. Whether respondents should be required to address the applicability of 8 U.S.C. § 1226(a), rather than § 1225(b)(2), to petitioner's detention and alleged entitlement to an individualized bond hearing.
3. Whether the court should enjoin respondents from transferring petitioner outside the District of New Mexico while the habeas proceeding was pending.
4. Whether petitioner should be granted leave to proceed in forma pauperis.

HOLDINGS

1. The petition raised a colorable challenge to detention and the claims should be resolved on a full record; therefore, respondents were ordered to answer and show cause why the requested relief should not be granted.
2. For purposes of requiring a response, the court joined the vast majority of courts concluding that § 1226(a), rather than § 1225(b)(2), governs detention of a noncitizen who appears to have resided in the United States for some time before detention. Respondents were required to explain why the specific facts or procedural posture warranted departure from the court's prior rulings.
3. Respondents were enjoined from transferring petitioner outside the District of New Mexico without prior written authorization from the court while the proceeding remained pending.

KEY QUOTATIONS

“Having reviewed the Petition, the Court concludes that the claims must be resolved on a full record, including an answer from Respondents.”

“The Court joins the “vast majority” of courts that have concluded that § 1226(a)—not § 1225(b)(2)—governs the detention of noncitizens like Petitioner, who intimates he has resided in the United States for some time prior to detention.”

“Pursuant to the All Writs Act, Respondents are enjoined from transferring Petitioner outside this District without prior approval from the Court while this proceeding pends.”

FACTUAL BACKGROUND

Keilerson Dayner Torrealba-Gonzalez, a Venezuelan citizen detained at the Otero County Processing Center in New Mexico, had been in custody since February 26, 2025. He challenged his prolonged detention, asserted that

removal was not reasonably foreseeable, and alleged that he had not received an individualized bond hearing under 8 U.S.C. § 1226. He also stated that he was seeking asylum and challenged a removal order to Ecuador, a third country, on due process grounds.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition on March 13, 2026, challenging prolonged detention, the absence of an individualized bond hearing, and the foreseeability of removal. After initial review, the magistrate judge concluded that the petition raised a colorable detention challenge requiring a full record, ordered the United States Attorney's Office to answer within ten business days, granted in forma pauperis status, and entered a transfer injunction pending the proceeding.

DISPOSITION

other

CASES CITED

- *Torres-Torres v. Miller*, 2020 WL 4430519 (D.N.M. July 31, 2020)
- *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)
- *Va. Beach Fed. Sav. & Loan Ass'n v. Wood*, 901 F.2d 849 (10th Cir. 1990)
- *Cortez-Gonzalez v. Noem*, No. 2:25-cv-00985-MLG-KK, 2025 WL 3485771, at *3-4, *6 (D.N.M. Dec. 4, 2025)
- *Gonzalez Ramos v. Dedos*, No. 1:25-cv-00975-MLG-KRS, 2025 WL 3653928, at *2-5 (D.N.M. Dec. 17, 2025)
- *Diaz-Cruz v. Dedos*, No. 1:25-cv-01117-MLG-JMR, 2025 WL 3628517, at *2 (D.N.M. Dec. 12, 2025)
- *Bethancourt Soto v. Soto*, No. 25-cv-16200, 2025 WL 2976572, at *7 (D.N.J. Oct. 22, 2025)
- *Arostegui-Maldonado v. Baltazar*, 794 F. Supp. 3d 926, 948-49 (D. Colo. 2025)

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