

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Abdullah Ahmad Jumadar v. Dora Castro, et al.

Jumadar · No. 2:26-cv-00159-KG-JMR · Decided February 11, 2026

SUMMARY

The United States District Court for the District of New Mexico granted the Government’s motion to dismiss and denied without prejudice Abdullah Ahmad Jumadar’s habeas petition under 28 U.S.C. § 2241. The court held that his detention following the October 9, 2025 administratively final removal order had lasted less than the six-month presumptively reasonable period recognized in Zadvydas v. Davis. The court declined to apply the Zadvydas period from the date of his initial arrest.

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 11, 2026
DOCKET	2:26-cv-00159-KG-JMR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and a final removal order; the Government moved to dismiss.
STANDARD OF REVIEW	The court reviewed the habeas petition and motion to dismiss under the legal standards governing § 2241 relief and considered the purely legal issues without an evidentiary hearing.
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no reporter citation.
PARTIES	Abdullah Ahmad Jumadar v. Dora Castro, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- asylum
- due process

PRACTICE AREAS

- immigration law
- federal habeas corpus
- immigration detention
- removal proceedings

QUESTIONS PRESENTED

1. Whether Jumadar's detention violated due process under *Zadvydas v. Davis* because the presumptively reasonable six-month period had expired.
2. Whether the *Zadvydas* detention period began when Jumadar was originally arrested or when his removal order became administratively final.
3. Whether Jumadar was entitled to habeas relief, including release, based on his challenge to detention and his final removal order.

HOLDINGS

1. Jumadar had not been detained for six months after his removal order became administratively final, so he did not establish a *Zadvydas* claim and was not entitled to habeas relief.
2. The *Zadvydas* six-month period begins when the removal order becomes administratively final, not when the noncitizen is initially arrested.
3. The petition was properly denied without prejudice to refiling after the presumptively reasonable six-month period expires.

KEY QUOTATIONS

“Because a statute permitting a noncitizen’s “indefinite detention” would violate due process, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized.” (III)

“A six-month detention period, the Supreme Court held, is presumptively reasonable.” (III)

*“Mr. Jumadar’s removal order became administratively final in October and his § 1231 detention, and the *Zadvydas* timer, began on that date.” (III)*

FACTUAL BACKGROUND

Abdullah Ahmad Jumadar, an Afghan citizen, was arrested in March 2025 in the Rio Grande Valley, Texas Border Patrol Sector, pending expedited removal. He was referred for a credible-fear assessment and later pursued asylum, but the Immigration Court denied his asylum claim and ordered removal to Afghanistan on October 9, 2025; he waived appeal, making the order administratively final that day. He remained detained at the Otero County Processing Center and filed a § 2241 petition seeking release and other relief, asserting that his detention had exceeded the six-month presumptively reasonable period.

PROCEDURAL HISTORY

Jumadar, a citizen of Afghanistan, filed a pro se § 2241 habeas petition while detained at the Otero County Processing Center. He challenged his final removal order and continued detention, arguing that the six-month presumptively reasonable period recognized in *Zadvydas* had expired. The district court declined to hold a hearing because the issues were purely legal, granted the Government's motion to dismiss, and denied the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 485 (1973)
- Zadvydas, 533 U.S. at 682, 687, 690, 699, 701
- Gamez Lira v. Noem, 2025 WL 2581710, at *2 (D.N.M.)
- Salazar v. Dedos, 2025 WL 2676729, at *3 (D.N.M.)
- Gomez v. Mattos, 2025 WL 3101994, at *7 (D. Nev.)
- Trejo v. Warden of ERO, 2025 WL 2992187, at *10 (W.D. Tex.)
- Douglas v. Baker, 2025 WL 2997585, at *5 (D. Md.)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
ABDULLAH AHMAD JUMADAR, Petitioner, v. No. 2:26-cv-00159-KG-JMR DORA CASTRO,
et al., Respondents. MEMORANDUM OPINION AND ORDER This matter is before the Court
on Abdullah Ahmad Jumadar’s Petition for a Writ of Habeas Corpus, Doc. 1, and the
Government’s Motion to Dismiss Petitioner’s Writ of Habeas Corpus, Doc.

8. Because Petitioner’s challenge presents purely legal questions, the Court declines to hold a hearing, 28 U.S.C. § 2243, grants the motion, Doc. 8, and denies the petition without prejudice, Doc. 1. I. Background Mr. Ahmad Jumadar, a citizen of Afghanistan, was arrested in the Rio Grande Valley, Texas Border Patrol Sector in March 2025 pending expedited removal.

Doc. 8 at 1. On March 24, 2025, he was referred for a credible fear assessment and subsequent asylum claim. Id. at 2. On October 9, 2025, “the U.S. Immigration Court denied Petitioner’s asylum claim and ordered him removed to Afghanistan.” Id. Mr. Jumadar waived his right to appeal, making his removal order administratively final on the same day. Id. He is currently detained at the Otero County Processing Center in Chaparral, New Mexico.

Doc. 1 at 1. Mr. Jumadar filed this pro se habeas petition under 28 U.S.C. § 2241 on January 26. Doc. 1. He challenges his final deportation order and requests the Court “order to release me with social security number [and] work permit to help me survive in US [and] start my life.” Doc. 1 at 7. Mr. Jumadar argues that his continued detention is outside of “the six month presumptively reasonable period for removal.” Id. at 6.

The Government argues that Mr. Jumadar’s “continued detention to effectuate removal is lawful” and that his detention “fails to state a plausible Zadvydas claim” and that Mr. Jumadar “has provided no authority that...would entitle him to release via habeas.” Doc. 8 at 5–6. II. Legal

Standard A petition for a writ of habeas corpus seeks “release from unlawful physical confinement.” *Preiser v. Rodriguez*, 411 U.S. 475, 485 (1973).

Habeas corpus review is available if a noncitizen is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3); see also *Zadvydas*, 533 U.S. at 687. “[H]abeas relief is available only in the district of confinement.” *Gamez Lira v. Noem*, 2025 WL 2581710, at *2 (D.N.M.). When “an applicant for admission” is “seeking admission” and “not clearly and beyond a doubt entitled to be admitted,” the noncitizen “shall be detained” for removal proceedings.

8 U.S.C. § 1225 (b)(2)(A). This provision affords no bond hearing. See *Salazar v. Dedos*, 2025 WL 2676729, at *3 (D.N.M.). A noncitizen’s detention status transitions to the administrative “removal period” of § 1231 on the latest of three events: (i) The date the order of removal becomes administratively final. (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court’s final order. (iii) If the [noncitizen] is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.

8 U.S.C. § 1231(a)(1)(A). III. Analysis After reviewing the record and applicable legal authority, the Court concludes that Mr. Jumadar fails to meet the standards set out in *Zadvydas* and that his petition is therefore denied without prejudice. “[T]he Government ordinarily secures” a noncitizen’s removal during the 90 days after issuing a final order for the person to be removed.

Zadvydas, 533 U.S. at 682; see 8 U.S.C. § 1231(a)(1). During that 90-day removal period, the noncitizen is typically detained. *Zadvydas*, 533 U.S. at 682. After that, the Government may continue detaining the noncitizen only for as long as is “reasonably necessary” to secure their removal. *Id.*; see 8 U.S.C. § 1231(a)(6).

Because a statute permitting a noncitizen’s “indefinite detention” would violate due process, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized.” *Zadvydas*, 533 U.S. at 690, 699. A six-month detention period, the Supreme Court held, is presumptively reasonable. *Id.* at 701.

After that, if the noncitizen “provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” the Government “must...rebut that showing” or release the noncitizen. *Id.* at 701. “[F]or detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the reasonably foreseeable future...shrink[s].” *Id.* The remedy for a due process violation under *Zadvydas* is typically release of the petitioner under conditions of supervision.

E.g., *Gomez v. Mattos*, 2025 WL 3101994, at *7 (D. Nev.); *Trejo v. Warden of ERO*, 2025 WL 2992187, at *10 (W.D. Tex.); *Douglas v. Baker*, 2025 WL 2997585, at *5 (D. Md.). Under these

principles, the Court denies Mr. Jumadar's habeas petition without prejudice.

As of the date of this order, Petitioner has been detained for under approximately four months since his order of removal became administratively final on October 9, 2025, which is under the presumptively reasonable six-month period of detention that Zadvydas recognized. Attempting to get around this issue, Mr. Jumadar applies the Zadvydas timer to his original arrest.

See Doc. 1 at 6 ("I am in detention [for] almost 1 year...[t]he six month presumptively reasonable period for removal efforts has expired."). Mr. Jumadar's removal order became administratively final in October and his § 1231 detention, and the Zadvydas timer, began on that date. Mr. Jumadar's argument therefore does not persuade the Court, and the petition is denied without prejudice to its refiling after the Zadvydas' presumptively reasonable six-month period expires.

IV. Conclusion The Government's Motion to Dismiss Petitioner's Writ of Habeas Corpus, Doc. 8, is granted, and Mr. Jumadar's Petition for a Writ of Habeas Corpus, Doc. 1, is denied without prejudice. IT IS SO ORDERED. /s/Kenneth J. Gonzales_____ CHIEF UNITED STATES DISTRICT JUDGE • Please note that this document has been electronically filed.

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