

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Resulcan Demetgul v. Warden Castro, Otero County Processing Center, Mary De Anda-Ybarra, Todd Lyons, Kristi Noem, and Pamela Bondi

Demetgul · No. No. 26-cv-0342-KG-DLM · Decided February 10, 2026

SUMMARY

The United States District Court for the District of New Mexico orders the federal respondents to answer Resulcan Demetgul’s habeas petition concerning his alleged re-detention after release on bond without a new bond hearing. The court grants Demetgul’s motion to proceed in forma pauperis, permits an optional reply, and directs the Clerk’s Office to add the identified federal respondents.

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 10, 2026
DOCKET	No. 26-cv-0342-KG-DLM
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a petition for a writ of habeas corpus challenging the petitioner's immigration detention and a motion to proceed in forma pauperis. Before the respondents filed an answer, the court issued an order directing the United States Attorney's Office to answer and granting the in forma pauperis motion.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Resulcan Demetgul v. Warden Castro, Otero County Processing Center, Mary De Anda-Ybarra, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement, Todd Lyons, Acting Director, Immigration and Customs Enforcement, Kristi Noem, Secretary, U.S. Department of Homeland Security, Pamela Bondi, U.S. Attorney General

TOPICS

immigration detention

removal proceedings

immigration

civil procedure

PRACTICE AREAS

immigration

habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the court should require the government to answer the petition for a writ of habeas corpus challenging immigration detention.
2. Whether Demetgul should be permitted to proceed in forma pauperis.
3. Whether the proper federal officials should be added as respondents in this immigration habeas action.

HOLDINGS

1. The United States Attorney's Office must answer the petition within ten business days of entry of the order, and the petitioner may file an optional reply within seven business days after the answer.
2. Demetgul's motion to proceed in forma pauperis is granted because the motion reflects that he is unable to prepay the filing fee.
3. The clerk must update CM/ECF to reflect the additional respondents identified in the order.

KEY QUOTATIONS

“If the USAO fails to timely respond to the Petition, the Court may release Petitioner or require a bond hearing without further notice.” (at 2)

FACTUAL BACKGROUND

Demetgul alleges that immigration officials previously released him on an \$8,000 bond. He further alleges that officials re-detained him without explanation and without providing a new bond hearing. The order addresses only the preliminary processing of his habeas petition and does not resolve the merits of his detention claims.

PROCEDURAL HISTORY

Demetgul filed a petition for a writ of habeas corpus and a motion to proceed in forma pauperis. The court electronically served the respondents, added the identified federal officials as respondents, ordered the United States Attorney's Office to answer within ten business days, allowed an optional reply, and granted the in forma pauperis motion.

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)

OPINION

Demetgul

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

RESULCAN DEMETGUL,

Petitioner, v. No. 26-cv-0342-KG-DLM WARDEN CASTRO, Otero County Processing Center, MARY DE ANDA-YBARRA, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement; TODD LYONS, Acting Director Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department Of Homeland Security; AND PAMELA BONDI, U.S. Attorney General, Respondents,¹

ORDER TO ANSWER

This matter is before the Court on Petitioner Resulcan Demetgul's Petition for Writ of Habeas Corpus. (Doc. 1) (Petition). Also before the Court is Petitioner's Motion to Proceed In Forma Pauperis. (Doc. 2) (IFP Motion). Petitioner alleges immigrations officials previously released him on an \$8000 bond, but he was re-detained without explanation or a new bond hearing. (Doc. 1) at 9. The Clerk's Office has electronically served Respondents - including the federal Respondents added in this Order - by Notice of Electronic Filing (NEF) using the CM/ECF system. (Doc. 3). The United States Attorney's Office (USAO) shall answer the 1 While the form pro se Petition names the Warden, which is standard in non-immigration cases, the Court will add the above-mentioned parties as Respondents in this case. See *Torres-Torres v. Miller*, 2020 WL 4430519 (D.N.M. July 31, 2020) (discussing the party respondents in an immigration habeas case); *Lowmaster v. Dir., Bureau of Prisons*, 2024 WL 5135970, at *1 (D. Kan. Dec. 17, 2024) ("the Court notes that it routinely substitutes the" proper parties as "respondent in habeas cases"); *Danderson v. Page*, 2024 WL 3913051, at *2 (E.D. Okla. Aug. 20, 2024) (substituting the proper party respondent in a habeas case). Petition within ten (10) business days of entry of this Order. Petitioner may file an optional reply within seven (7) business days after the answer is filed. The Court will grant Petitioner's IFP Motion, which reflects he is unable to prepay the filing fee in this case. If the USAO fails to timely respond to the Petition, the Court may release Petitioner or require a bond hearing without further notice. IT IS ORDERED:

1. The USAO shall answer the Petition within ten (10) business days of entry of this Order.

2. Petitioner may file an optional reply within seven (7) business days after the answer is filed.

3. Petitioner's Motion to Proceed In Forma Pauperis (Doc. 2) is granted.

4. The Clerk's Office shall update CM/ECF to reflect the additional Respondents set forth above. /s/Kenneth J. Gonzales_____

CHIEF UNITED STATES DISTRICT JUDGE

- Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the Court's PACER public access system. 2