

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.

OPINION

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