

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Jose Alfredo Hernandez-Cruz v. Warden, 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

Hernandez-Cruz · No. No. 26-cv-00486-JB-LF · Decided February 20, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO JOSE ALFREDO HERNANDEZ-CRUZ, Petitioner, v. No. 26-cv-00486-JB-LF WARDEN, 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 Jose Alfredo Hernandez-Cruz's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc.

1) (Petition). Also before the Court is his Motion for Temporary Restraining Order (Doc. 2) (TRO Motion). Petitioner is detained at the Otero County Processing Center and is proceeding pro se. He challenges his prolonged detention without process and, in particular, the Immigration Court's determination that it lacks jurisdiction to conduct a bond hearing.

Having reviewed the record, the Court finds the Petition is not subject to summary dismissal. The Clerk's Office has electronically served the Petition on Respondents - including 1 The form pro se Petition names Petitioner's warden, but the Court will add the above-mentioned parties as Respondents. See *Torres-Torres v. Miller*, 2020 WL 4430519 (D.N.M. July 31, 2020) (discussing the 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). the Respondents added by this Order - pursuant to this District's Standing Order Regarding Service of Process in Immigration Habeas Petitions filed Pursuant to 28 U.S.C. § 2241.

See Doc. 3; Case 1:26-mc-00004, ECF No. 3 (D.N.M. Jan. 28, 2026). Respondents have also been added as notice-recipients in CM/ECE and will receive all filings in this case. See Doc. 3. The United States Attorney's Office (USAO) shall answer the Petition and the TRO Motion within ten (10) business days of entry of this Order. Petitioner may file an optional reply within seven (7) days after the response is filed.

If the USAO declines to timely respond, the Court may recommend granting relief, including directing the Immigration Court to conduct a bond hearing. IT IS ORDERED that the USAO shall ANSWER the Petition and the TRO Motion within ten (10) business days of entry of this Order; and Petitioner may submit an optional reply within seven (7) days after the answer is filed.

IT IS FINALLY ORDERED that the Clerk's Office shall UPDATE the case caption to match the party Respondents added/substituted via this Order.