

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Rosa Alba Entza Chupe v. Pamela Bondi, et al.

Entza Chupe · No. 2:26-cv-00318-MIS-JMR · Decided February 26, 2026

SUMMARY

The United States District Court for the District of New Mexico granted Rosa Alba Entza Chupe’s uncontested verified petition for a writ of habeas corpus challenging her immigration detention. The court ordered her immediate release, prohibited re-detention without a pre-deprivation hearing before a neutral Immigration Judge, and retained jurisdiction to ensure compliance and address attorneys’ fees.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Margaret Strickland
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 26, 2026
DOCKET	2:26-cv-00318-MIS-JMR
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention. After the court issued an order to show cause, no federal respondent responded, and the court treated the verified petition as uncontested and granted relief.
STANDARD OF REVIEW	For purposes of the uncontested petition, the court accepted the pleaded facts as true. The court alternatively reviewed the petition on the merits and applied the reasoning articulated in Lopez-Romero v. Lyons.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown
PARTIES	Rosa Alba Entza Chupe v. Pamela Bondi, Todd Lyons, Mary De Anda-Ybarra, Warden, Otero County Detention Center

TOPICS

- federal habeas corpus
- immigration detention
- remedies
- service of process

PRACTICE AREAS

immigration detention

federal habeas corpus

remedies

civil procedure

QUESTIONS PRESENTED

1. Whether the verified petition for a writ of habeas corpus should be granted when the respondents failed to respond or show cause.
2. Whether respondents may re-detain petitioner without a pre-deprivation hearing before a neutral Immigration Judge under 8 U.S.C. § 1226(a), with the government required to prove danger or flight risk by clear and convincing evidence.
3. Whether respondents may impose any new condition of release after petitioner is released.

HOLDINGS

1. The court treated the verified petition as uncontested and granted it because no federal respondent responded to the petition or otherwise showed cause why relief should not be granted.
2. Alternatively, accepting the petition's facts as true and uncontested, the court concluded that petitioner was entitled to habeas relief for the reasons articulated in *Lopez-Romero v. Lyons*.
3. Respondents may not re-detain petitioner without first providing a pre-deprivation hearing before a neutral Immigration Judge under 8 U.S.C. § 1226(a), at which the government must prove by clear and convincing evidence that petitioner is a danger or flight risk.
4. Respondents may not impose any new condition of release on petitioner.

KEY QUOTATIONS

“To date, no Federal Respondent has responded to the Petition or otherwise shown cause why the Petition should not be granted. Consequently, the Court will treat the Petition as uncontested and GRANT the Petition.” (Order at 2)

“Respondents are ORDERED to immediately release Petitioner from detention;” (Order at 2-3)

“Respondents SHALL NOT re-detain Petitioner without a pre-deprivation hearing before a neutral Immigration Judge pursuant to 8 U.S.C. § 1226(a), at which the Government must prove by clear and convincing evidence that Petitioner is a danger or flight risk;” (Order at 2-3)

FACTUAL BACKGROUND

Rosa Alba Entza Chupe was detained in immigration custody at the Otero County Detention Center. She filed a verified petition challenging her detention. The federal respondents did not respond to the petition or show cause, and the warden did not appear or file a response.

PROCEDURAL HISTORY

Chupe filed a verified petition for a writ of habeas corpus on February 9, 2026. The clerk served the federal respondents, and the court issued an order to show cause requiring a response within ten business days. No

federal respondent responded or otherwise showed cause, so the court granted the petition as uncontested and alternatively granted relief on the merits based on the reasoning in *Lopez-Romero v. Lyons*. The court ordered immediate release, imposed restrictions on re-detention and release conditions, required a notice of compliance, and stated that final judgment would be entered separately.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

No remand was ordered. Respondents were ordered to immediately release petitioner, comply with the restrictions on re-detention and release conditions, provide the order to counsel for the warden, and file a notice of compliance. The court retained jurisdiction to ensure compliance and consider attorney-fee motions.

CASES CITED

- *Lopez-Romero v. Lyons*, Case No. 2:25-cv-01113-MIS-JHR, 2026 WL 92873 (D.N.M. Jan. 13, 2026)
- *Intriago-Sedgwick v. Noem*, Case No. 1:25-cv-01065-MIS-LF, Notice of Joinder in USA Respondents’ Forthcoming Claims and Defenses, ECF No. 11 (D.N.M. Dec. 3, 2025)
- *Francisco v. Dedos*, Case No. 1:25-cv-01229-MIS-GJF, Proposed Findings and Recommended Disposition at 8, ECF No. 53 (D.N.M. Jan. 20, 2026)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO ROSA ALBA ENTZA CHUPE, Petitioner, v. Case No. 2:26-cv-00318-MIS-JMR PAMELA BONDI, in her official capacity as Attorney General of the United States; TODD LYONS, in his official capacity as Acting Director, Bureau of Immigration, Customs, and Enforcement; MARY DE ANDA-YBARRA, in her official capacity as Director, El Paso Field Office, Immigration and Customs Enforcement; and WARDEN, Otero County Detention Center, Respondents.

ORDER GRANTING VERIFIED PETITION FOR WRIT OF HABEAS CORPUS THIS MATTER is before the Court on Petitioner Rosa Alba Entza Chupe’s Verified Petition for Writ of Habeas Corpus (“Petition”), ECF No. 1, filed February 9, 2026.

The record reflects that the Clerk’s Office served Respondents Pamela Bondi, Todd M. Lyons, and Mary De Anda-Ybarra (“Federal Respondents”),¹ with the Petition on February 9, 2026, pursuant to this District’s Standing Order Regarding Service of Process in Immigration Habeas Petitions filed Pursuant to 28 U.S.C. § 2241, Case 1:26-mc-00004, ECF No. 3 (D.N.M. Jan.

28, 2026). ECF No. 2. A day later, February 10, 2026, the Court issued an Order to Show Cause (“Order”) which, inter alia, instructs that “within ten (10) business days, the United States Attorney’s Office for the 1 Respondent Warden of the Otero County Detention Center did not

appear or file a response in this case. It has become standard practice in these habeas cases for the warden of the relevant detention center to either appear and adopt the federal respondents' arguments, see, e.g., *Intriago-Sedgwick v. Noem*, Case No. 1:25-cv-01065- MIS-LF, Notice of Joinder In USA Respondents' Forthcoming Claims and Defenses, ECF No. 11 (D.N.M.

Dec. 3, 2025), or not appear at all, see *Francisco v. Dedos*, Case No. 1:25-cv-01229-MIS-GJF, Proposed Findings and Recommended Disposition at 8, ECF No. 53 (D.N.M. Jan. 20, 2026). District of New Mexico shall respond to the Petition and SHOW CAUSE why the requested relief should not be granted." Order at 2, ECF No. 3.

To date, no Federal Respondent has responded to the Petition or otherwise shown cause why the Petition should not be granted. Consequently, the Court will treat the Petition as uncontested and GRANT the Petition. Additionally, and alternatively, the Court has carefully reviewed the Petition and, accepting the facts as true and uncontested, the Court finds that relief should be granted on the merits for the reasons articulated by this Court in *Lopez-Romero v. Lyons*, Case No. 2:25-cv-01113-MIS-JHR, 2026 WL 92873 (D.N.M.

Jan. 13, 2026). Accordingly, it is HEREBY ORDERED that: 1. Petitioner Rosa Alba Entza Chupe's Petition for Writ of Habeas Corpus, ECF No. 1, is GRANTED; 2. Respondents are ORDERED to immediately release Petitioner from detention; 3. Respondents SHALL NOT re-detain Petitioner without a pre-deprivation hearing before a neutral Immigration Judge pursuant to 8 U.S.C. § 1226(a), at which the Government must prove by clear and convincing evidence that Petitioner is a danger or flight risk; 4.

Respondents SHALL NOT impose any new condition of release; 5. Counsel for Federal Respondents SHALL provide a copy of this order to Counsel for the Warden of the Otero County Detention Center; 6. Respondents SHALL file a Notice of Compliance with this Order; and 7.

The Court will separately enter Final Judgment in favor of Petitioner but retain jurisdiction over this matter to ensure compliance with this Order and to entertain any motions for attorneys' fees.
MARGARET STRICKLAND UNITED STATES DISTRICT JUDGE