

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Hani Musa Ibrahim Yousif 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; Current Secretary, U.S. Department of Homeland Security; and Pamela Bondi, U.S. Attorney General

Yousif v. Warden · No. Civ. No. 26-0718-KG-GBW · Decided March 10, 2026

SUMMARY

The United States District Court for the District of New Mexico issued an Order to Answer in a 28 U.S.C. § 2241 habeas proceeding brought by an immigration detainee challenging his continued detention and the lack of an adequate bond hearing. The court found a colorable claim, ordered the respondents to answer within ten business days, granted the petitioner in forma pauperis status, and set a deadline for any optional reply.

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	March 10, 2026
DOCKET	Civ. No. 26-0718-KG-GBW
DISPOSITION	other
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241; the court issued an order directing Respondents to answer and granted Petitioner leave to proceed in forma pauperis.
STANDARD OF REVIEW	For purposes of directing an answer, the court accepted the petition's factual allegations as true and assessed whether they stated a colorable claim for relief.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

immigration detention

immigration

civil procedure

PRACTICE AREAS

Immigration law

Habeas corpus

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the § 2241 petition stated a colorable claim challenging Petitioner's continued immigration detention and the alleged failure to provide an adequate bond hearing.
2. Whether Respondents should be ordered to answer the petition.
3. Whether Petitioner should be permitted to proceed in forma pauperis.

HOLDINGS

1. Accepting the petition's allegations as true, Petitioner raised a colorable claim for relief concerning his continued detention and the lack of an adequate bond hearing.
2. Respondents were ordered to file an answer within ten business days, with Petitioner permitted to file an optional reply within seven business days after the response.
3. Petitioner's motion to proceed in forma pauperis was granted.

KEY QUOTATIONS

“Accepting the facts as true, Petitioner has raised a colorable claim for relief.”

FACTUAL BACKGROUND

Petitioner is an immigration detainee held at the Otero County Processing Center. He alleged that his continued detention and the failure to provide an adequate bond hearing violated his rights; the petition indicated that he had been in the United States since at least 2016.

PROCEDURAL HISTORY

Petitioner, an immigration detainee proceeding pro se, filed a § 2241 petition challenging his continued detention and the alleged failure to provide an adequate bond hearing. The court found that the petition stated a colorable claim when the alleged facts were accepted as true, ordered the United States Attorney's Office to answer within ten business days, permitted an optional reply, and granted the motion to proceed in forma pauperis.

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

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO HANI MUSA IBRAHIM YOUSIF, Petitioner, v. Civ. No. 26-0718-KG-GBW 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; CURRENT 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 the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc.

1) (Petition). Petitioner is an immigration detainee at the Otero County Processing Center and is proceeding pro se. It appears that he has been in the United States since at least 2016. The Petition challenges his continued detention and, in particular, the failure to provide an adequate bond hearing. Accepting the facts as true, Petitioner has raised a colorable claim for relief.

The Clerk's Office has electronically served Respondents by Notice of Electronic Filing (NEF) using the Case Management and Electronic Case Filing (CM/ECF) system. (Doc. 2). The Court will set 1 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). a briefing schedule, as set forth below.

The Court will also grant Petitioner's Motion to Proceed In Forma Pauperis (Doc. 3), which reflects Petitioner cannot prepay the filing fee. IT IS ORDERED that: 1. The United States Attorney's Office must answer the Petition within ten (10) business days of entry of this Order. 2. If Petitioner wishes to file an optional reply, he must do so within seven (7) business days after the response is filed.

3. The Motion to Proceed In Forma Pauperis (Doc. 3) is granted. 4. The Clerk's Office shall update CM/ECF to include the Respondents added by this Order. /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.

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