

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.

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.