

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PRECEDENTIAL VALUE	unpublished district court order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)

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