

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Hugo E. Valle Vargas v. Mary De Anda-Ybara, et al.

Valle Vargas · No. Civ. No. 25-834 JB/GBW; 1:25-cv-00834 · Decided January 8, 2026

SUMMARY

A United States Magistrate Judge recommends granting Respondents’ motion to dismiss and denying as moot the petitioner’s motion for a preliminary injunction and petition for habeas corpus under 28 U.S.C. § 2241. The recommendation concludes that the petitioner’s challenge to the constitutional sufficiency of his immigration bond proceedings became moot after his removal from the United States and that no recognized mootness exception applies.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Gregory B. Wormuth, Chief United States Magistrate Judge
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 8, 2026
DOCKET	Civ. No. 25-834 JB/GBW; 1:25-cv-00834
DISPOSITION	dismissed
PROCEDURAL POSTURE	Proposed findings and recommended disposition on Respondents' motion to dismiss the petitioner's 28 U.S.C. § 2241 habeas petition for lack of subject-matter jurisdiction, together with the petitioner's motion for preliminary injunction.
STANDARD OF REVIEW	For the factual jurisdictional attack, the court may consider evidence outside the pleadings and need not presume the truth of the complaint's jurisdictional factual allegations. If the jurisdictional issue is intertwined with the merits, the court must convert the Rule 12(b)(1) motion to a Rule 12(b)(6) motion or Rule 56 motion. The court stated that the analysis would be the same under Rule 56 because the jurisdictionally relevant facts were undisputed.
PRECEDENTIAL VALUE	nonprecedential recommended disposition
PARTIES	Hugo E. Valle Vargas v. Mary De Anda-Ybara, et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether Respondents' jurisdictional challenge should be treated as a factual Rule 12(b)(1) motion or, alternatively, under Rule 56.
2. Whether Valle Vargas's § 2241 challenge to the constitutional sufficiency of his pre-removal bond hearing became moot after he was removed from the United States.
3. Whether continuing collateral consequences, the alleged unlawful removal, or asserted jurisdiction under 28 U.S.C. § 1331 and the Administrative Procedure Act preserved a live controversy.

HOLDINGS

1. The motion to dismiss was properly treated as a factual attack on subject-matter jurisdiction because Respondents relied on facts outside the pleadings concerning the petitioner's removal; alternatively, the same result would follow under Rule 56 because the relevant facts were undisputed.
2. Removal mooted Valle Vargas's § 2241 challenge to the constitutional sufficiency of his pre-removal custody redetermination hearing because he was no longer detained and the court could not provide a meaningful remedy concerning completed detention.
3. The alleged unlawfulness of the removal did not preserve the detention challenge because the petition properly before the court challenged only the bond proceedings, and the court could not remedy defects in a completed pre-removal detention through § 2241.
4. Invoking general federal-question jurisdiction under 28 U.S.C. § 1331 or the Administrative Procedure Act did not avoid mootness because no live controversy or available remedy remained regarding the bond determination.

KEY QUOTATIONS

"Mootness is a threshold issue because the existence of a live case or controversy is a constitutional prerequisite to federal court jurisdiction." (Section II.d)

"Because he has been deported, Petitioner's initial claim has been mooted and there is no remedy that can be granted by the court." (Section III.b)

"For the foregoing reasons, the undersigned RECOMMENDS that Respondents' Motion to Dismiss (doc. 23) be GRANTED, and Petitioner's Motion for Preliminary Injunction (doc. 2) and Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (doc. 4) be DENIED as MOOT." (Section IV)

FACTUAL BACKGROUND

Hugo Valle Vargas, a Mexican national who entered the United States on a B-2 visitor visa and overstayed, was taken into ICE custody in March 2025 after removal proceedings began. An Immigration Judge denied his request for bond based on danger to the community, and the BIA dismissed his appeal while noting that the cartel-affiliation finding was speculative but that the remaining evidence supported detention. After Valle Vargas filed this § 2241 action challenging the bond hearing and seeking release, a removal order was entered and he was physically removed to Mexico on October 16, 2025, while his BIA appeal was pending.

PROCEDURAL HISTORY

Valle Vargas filed a § 2241 petition challenging the constitutional sufficiency of his immigration custody redetermination hearing and sought release, a new bond hearing, and an order preventing removal. While the case was pending, an Immigration Judge denied his asylum application and ordered him removed to Mexico; the petitioner appealed to the BIA, but he was physically removed before the appeal was formally docketed. The magistrate judge concluded that removal mooted the detention challenge and recommended granting the motion to dismiss and denying the preliminary-injunction motion and habeas petition as moot.

DISPOSITION

dismissed

CASES CITED

- *Va. Beach Fed. Sav. & Loan Ass'n v. Wood*, 901 F.2d 849 (10th Cir. 1990)
- *Gunn v. Minton*, 568 U.S. 251, 256-57 (2013)
- *Ochieng v. Mukasey*, 520 F.3d 1110, 1115 (10th Cir. 2008)
- *Thoung v. United States*, 913 F.3d 999, 1001-02 (10th Cir. 2019)
- *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018)
- *Ruiz v. McDonnell*, 299 F.3d 1173, 1180 (10th Cir. 2002)
- *Holt v. United States*, 46 F.3d 1000, 1002-03 (10th Cir. 1995)
- *Cent. Green Co. v. United States*, 531 U.S. 425, 437 (2001)
- *Pueblo of Jemez v. United States*, 790 F.3d 1143, 1148 n.4 (10th Cir. 2015)
- *Wheeler v. Hurdman*, 825 F.2d 257, 259 (10th Cir. 1987)
- *Redmon v. United States*, 934 F.2d 1151, 1155 (10th Cir. 1991)
- *Pringle v. United States*, 208 F.3d 1220, 1223 (10th Cir. 2000)
- *Bacchus Indus., Inc. v. Arvin Indus., Inc.*, 939 F.2d 887, 891 (10th Cir. 1991)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 324-25 (1986)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986)
- *Thom v. Bristol-Myers Squibb Co.*, 353 F.3d 848, 851 (10th Cir. 2003)
- *Penry v. Federal Home Loan Bank*, 155 F.3d 1257, 1261 (10th Cir. 1998)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)
- *Disability Law Center v. Millcreek Health Center*, 428 F.3d 992, 996 (10th Cir. 2005)

- *McClendon v. City of Albuquerque*, 100 F.3d 863, 867 (10th Cir. 1996)
- *Habecker v. Town of Estes Park*, 518 F.3d 1217, 1223 (10th Cir. 2008)
- *Mink v. Suthers*, 482 F.3d 1244, 1253 (10th Cir. 2007)
- *Riley v. Immigration & Naturalization Service*, 310 F.3d 1253, 1257 (10th Cir. 2002)
- *Borum v. Coffeyville State Bank*, 6 F. App'x 709, 712 (10th Cir. 2001)
- *Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998)
- *Dumas v. U.S. Parole Commission*, 397 F. App'x 492, 493 (10th Cir. 2010)
- *United States v. Meyers*, 200 F.3d 715, 719 (10th Cir. 2000)
- *Ferry v. Gonzales*, 457 F.3d 1117, 1132 (10th Cir. 2006)
- *Rodriguez-Olalde v. United States*, 2021 WL 1169712, at *3 (D.N.M. Mar. 26, 2021)
- *Chihuahuan Grasslands Alliance v. Kempthorne*, 545 F.3d 884, 891 (10th Cir. 2008)

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