

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Ariel Alejandro Nunez Mora 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; Kristi Noem, Secretary, U.S. Department Of Homeland Security; and Pamela Bondi, U.S. Attorney General

Nunez Mora v. Warden · No. Civ. No. 26-0460-KG-DLM · Decided February 19, 2026

SUMMARY

The United States District Court for the District of New Mexico dismissed without prejudice Ariel Alejandro Nunez Mora’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241, which challenged his immigration detention. The court held that his detention during the 90-day removal period was presumptively reasonable under 8 U.S.C. § 1231 and Zadvydas v. Davis, and that the court lacked jurisdiction to review challenges to the removal order under 8 U.S.C. § 1252(b)(9).

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	February 19, 2026
DOCKET	Civ. No. 26-0460-KG-DLM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and seeking release. The district court screened the petition and dismissed it without prejudice.
STANDARD OF REVIEW	Initial screening under Habeas Corpus Rules 1 and 4; accepting the petition's allegations as true and dismissing if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.

PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; nonprecedential value not expressly stated in the opinion.
PARTIES	Ariel Alejandro Nunez Mora v. Warden, Otero County Processing Center, Mary De Anda-Ybarra, Todd Lyons, Kristi Noem, Pamela Bondi

TOPICS

immigration detention federal habeas corpus removal proceedings due process civil procedure

PRACTICE AREAS

immigration detention federal habeas corpus removal proceedings immigration civil procedure

QUESTIONS PRESENTED

1. Whether petitioner's detention during the 90-day removal period following a final order of removal was unlawful under the Constitution or federal law.
2. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to consider a challenge related to the removal order or the circumstances leading to it.
3. Whether the petition should be dismissed without prejudice at the initial screening stage.

HOLDINGS

1. Because petitioner was subject to a final order of removal and remained within the 90-day removal period under 8 U.S.C. § 1231(a)(1)(A), his detention was presumptively reasonable and did not warrant release at that time.
2. The district court lacked jurisdiction to consider a challenge to the immigration judge's removal order because 8 U.S.C. § 1252(b)(9) bars district-court review of questions of law and fact arising from a removal order through habeas corpus or other legal provisions.
3. The petition was dismissed without prejudice because the petition and exhibits showed that petitioner was not entitled to release or other habeas relief at that time.

KEY QUOTATIONS

"Because a statute permitting a noncitizen's 'indefinite detention' would violate due process, 'once removal is no longer reasonably foreseeable, continued detention is no longer authorized.'" (at 3)

"Under the zipper clause, District Courts generally lack jurisdiction over 'all questions of law and fact' that arise from a removal order, and '[n]either habeas corpus' nor 'any other provision of law' can be used to avoid § 1252(b)(9)'s jurisdictional bar.'" (at 4)

FACTUAL BACKGROUND

Ariel Alejandro Nunez Mora was detained on September 16, 2025, at a weigh station operated by the Federal Motor Carrier Safety Administration. He alleged that the inspector failed to conduct an appropriate language-proficiency evaluation and instead contacted ICE officers, who detained him. After his detention, the Otero Immigration Court ordered his removal on January 6, 2026, and the order became administratively final no later than February 6, 2026. He remained detained at the Otero County Processing Center and sought release and an opportunity to continue pursuing asylum.

PROCEDURAL HISTORY

Petitioner was detained by immigration authorities and later became subject to a final removal order issued by the Otero Immigration Court. He filed this § 2241 petition in the District of New Mexico, alleging that his detention was unconstitutional because a weigh-station inspector contacted ICE rather than evaluating his language proficiency under FMCSA guidelines. On initial review, the court dismissed the petition without prejudice and directed that judgment be entered closing the case.

DISPOSITION

dismissed

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)
- *Preiser v. Rodriguez*, 411 U.S. 475, 485 (1973)
- *Zadvydas v. Davis*, 533 U.S. 678, 682-83, 687, 690, 699, 701 (2001)
- *Gomez v. Mattos*, 2025 WL 3101994, at *7 (D. Nev. 2025)
- *Trejo v. Warden of ERO*, 2025 WL 2992187, at *10 (W.D. Tex. 2025)
- *Douglas v. Baker*, 2025 WL 2997585, at *5 (D. Md. 2025)
- *Jennings v. Rodriguez*, 583 U.S. 281, 316-17 (2018)
- *Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007)