

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

**Davit Tophuria v. Warden, Otero County Processing Center, Mary
De Anda-Ybarra, Todd Lyons, Kristi Noem, and Pamela Bondi**

No. 26-cv-0374-JB-GJF · No. No. 26-cv-0374-JB-GJF · Decided February 12, 2026

OPINION

Tophuria

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

DAVIT TOPHURIA,

Petitioner, v. No. 26-cv-0374-JB-GJF 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, Respondents,¹

ORDER TO ANSWER

THIS MATTER is before the Court on Petitioner Davit Tophuria's pro se Petition for Writ of Habeas Corpus (Dkt. No. 1) (Petition). Petitioner is detained at the Otero County Processing Center in Chaparral, New Mexico. He challenges his continued immigration detention and, in particular, the Government's failure to provide an adequate bond hearing. Petition 2, Dkt. No. 1. Having reviewed the Petition pursuant to Habeas Rules 1 and 4, the Court will order an answer. The Clerk's Office has electronically served Respondents - including the federal Respondents added in this Order - by Notice of Electronic Filing (NEF) using the CM/ECF system. ¹ While the form pro se Petition names the Warden, which is standard in non-immigration cases, the Court will add the above-mentioned parties as Respondents in this case. See *Torres-Torres v. Miller*, No. CIV 20—118 JB\KRS, 2020 WL 4430519 (D.N.M. July 31, 2020) (discussing the party respondents in an immigration habeas case); *Lowmaster v. Dir., Bureau of Prisons*, Case No. 24-3178-JWL, 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*, Case No. 24-CV-208-JFH-GLJ, 2024 WL 3913051, at

*2 (E.D. Okla. Aug. 20, 2024) (substituting the proper party respondent in a habeas case).

See Notice, Dkt. No. 3; Standing Order, In re Service of Process in Immigration Habeas Petitions Filed Pursuant to §§ 2241 et seq., No. 1:26-mc-00004 (D.N.M. Jan. 28, 2026). Respondents' attorneys have also been added as notice-recipients through the CM/ECEF system, consistent with the Standing Order, and will receive electronic notice of all filings in this case. Within ten (10)

business days of entry of this Order, the United States Attorney's Office (USAO) must respond to the Petition and show cause why the Court should not grant the requested relief. Petitioner may file an optional reply within seven (7) days after the answer is filed. Finally, the Court will grant Petitioner's Motion to Proceed In Forma Pauperis (Dkt. No. 2), which reflects that he cannot afford to prepay the habeas filing fee. IT IS ORDERED that the USAO shall answer the Petition within ten (10) business days of entry of this Order; and Petitioner may file an optional reply within seven (7) days after the response is filed. IT IS FURTHER ORDERED that Petitioner's Motion to Proceed In Forma Pauperis (Dkt. No. 2) is GRANTED. IT IS FINALLY ORDERED that the Clerk's Office shall ADD the additional party Respondents set forth in the caption of this Order. □□□ □□

THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE