

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Lakshay None v. Dora Castro

Civ. No. 26-195 JB/JFR (D.N.M. Feb. 23, 2026) (magistrate judge's proposed findings and recommended disposition) · No. Civ. No. 26-195 JB/JFR · Decided February 23, 2026

SUMMARY

A United States Magistrate Judge recommends granting Lakshay None’s 28 U.S.C. § 2241 habeas petition challenging his mandatory immigration detention under 8 U.S.C. § 1225(b). The recommendation concludes that Respondents waived defenses by failing to meaningfully address the Petitioner’s arguments and recommends an individualized bond hearing before a neutral immigration judge within seven days, with immediate release if no hearing is provided. The Magistrate Judge also recommends denying the motion for a temporary restraining order as moot.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	James F. Robbenhaar, United States Magistrate Judge
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 23, 2026
DOCKET	Civ. No. 26-195 JB/JFR
DISPOSITION	remanded
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and emergency injunctive relief challenging his immigration detention and requesting an individualized bond hearing or release. The magistrate judge issued proposed findings and a recommended disposition recommending that the petition be granted.
STANDARD OF REVIEW	A habeas petitioner proceeding under 28 U.S.C. § 2241(c)(3) must establish by a preponderance of the evidence that the detention violates the Constitution, laws, or treaties of the United States. The recommendation also applied waiver principles to arguments not meaningfully addressed by Respondents.
PRECEDENTIAL VALUE	Unpublished and nonfinal proposed findings and recommended disposition; limited precedential value.
PARTIES	Lakshay None v. Dora Castro, Warden of the Otero County Processing Center, Todd Lyons, Acting Director of Immigration and Customs

TOPICS

immigration detention removal proceedings procedural due process substantive due process
civil procedure

PRACTICE AREAS

immigration law habeas corpus constitutional law civil procedure remedies

QUESTIONS PRESENTED

1. Whether Respondents waived defenses to Petitioner's habeas and due-process claims by failing to address them in their response.
2. Whether Respondents' attempted incorporation by reference of briefing filed under seal in another case was procedurally sufficient.
3. Whether Petitioner was entitled to an individualized bond hearing before a neutral immigration judge, or immediate release if such a hearing was not timely provided.
4. Whether Petitioner's detention under 8 U.S.C. § 1225(b), rather than discretionary detention under 8 U.S.C. § 1226(a), violated the Immigration and Nationality Act or the Fifth Amendment.

HOLDINGS

1. Respondents' attempt to incorporate an entire brief filed under seal in a different case, without attaching it or obtaining authorization, was insufficient and could not substitute for addressing the claims presented in this case.
2. Respondents waived defenses to Petitioner's substantive claims by failing to meaningfully respond to the arguments concerning his prior release, compliance with supervision, section 240 proceedings, pending asylum application, and detention without notice or process.
3. The petition should be granted, with Respondents required to provide Petitioner an individualized bond hearing before a neutral immigration judge within seven days of adoption of the recommendation, and required to release him immediately if the hearing is not timely provided.

KEY QUOTATIONS

“referencing a pleading from a different case is impermissible, even if the two cases involve the same parties”
(Section IV)

“That Respondents provide Petitioner an individualized bond hearing before a neutral IJ within seven (7) days of entry of an Order adopting these findings and recommendations;” (Recommendations)

“That if Petitioner does not receive such a hearing in the time prescribed herein, that he be immediately released;” (Recommendations)

FACTUAL BACKGROUND

Lakshay None, a twenty-year-old citizen of India, entered the United States without inspection on August 24, 2024. DHS initially detained him and then released him on recognizance subject to Alternatives to Detention monitoring and regular ICE reporting, which he fully complied with while pursuing asylum and withholding-of-removal relief. Although he was in section 240 removal proceedings and had a pending Form I-589, DHS detained him at a routine ICE check-in on November 18, 2025, without alleging a release violation, identifying changed circumstances, providing advance notice, or offering a bond hearing. Respondents later asserted that mandatory detention under 8 U.S.C. § 1225(b) applied.

PROCEDURAL HISTORY

Petitioner filed a verified habeas petition and a motion for a temporary restraining order on January 29, 2026. Respondents filed an abbreviated response and relied on arguments purportedly incorporated from briefing in another case; Petitioner replied. The magistrate judge concluded that the incorporated arguments were procedurally insufficient and that Respondents failed to address Petitioner's substantive claims, resulting in waiver, and recommended a bond hearing or immediate release. The recommendation was subject to objections within fourteen days and had not yet become a final district-court judgment in the document provided.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The recommendation directed Respondents to provide an individualized bond hearing before a neutral immigration judge within seven days after entry of an order adopting the findings and recommendations; if no timely hearing occurred, Petitioner was to be immediately released. The immigration judge was not to deny bond solely for lack of jurisdiction under *Matter of Yajure Hurtado*. The parties were to file a joint status report confirming the hearing and result. The temporary restraining order motion was recommended to be denied as moot.

CASES CITED

- *Virginia Beach Federal Savings & Loan Association v. Wood*, 901 F.2d 849 (10th Cir. 1990)
- *Withrow v. Williams*, 507 U.S. 680, 716 (1993)
- *Preiser v. Rodriguez*, 411 U.S. 475, 485 (1973)
- *Beeler v. Crouse*, 332 F.2d 783, 783 (10th Cir. 1964) (per curiam)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
- *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001)
- *Rasul v. Bush*, 542 U.S. 466, 483-84 (2004)
- *Macias v. New Mexico Department of Labor*, 300 F.R.D. 529, 562 (D.N.M. 2014)
- *Spirit Lake Tribe v. Jaeger*, 2019 WL 13299003, at *1 (D.N.D. June 17, 1999)
- *Chavez Armenta v. Noem*, No. 26-CV-00236, 2026 WL 274634, at *2 (D. Colo. Feb. 3, 2026)

- United States v. Martinez, 542 F. Supp. 3d 1170, 1185 (D.N.M. 2021)
- United States v. Gordon, 710 F.3d 1124, 1150 (10th Cir. 2013)
- Innovation Law Lab v. McAleenan, Innovation Law Lab v. McAleenan, 924 F.3d 503, 507 (9th Cir. 2019)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 108 (2020)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Rock Roofing, LLC v. Travelers Casualty & Surety Co., 413 F. Supp. 3d 1122, 1128 (D.N.M. 2019)
- Zane v. Kramer, 195 F. Supp. 3d 1243, 1256 (W.D. Okla. 2016)
- Palmer v. Unified Government of Wyandotte County, 72 F. Supp. 2d 1237, 1250-51 (D. Kan. 1999)
- Gutierrez v. Garcia, Civ. No. 25-1145 WJ/KRS, 2026 WL 310064, at *5 (D.N.M. Feb. 5, 2026)
- Ortiz v. Bondi, Civ. No. 26-287 KG/JFR, Memorandum Opinion and Order (D.N.M. Feb. 20, 2026)
- Barco Mercado v. Francis, 2025 WL 3295903, at *13 (S.D.N.Y.)