

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

**Yamile Diaz, as next friend of Manuel Alejandro Vazquez Paredes v.
Warden, Otero County Processing Center, Mary De Anda-Ybarra,
Field Officer Director of Enforcement and Removal Operations, El
Paso Field Office, Immigration and Customs Enforcement; Kristi
Noem, Secretary, U.S. Department of Homeland Security; and
Pamela Bondi, U.S. Attorney General**

No. 26-6 MIS/SCY · No. No. 26-6 MIS/SCY · Decided January 28, 2026

SUMMARY

These Proposed Findings and Recommended Disposition address a 28 U.S.C. § 2241 habeas petition filed by Yamile Diaz as next friend of Manuel Alejandro Vazquez Paredes, an immigrant detained by ICE. The magistrate judge recommends finding that Vazquez Paredes is not subject to mandatory detention under the expedited-removal provisions of 8 U.S.C. § 1225(b)(1) because his regular § 240 removal proceedings remain active. The recommendation would grant the petition, order his immediate release, and require respondents to file a status report confirming his release.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Steven C. Yarbrough
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 28, 2026
DOCKET	No. 26-6 MIS/SCY
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Proposed findings and recommended disposition on a 28 U.S.C. § 2241 habeas petition challenging the detention of an arriving noncitizen under expedited-removal detention provisions.
STANDARD OF REVIEW	The magistrate judge reviewed the habeas petition and applicable law under the referral authority of 28 U.S.C. § 636(b)(1)(B) and (b)(3), and issued proposed findings and a recommended disposition subject to objections and de novo district-court review where applicable.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Yamile Diaz, as next friend of Manuel Alejandro Vazquez Paredes v. Warden, Otero County Processing Center, Mary De Anda-Ybarra, Field Officer Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement, Kristi Noem, Secretary, U.S. Department of Homeland Security, Pamela Bondi, U.S. Attorney General

TOPICS

immigration detention

removal proceedings

immigration

due process

civil procedure

PRACTICE AREAS

immigration law

habeas corpus

immigration detention

administrative exhaustion

constitutional due process

QUESTIONS PRESENTED

1. Whether Yamile Diaz qualified as a next friend authorized to prosecute Vazquez Paredes's habeas petition.
2. Whether the petition should be dismissed for failure to exhaust administrative remedies.
3. Whether Vazquez Paredes could be detained under 8 U.S.C. § 1225(b)(1) while his appeal from termination of his section 240 proceedings remained pending.
4. Whether the court could review the legality of Vazquez Paredes's current detention without reviewing a section 1225(b)(1) removal order.

HOLDINGS

1. The proposed findings concluded that Yamile Diaz could proceed as Vazquez Paredes's next friend because the petition adequately alleged that his detention and courthouse arrest impaired his ability to litigate personally, and because she had a significant relationship with him and was dedicated to his best interests.
2. The proposed findings concluded that dismissal for failure to exhaust was unwarranted because the challenged detention was distinct from the pending appeal of the termination of the section 240 proceedings and any further appeal concerning custody redetermination would be futile.
3. The proposed findings concluded that Vazquez Paredes was not subject to mandatory detention under § 1225(b)(1) because the government had placed him in section 240 proceedings, those proceedings remained active during his BIA appeal, and a noncitizen cannot simultaneously be in regular section 240 proceedings and expedited-removal proceedings.

KEY QUOTATIONS

““Next friends” may prosecute a habeas proceeding “on behalf of detained prisoners who are unable . . . to seek relief themselves.”” (Analysis § 1)

“Mr. Vazquez Paredes cannot be in both full 240 proceedings and expedited proceedings at the same time.”
(Analysis § 3)

“Respondents cannot detain [Mr. Vazquez Paredes] in connection with expedited removal proceedings that do not exist.” (Analysis § 3)

“For these reasons, I recommend that the Court GRANT the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1), order Respondents to release Manuel Alejandro Vazquez Paredes immediately, and order Respondents to file a status report with three days confirming that Mr. Vazquez Paredes has been released.” (Recommendation)

FACTUAL BACKGROUND

Vazquez Paredes, a Cuban citizen, presented at a United States port of entry without documents sufficient for lawful entry and expressed an intent to seek asylum. The government initially placed him in regular section 240 removal proceedings and paroled him into the United States, but later obtained termination of those proceedings after the 2025 expansion of expedited-removal implementation. ICE arrested him at the courthouse immediately after termination, and he remained detained while his appeal of the termination order was pending before the BIA.

PROCEDURAL HISTORY

Manuel Alejandro Vazquez Paredes was placed in regular removal proceedings under section 240 of the Immigration and Nationality Act and was paroled into the United States. The immigration judge later terminated those proceedings at the Department of Homeland Security's request based on the government's contention that Vazquez Paredes was subject to expedited removal, and ICE arrested and detained him immediately afterward. Vazquez Paredes appealed the termination to the Board of Immigration Appeals and, through his wife as next friend, filed this § 2241 petition challenging his detention. The magistrate judge recommended granting the petition and ordering immediate release, subject to district-judge review of objections.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The magistrate judge recommended that the district court grant the § 2241 petition, order respondents to release Manuel Alejandro Vazquez Paredes immediately, and require respondents to file a status report within three days confirming his release. The recommendation was subject to objections filed within 14 days and was not itself a final district-court judgment.

CASES CITED

- *Va. Beach Fed. Sav. & Loan Ass’n v. Wood*, 901 F.2d 849 (10th Cir. 1990)
- *Innovation Law Lab v. McAleenan*, *Innovation Law Lab v. McAleenan*, 924 F.3d 503, 507 (9th Cir. 2019)
- *Department of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108, 110 (2020)

- *Reno v. Flores*, 507 U.S. 292, 306 (1993)
- *Make the Rd. New York v. Noem*, No. 25-CV-190 (JMC), 2025 WL 2494908, at *5 (D.D.C. Aug. 29, 2025)
- *Coal. for Humane Immigrant Rts. v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986, at *2 (D.D.C. Aug. 1, 2025)
- *Whitmore v. Arkansas*, 495 U.S. 149, 162-63 (1990)
- *Gonzalez v. O'Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004)
- *Garza v. Davis*, 596 F.3d 1198, 1203 (10th Cir. 2010)
- *Castro-Cortez v. I.N.S.*, 239 F.3d 1037, 1047 (9th Cir. 2001), overruled on other grounds by *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006)
- *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006)
- *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)
- *Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL 2823607, at *5 (W.D. Ky. Oct. 3, 2025)
- *Fadeev v. Lyons*, No. SA-25-CA-01758-XR, 2026 WL 93147, at *4 (W.D. Tex. Jan. 7, 2026)
- *Sun v. Larose*, No. 26-CV-0193-GPC-JLB, 2026 WL 161417, at *2-3 (S.D. Cal. Jan. 21, 2026)
- *Franciso v. Dedos*, No. 1:25-CV-1229 MIS-GJF, 2026 WL 145456, at *7 (D.N.M. Jan. 20, 2026)