IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF:
REGARDING TEMPORARY JUVENILE
DETENTION IN ADULT FACILITIES   25-MC-00004-37

<u>SUPERSEDING ADMINISTRATIVE ORDER</u>

WHEREAS the Court continues to establish a uniform procedure for the temporary secure detention of juveniles at the Otero County Detention Center, pursuant to Title 18, United States Code, Section 5035, when suitable juvenile detention alternatives are unavailable, this Administrative Order is entered for the court; it supersedes Administrative Order 25-MC-00004-29, *In the Matter of Regarding Temporary Juvenile Detention in Adult Facilities*.

It appearing to the Court that circumstances often necessitate the secure holding of juveniles charged with federal offenses and that the availability of certified juvenile facilities within the District of New Mexico (DNM) is limited, the Court finds it necessary to establish the criteria and conditions for utilizing the Otero County Detention Center on a temporary basis.

IT IS HEREBY ORDERED that, upon a finding by the presiding Judicial Officer that the secure detention of a juvenile is necessary and that no suitable or acceptable certified juvenile facility is immediately available or willing to accept the juvenile in a timely manner, a juvenile may be held temporarily at the Otero County Detention Center.

IT IS FURTHER ORDERED that any such temporary detention **must strictly comply** with the requirements of **Title 18, United States Code, Section 5035**, including:

1. The juvenile shall not have **regular contact** with adult persons convicted of a crime or awaiting trial on criminal charges.

2. Insofar as possible, the juvenile shall be **kept separate** from adjudicated delinquents.

IT IS FURTHER ORDERED that the United States Marshals Service (USMS) alert the Judicial

Officer and the juvenile's counsel of their intention to hold a juvenile at the Otero County Detention Center pursuant to this order prior to doing so. Moreover, the USMS should advise the Judicial Officer and the juvenile's counsel about the location of the facility and the anticipated length of the temporary hold.

IT IS FURTHER ORDERED that the USMS, or other agency responsible for custody, shall ensure that the Otero County Detention Center and all necessary personnel take all steps required to rigorously enforce the separation and supervision requirements of 18 U.S.C. § 5035 at all times during the juvenile's detention. Furthermore, the detaining Judicial Officer has the authority to impose additional requirements on the Otero County Detention Center as necessary to vindicate the constitutional rights of the juvenile.

IT IS SO ORDERED.

DONE this 30th day of December, 2025.

FOR THE COURT:[1]

/s/
_____
KENNETH J. GONZALES[2]
CHIEF UNITED STATES DISTRICT JUDGE

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1 For the court, pursuant to Administrative Order Misc. No. 83-252.
2 Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court's PACER public access system.

U.S. District Court

United States District Court - District of New Mexico

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