

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF:
SERVICE OF PROCESS IN IMMIGRATION HABEAS
PETITIONS FILED PURSUANT TO §§ 2241 ET SEQ.

26-MC-00004-03

STANDING ORDER

In all cases where an alien detainee has filed a habeas corpus petition under 28 U.S.C. §§ 2241 et seq., which challenges the decision of a federal agency to hold the alien in custody, the procedures for service of the petition on the respondent(s) shall be governed by Rule 4 of the Rules Governing Section 2254 Cases.¹ *See* Rule 1(b) (“The district court may apply any or all of these rules to a habeas corpus petition not covered [under 28 U.S.C. § 2254].”). Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will electronically serve a copy of the petition² and any order to answer, show cause, or otherwise respond to the petition, and any pending motions on all federal respondents through the CM/ECF filing system. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases and by agreement with the wardens of the Otero County Processing Center, the Torrance County Detention Facility, and the Cibola County Correctional Center, the Clerk of Court will electronically serve a copy of the petition and any order to answer, show cause, or otherwise respond to the petition, and any pending motions on the appropriate warden through the CM/ECF filing system. The Clerk will serve the petition and

¹ The presiding judge will decide whether to follow the other provisions of Rule 4 and the remaining Rules Governing Section 2254 Cases—or alternatively, the procedural requirements set forth in 28 U.S.C. § 2243.

² The Rules Governing Section 2254 Cases do not require a summons, and a summons will not be issued.

any order to answer, show cause, or otherwise respond to the petition, and any pending motions on any respondents who cannot be served through the CM/ECF filing system by certified mail, with return receipt requested if required. The Court will serve the United States, its agencies, its officers, and the warden of any detention center located in New Mexico at addresses already known to the Court. Petitioner must provide the Court with the service address for any other respondent(s).

Respondent(s) are not required to answer, show cause, or otherwise respond to the petition until ordered to do so. In its order, the Court will fix the time by which response must be made, which will be no less than ten business days unless the petition includes a request for a temporary restraining order. The Court will set a hearing, if necessary.

FOR THE COURT³

/s/

KENNETH J. GONZALES⁴
CHIEF UNITED STATES DISTRICT JUDGE

³ For the court, pursuant to Administrative Order Misc. No. 83-252.

⁴ 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.

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U.S. District Court

United States District Court - District of New Mexico

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Docket Text:

STANDING ORDER: In the matter of: Service Of Process In Immigration Habeas Petitions Filed Pursuant To §§ 2241 Et Seq. (mre)

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