

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

**DELMY NAVARRO NAJERA,**

Petitioner,

v.

Case No. 2:25-cv-01173-WJ-GJF

**JOEL GARCIA**, Field Office Director of Enforcement and Removal Operations, El Paso Field Office, Immigration and Customs Enforcement; **TODD LYONS**, Acting Director of U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary, U.S. Department of Homeland Security; **U.S. DEPARTMENT OF HOMELAND SECURITY**; Pamela Bondi, U.S. Attorney General; **EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**; **DORA CASTRO**, Warden of the Otero County Processing Center.

Respondents.

**ORDER FOR RESPONSE TO PETITION**

THIS MATTER is before the Court upon Petitioner Delmy Navarro Najera's Petition for Writ of Habeas Corpus [**Doc. 1**] ("the Petition"), 28 U.S.C. § 2241; Petitioner's Response to the Court's Order to Show Cause Why Petition for Writ of Habeas Corpus Should Not be Transferred to District of Maryland, [**Doc. 17**]; and Petitioner's Motion for Leave to File Under Seal Selected Portions of Petitioner's Petition for Writ of Habeas Corpus ("Motion to Seal") [**Doc. 16**].

**I. The Court Exercises Habeas Jurisdiction**

On January 13, 2026, this Court directed Petitioner to show cause why the Petition should not be transferred to the District of Maryland, given that Petitioner was initially detained there and previously filed a habeas proceeding in that district challenging her immigration detention. [**Doc. 14**] ("January 13 Order"). Petitioner responds that the United States District Court for the

District of Maryland, in an oral ruling, declined to exercise jurisdiction over her individual habeas claims because those claims were included in Petitioner's Second Amended Complaint, filed after she had been transferred outside of Maryland. [**Doc. 17 at 2 ¶ 6** (citing Order, No. 1:25-cv-01613 (D. Md. Sep. 17, 2025) (Doc. 95)]. As a result of that decision, Petitioner asserts that she voluntarily dismissed her individual habeas claims in the District of Maryland proceeding. [**Doc. 17 at 2 ¶¶ 3, 6; 3 ¶ 7; Doc. 17-2** (Stipulation of Dismissal Without Prejudice)]. Therefore, those habeas claims are no longer pending in the District of Maryland, and Petitioner asserts that the Maryland proceeding otherwise has no effect on this Court's consideration of those claims, apart from a prior order prohibiting her removal from the United States. [**Doc. 17 at 3 ¶ 8** (citing Order, No. 1:25-cv-01613 (D. Md. May 14, 2025)].

Upon review of the current record, the Court concludes that further briefing on the question of venue would serve no purpose other than to delay resolution of the Petition. As found in its January 13 Order, the Court possesses habeas jurisdiction over the Petition. [**Doc. 14 at 7**]. Venue also lies in the District of New Mexico — the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 449–50 (2004); *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025); *see also Doc. 14, at 8*. Therefore, at this stage of the proceedings, habeas jurisdiction exists in this District and the Court will entertain the Petition pursuant to 28 U.S.C. § 2241. If subsequent factual or legal developments demonstrate otherwise, the Court will revisit the issue. However, at this time, Respondents will not be required to submit further briefing in response to the January 13 Order.

Absent further record development to the contrary, the Court's next task is to assess the merits of the Petition. The Court finds that this determination would benefit from a more complete record. Accordingly, Respondents shall respond to the Petition within fourteen (14) days of the date of this Order. *See* 28 U.S.C. § 2243; Rule 5, Rules Governing Section 2254

Cases in the United States District Courts.

## II. Petitioner's Motion to Seal is Granted

Also before the Court is Petitioner's Motion to Seal. [Docs. 16, 16-1]. Petitioner requests leave of the Court to file under seal portions of the Petition and accompanying exhibits bearing on her and her children's privacy interests in their confidential medical information and immigration history. The Court agrees with Petitioner that these interests sufficiently outweigh the presumption of public access to court records and justify the narrowly tailored remedy of sealing those portions of the record addressing those topics.

Therefore, henceforth, filings in this case that discuss (i) the confidential medical information of Petitioner or her children or (ii) the immigration history of Petitioner or her children that is not a matter of public record, may be filed under seal. Versions of such filings shall be filed on the public docket with appropriate redactions.

## III. Conclusion

Respondents are ORDERED to respond to the Petition within **fourteen (14) days**.

Petitioner's Motion to Seal is GRANTED.

The Clerk's Office is DIRECTED to email a copy of this Order to the United States Attorney's Office at the following email addresses: **roberto.ortega@usdoj.gov** (Roberto Ortega, USAO Civil Chief) and **ryan.posey@usdoj.gov** (Ryan Posey, AUSA).

IT IS SO ORDERED.

/s/  
WILLIAM P. JOHNSON  
SENIOR UNITED STATES DISTRICT JUDGE