

***Santillan Quiroz v. Mullin* (10th Cir. 2026)
and Habeas Corpus in the Context of
Immigration Detention**

Courts, Corrections and Justice Committee

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Presenters

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*Photo by Marjorie Childress on January 11, 2026.
Source New Mexico.*

Detention Landscape

Who is detained in New Mexico?

- New Mexicans
 - ICE enforcement in NM communities
 - Targeted arrests
 - Collateral arrests
 - People in the criminal justice system
- People transferred from other states
 - Enforcement hot-spots
 - Opening up bed space elsewhere



Photo of former NMILC client with his children.

Our Clients

- People who have been living in the U.S. for years if not decades.
- People who have created a life for themselves in the U.S., found job opportunities, bought property, and contributed to their communities.
- Parents who have U.S. citizen children.
- People who have applied for immigration status, attended ICE check-ins, and participated in immigration court proceedings.



Detention Facilities

Torrance and Cibola:

- Direct contract between ICE and CoreCivic for detention operations.

Otero:

- Ongoing litigation.

Habeas Litigation in New Mexico

Statistics:

- Active cases in the District of New Mexico (DNM): 1,599
- Cases decided in DNM in 2022: 1
- Cases decided in DNM in 2023: 0
- Cases decided in DNM in 2024: 3
- Cases decided in DNM in 2025: 32
- Cases decided in DNM in 2026 (to date): 634

Habeas Litigation in New Mexico

Trends:

- Broad misclassification of people as mandatorily detained.
- Procedural and substantive due process violations.
- Unlawful warrantless arrests by ICE.
- Prolonged detention of people already ordered deported.

Habeas Litigation in New Mexico

Santillan Quiroz v. Mullin, No. 26-6019 (10th Cir. June 30, 2026).

Held: Once a noncitizen has entered unlawfully, they are no longer “seeking admission” and thus are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). They are instead detained pursuant to 8 U.S.C. § 1226(a).

Dicta: The mandatory detention of potentially millions of noncitizens without the potential for bond raises serious constitutional due process concerns.

Habeas Litigation in New Mexico

- Circuits rejecting the government's interpretation:
 - First Circuit
 - Second Circuit
 - Sixth Circuit
 - Seventh Circuit
 - Ninth Circuit
 - Tenth Circuit
 - Eleventh Circuit
- Circuits upholding the government's interpretation:
 - Fifth Circuit
 - Eighth Circuit

Habeas Litigation in New Mexico

Government has petitioned for cert:

Lopez-Campos v. Raycraft, No. 25-1965 (6th Cir. May 11, 2026).

- Statutory holding: Noncitizens living in the U.S. who entered without inspection are not mandatorily detained under Section 1225(b)(2)(A).
- Constitutional holding: Procedural due process entitles such noncitizens to individualized bond hearings.

Petition for cert will be decided at the Supreme Court's Sept. 28 "long conference" (Docket No. 25-1415).

New Mexico Habeas Project

The Project is a collaboration between the New Mexico Immigrant Law Center, the ACLU of New Mexico, and other organizations to place immigration habeas cases with *pro bono* attorneys.

Pro bono attorneys receive training, mentoring, and guidance from the Project.

The Project aims to expand capacity to litigate immigration habeas cases effectively and efficiently in the District of New Mexico.

