

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

JEAN CARLOS ALEXI FIALLOS MANZANARES,

Petitioner,

v.

No. 25-cv-0798-KWR-KRS

JOSE ORTEZ,

Respondent.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Petitioner Jean Carlos Alexi Fiallos Manzanares' *pro se* 28 U.S.C. § 2241 Habeas Petition (Doc. 1) (Petition). Petitioner challenges his continued immigration detention on the ground that he received a favorable Deferred Action for Childhood Arrivals (DACA) decision. Having reviewed the records, the Court finds that Respondents should answer the Petition and will grant Petitioner's Motion for Service of Process (Doc. 3). The Clerk's Office will email a copy of the Petition (Doc. 1) and this Order to Roberto Ortega, the Civil Chief at the United States Attorney's Office (USAO). That office typically answers § 2241 immigration petitions on behalf of Respondent. Respondent shall file an answer within thirty (30) days of entry of this Order. *See* Habeas Rules 1(b), 4 (courts have discretion to set a time for respondents to answer a habeas petition).

Petitioner also asks the Court to appoint pro bono counsel. *See* Doc. 4. There is no constitutional right to counsel in a habeas proceeding. *See Coronado v. Ward*, 517 F.3d 1212, 1218 (10th Cir. 2008). "The decision to appoint counsel is left to the sound discretion of the district court." *Engberg v. Wyoming*, 265 F.3d 1109, 1122 (10th Cir. 2001). Factors guiding

