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The Rocha Moya Affair and the Limits of Mexico-U.S. Legal Cooperation

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On April 29, 2026, the United States Attorney's Office for the Southern District of New York unsealed a five-count indictment against the sitting governor of a Mexican state, an event without modern precedent in North American legal cooperation. The subject of the indictment is Ruben Rocha Moya, 76, governor of Sinaloa since November 2021, and a senior figure within Mexico's ruling Morena party.¹ The case has triggered a public confrontation between Washington and Mexico City over sovereignty, evidentiary standards, political loyalty, and the practical meaning of a bilateral extradition treaty when the person being demanded is a powerful ally of the president. Sinaloa is the geographic and operational heartland of the Sinaloa Cartel, the organization built by Joaquin "El Chapo" Guzman and Ismael "El Mayo" Zambada, and the indictment alleges that Rocha Moya's relationship with that organization went well beyond passive coexistence.²

What the United States Charges

The indictment, assigned to U.S. District Judge Katherine Polk Failla, names Rocha Moya alongside nine other current or former Sinaloa officials. Among them are Senator Enrique Inzunza Cazarez, Culiacan mayor Juan de Dios Gamez Mendivil, and Gerardo Merida Sanchez, a retired army general who served as Sinaloa's Secretary of Public Security from September 2023 to December 2024.³

The U.S. Department of Justice alleges that the defendants partnered with the Sinaloa Cartel to distribute massive quantities of narcotics to the United States, and that they were most closely aligned with the Chapitos faction, the sons of El Chapo, two of whom (Ovidio Guzman Lopez and Joaquin Guzman Lopez) are in U.S. custody and have been widely reported to be cooperating with prosecutors in exchange for sentencing leniency.

According to the indictment, the cartel helped Rocha Moya win the 2021 gubernatorial election by kidnapping and intimidating rival candidates and by stealing paper ballots cast against him. Before and after the election, Rocha Moya allegedly attended meetings with the Chapitos at which he promised to protect them as they moved

drugs into the United States and to allow them to operate with impunity in Sinaloa once he was governor. Enrique Diaz Vega, a co-defendant who later became Rocha Moya's Secretary of Administration and Finance, allegedly delivered to cartel operatives a list of opposition candidates' names and addresses so they could be intimidated into withdrawing from the race. A separate defendant, Juan Valenzuela Millan, faces additional counts connected to the kidnapping and killing of a DEA confidential source and a relative.

A provisional arrest request, not yet a formal extradition

A point that has been frequently confused in international press coverage requires clarification: What the U.S. Embassy transmitted to Mexico's Ministry of Foreign Affairs (SRE) on April 28, 2026 was a *request for provisional arrest for extradition purposes*, the cautionary measure contemplated in Article 11 of the bilateral Extradition Treaty.⁴ This precedes the formal extradition file, which under Article 11 of the same treaty the requesting state has 60 days to submit after provisional arrest is secured.⁵

On May 1, 2026, the head of the Attorney General's Office's (FGR) Specialized Prosecutor's Office for Jurisdictional Control, Raul Jimenez Vazquez, publicly acknowledged that Article 11 of the treaty and Article 17 of Mexico's International Extradition Law do not require the requesting state to attach evidence at the provisional arrest stage, only to identify the offenses for which the process is being initiated.⁶ Even so, both Jimenez Vazquez and FGR spokesperson Ulises Lara Lopez concluded that the U.S. request did not justify provisional arrest because no urgency had been established and no probative elements had been attached, and the FGR formally asked the U.S. Department of Justice to send the supporting documentation through diplomatic channels. As of mid-May 2026, according to Mexican press reporting citing FGR sources, none had been delivered.⁷

The political and institutional response

President Claudia Sheinbaum responded the morning after

1.- <https://www.justice.gov/usao-sdny/pr/governor-sinaloa-and-nine-other-current-and-former-mexican-officials-charged-drug>

2.- <https://www.aljazeera.com/news/2026/4/30/us-charges-sinaloa-state-governor-9-others-over-mexican-drug-cartel-links>

3.- <https://canal66.tv/se-entrega-en-ee-uu-gerardo-merida-sanchez-exsecretario-de-seguridad-de-sinaloa-lo-acusan-de-nexos-con-los-chapitos/>

4.- Treaty of Extradition between the United Mexican States and the United States of America, May 4, 1978. <https://treaties.un.org/doc/Publication/UNTS/Volume%201207/volume-1207-I-19462-English.pdf>

5.- <https://www.proceso.com.mx/nacional/2026/5/1/fgr-no-entregara-eu-por-ahora-ruben-rocha-moya-373241.html>

6.- Ibid.

7.- <https://www.proceso.com.mx/nacional/justicia/2026/5/12/casi-dos-anos-de-la-captura-de-el-mayo-la-fgr-sigue-sin-citar-rocha-moya-ni-como-testigo-373917.html>

the unsealing of the indictment. Reading a prepared statement at her daily press conference on April 30, 2026, she said Mexico would not allow interference from any foreign government in decisions belonging to the Mexican people, and that absent clear proof “it will be evident that the goal of these accusations is political.”⁸ The SRE had already issued a parallel official statement on April 29 stating that the documentation received from the U.S. Embassy “does not contain elements of proof” sufficient to determine responsibility, and announced it would send a formal diplomatic protest to Washington for making the case public in apparent breach of the treaty’s confidentiality provisions.^{9,10} On May 4, the Chief Legal Counsel to the Federal Executive, Luisa Maria Alcalde Lujan, reiterated the same position.¹¹

Rocha Moya, for his part, rejected the charges within hours through a post on X on April 29, stating he “categorically and absolutely” denied the imputations and that the indictment was “a perverse strategy to violate the constitutional order” of Mexico.¹² On the night of May 1, he posted a video announcing a temporary leave of absence to facilitate the FGR investigation. The Sinaloa State Congress convened in extraordinary session on May 2, approved the leave, and voted 33 to 3 to name Yeraldine Bonilla Valverde, until then Secretary General of Government, as interim governor and the first woman to hold the office. The indicted mayor of Culiacan took leave the same weekend. President Sheinbaum and her party’s leadership continued to defend Rocha Moya’s presumption of innocence, a position she maintained through her May 22 meeting with U.S. Secretary of Homeland Security Markwayne Mullin, the first cabinet-level U.S. visit to Mexico in 2026.¹³

The legal framework and the selective application of standards

The governing instrument between the two countries is the Treaty of Extradition between the United Mexican States and the United States of America, signed at Mexico City on May 4, 1978 and in force since January 25, 1980.

Article 3 of the treaty sets the evidentiary threshold for extradition itself, requiring evidence sufficient to justify committal for trial, which approximates probable cause under U.S. law or its Mexican functional equivalent.¹⁴ Mexico’s domestic International Extradition Law of 1975 governs the internal procedure and, at Article 20, allows the SRE to demand supplementary documentation from the requesting state.¹⁵

The standard President Sheinbaum has invoked, “*Irrefutable evidence*”, has no textual basis in the 1978 treaty, and legal commentators have flagged this. Marco Antonio Aviles, a Mexico City attorney specialized in extradition, told CBC News that for virtually every other Mexican defendant the evidentiary threshold has been kept very low, but in the Rocha Moya matter it was raised to the maximum, “as if the Ministry of Foreign Affairs and the Attorney General’s Office had to conduct a full trial themselves.”¹⁶ That observation lands alongside a documented fact, the Sheinbaum administration transferred 92 persons accused of organized-crime offenses to U.S. authorities under the Mexican National Security Law rather than the formal extradition treaty, a route that does not require the evidentiary review now being demanded for Rocha Moya.¹⁷

There is also a structural obstacle under Mexican constitutional practice. A sitting governor or senator cannot be subjected to criminal proceedings without a prior Declaration of Removal of Immunity from the Chamber of Deputies stripping their immunity. Rocha Moya’s leave of absence on May 2 reduced some of the protection attached to the active position, although Senator Inzunza retains the senatorial fuero, and no immunity-stripping vote was on the legislative agenda as of late May.¹⁸

The unraveling of the inner circle

At her April 30 press conference, Sheinbaum mentioned that the U.S. documentation included a single sheet of paper purportedly showing alleged bribe payments to the accused officials, and that the file also contained “statements by witnesses whose identities are unknown.”¹⁹ The U.S.

8.- <https://www.proceso.com.mx/nacional/2026/4/30/sheinbaum-pide-pruebas-de-las-acusaciones-contra-rocha-moya-vinculado-con-el-cartel-de-sinaloa-373158.html>
9.- <https://www.jornada.com.mx/noticia/2026/04/29/politica/sre-recibe-solicitud-de-extradicion-de-rocha-moya-senala-falta-de-pruebas-de-eu>
10.- <https://www.jornada.com.mx/noticia/2026/04/30/politica/sre-enviara-extranamiento-por-fallas-en-la-solicitud-de-extradicion-de-rocha-moya>
11.- <https://mgmnoticias.mx/2026/05/04/luisa-maria-alcalde-explicacion-extradicion-ruben-rocha-moya-2026/>
12.- <https://www.milenio.com/policia/narcotrafico/cronologia-acusacion-ruben-rocha-moya-nexos-cartel-sinaloa>
13.- <https://www.elfinanciero.com.mx/nacional/2026/05/22/reunion-claudia-sheinbaum-y-markwayne-mullin-narcoterrorismo/>
14.- Treaty of Extradition, loc. cit.
15.- Ley de Extradición Internacional. https://www.diputados.gob.mx/LeyesBiblio/pdf/36_200521.pdf
16.- <https://www.cbc.ca/news/world/mexico-u-s-sinaloa-extradition-9.7188877>
17.- <https://www.elfinanciero.com.mx/nacional/2026/05/20/gobierno-de-sheinbaum-intensifica-envio-de-capos-y-criminales-a-eu-van-178-en-menos-de-dos-anos/>
18.- Proceso, May 1, 2026, loc. cit.
19.- <https://www.telemundo.com/noticias/edicion-noticias-telemundo/internacional/video/sheinbaum-exige-a-ee-uu-pruebas-irrefutables-de-los-supuestos-vinculos-con-el-narco-de-rocha-moya-tmvo13177719>

case, however, is likely to rest on more than the paper file submitted at the provisional-arrest stage, given that the two Chapitos sons already in U.S. custody are widely reported to be cooperating with prosecutors in the Southern District of New York.

Two further developments in May 2026 added pressure to the Mexican side. On May 6, 2026, the Mexican Financial Intelligence Unit (UIF) issued *Order 156/2026* ordering the freezing of bank accounts in the Mexican financial system belonging to Rocha Moya, his sons Ruben, Ricardo and Jose de Jesus Rocha Ruiz, Senator Enrique Inzunza Cazarez, and other defendants named in the U.S. indictment.²⁰

That same week, two of the ten indicted officials voluntarily surrendered to U.S. authorities. According to a statement by Mexico's Security Cabinet, Gerardo Merida Sanchez crossed from Hermosillo, Sonora into Arizona through the Nogales port of entry on May 11, 2026, was taken into the custody of U.S. Marshals, appeared before a federal magistrate in Arizona on May 12 and was transferred to the Metropolitan Detention Center in Brooklyn, New York.²¹ Enrique Diaz Vega, the former Minister of Administration and Finance of Sinaloa, surrendered separately to U.S. authorities while in Europe in the same week, with Mexican press reporting cooperation discussions with the Department of Justice.²²

Bilateral context

The Rocha Moya case arrives at a moment of sustained stress in U.S.-Mexico relations. The designation of the Sinaloa Cartel and five other Mexican cartels as Foreign Terrorist Organizations by Secretary of State Marco Rubio under Executive Order 14157, effective February 20, 2025, is an unusual classification that has been read in Mexico City as legal scaffolding for potential unilateral U.S. action against persons accused of providing material support.

In April 2026, an operation against a clandestine methamphetamine laboratory in Morelos, Chihuahua

resulted in the deaths of two of four U.S. Central Intelligence Agency officers who, according to Mexican federal authorities, had impersonated state investigative agents in violation of the Mexican National Security Law, and the Chihuahua governor was subsequently summoned to testify before the FGR.²³

During the same period, U.S. President Donald Trump publicly declared that *"the cartels govern in Mexico"*, and warned that if the Mexican government did not act effectively against the cartels his administration would act unilaterally.²⁴ President Sheinbaum subsequently held a telephone call with Trump on May 15, 2026 which she described as *"cordial and excellent"*, and on May 22 received U.S. Senator Markwayne Mullin in Mexico City.²⁵

Against that backdrop, Sheinbaum has also pressed a reciprocity argument and said the United States had rejected 36 Mexican urgent detention requests in recent years on grounds of insufficient evidence and that Mexico should apply the same standard.²⁶ On May 19, Mexican Foreign Affairs officials presented an extended figure showing that of 269 Mexican extradition requests submitted to the United States since 2018, 36 had been rejected, 233 were pending, and zero had resulted in a surrender to Mexico.²⁷

Treaty obligations and the wider architecture

The reciprocity argument has clear domestic political utility but limited international legal weight. Under public international law the principle of *pacta sunt servanda*, codified in Article 26 of the Vienna Convention on the Law of Treaties, requires that treaty obligations be performed in good faith independently of the other party's perceived non-compliance in other matters.²⁸ A state that believes its counterpart is in breach has recourse to dispute resolution mechanisms but is not authorized to suspend its own performance unilaterally.

The selective application of extradition standards based on the political affiliation of the subject is precisely the kind of conduct that hollows out bilateral legal

20.- <https://www.infobae.com/mexico/2026/05/15/reportan-que-uif-congelo-cuentas-bancarias-de-rocha-moya-y-enrique-izunza-sheinbaum-pide-aclarar-situacion-fiscal/>
 21.- <https://www.informador.mx/mexico/gerardo-merida-y-enrique-diaz-asi-fue-la-entrega-de-los-exsecretarios-de-seguridad-y-finanzas-de-sinaloa-a-la-justicia-de-eu-20260516-0056.html>
 22.- <https://www.informador.mx/mexico/gerardo-merida-y-enrique-diaz-asi-fue-la-entrega-de-los-exsecretarios-de-seguridad-y-finanzas-de-sinaloa-a-la-justicia-de-eu-20260516-0056.html>
 23.- <https://www.infobae.com/mexico/2026/05/26/los-dos-escenarios-que-enfrenta-maru-campos-tras-el-citatorio-de-la-fgr-por-el-caso-cia-en-chihuahua/>
 24.- <https://www.infobae.com/mexico/2026/05/08/trump-tena-de-nuevo-la-relacion-con-mexico-los-carteles-gobiernan/>
 25.- <https://www.infobae.com/mexico/2026/05/15/sheinbaum-sostiene-llamada-con-trump-en-medio-de-tension-por-caso-rocha-moya-y-muerte-de-agentes-de-la-cia-en-chihuahua/>
 26.- <https://theyucatantimes.com/2026/05/sheinbaum-says-the-us-has-rejected-36-extradition-requests-from-mexico-due-to-insufficient-evidence/>
 27.- <https://www.latintimes.com/mexico-says-us-has-not-approved-any-its-269-extradition-requests-since-2018-597528>
 28.- Vienna Convention on the Law of Treaties, May 23, 1969. https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

frameworks. It would, if generalized, also weaken the broader architecture of international judicial cooperation, including the U.S.-Mexico Mutual Legal Assistance Treaty of 1987 and the United Nations Convention against Transnational Organized Crime of 2000, to which both states are parties and which contemplate the surrender or prosecution of public officials implicated in organized crime.²⁹

Where things stand

As of late May 2026, Rocha Moya remains in Mexico on temporary leave from the governorship, his domestic bank accounts frozen, the subject of a U.S. provisional arrest request that the Mexican government has not executed. Two of his former cabinet ministers are in U.S. federal custody in Brooklyn, with media accounts describing ongoing cooperation discussions in at least one of those cases. The FGR has opened a domestic investigation and requested supplementary materials from Washington through diplomatic channels but, according to its own statements, none had been delivered.

The FGR's next formal move is governed by Article 20 of the International Extradition Law, under which it has already requested additional documentation from the United States. If those materials arrive and satisfy the treaty threshold, the case can move to the federal judiciary for extradition review. If they do not, the matter can remain in administrative suspension. Each path has a precedent in recent Mexican practice. Only the first satisfies the 1978 treaty as written. Which path is chosen will say something not only about Ruben Rocha Moya, but about the kind of legal partner Mexico intends to be.

29.- United Nations Convention against Transnational Organized Crime, Nov. 15, 2000. https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-11%20AM/Ch_XVIII_12p.pdf

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