

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Jose Luis Merchan Correa v. Derrick Stamper, et al.

No. 2:26-cv-00024-LEW (D. Me. Jan. 20, 2026) · No. 2:26-cv-00024-LEW · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Maine granted Jose Luis Merchan Correa’s petition for a writ of habeas corpus challenging his continued immigration detention. The court ordered Respondents to provide a bond hearing before an immigration judge within seven days, or release Correa subject to the conditions of his prior release order, and enjoined removal during that period except to facilitate the hearing.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	Lance E. Walker
JURISDICTION	United States District Court for the District of Maine
DECIDED	January 20, 2026
DOCKET	2:26-cv-00024-LEW
DISPOSITION	granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the lawfulness of immigration detention and seeking release or a bond hearing.
STANDARD OF REVIEW	For a § 2241 challenge to immigration detention, the district court reviews the lawfulness of the detention; the petitioner must prove illegal detention by a preponderance of the evidence.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Jose Luis Merchan Correa v. Derrick Stamper, et al.

TOPICS

- immigration detention
- removal proceedings
- procedural due process
- injunctions
- remedies

PRACTICE AREAS

- immigration law
- habeas corpus
- constitutional law
- civil procedure
- injunctive relief

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to review Correa's immigration detention without reviewing the underlying removal proceedings.
2. Whether Correa's continued detention required an opportunity for a bond hearing before an immigration judge.
3. What relief was appropriate if the government continued to detain Correa pending his removal proceedings.

HOLDINGS

1. The district court had jurisdiction under § 2241 because the petition challenged the lawfulness of Correa's detention and did not challenge the underlying removal proceedings.
2. Correa was entitled to habeas relief conditioned on a prompt bond hearing before an immigration judge.
3. If respondents continued detaining Correa, they were required to provide a bond hearing before an immigration judge within seven days; if no hearing was timely scheduled, Correa had to be released subject to the conditions of his prior Order of Release and Recognizance.

KEY QUOTATIONS

“For the foregoing reasons, the Petition for a writ of habeas corpus is GRANTED”

“If a hearing is not scheduled within that timeframe, Respondents will release Petitioner”

FACTUAL BACKGROUND

Correa, an Ecuadorian national, entered the United States between ports of entry in 2019 and was detained by DHS on December 21, 2019. DHS released him under an Order of Release and Recognizance pursuant to 8 U.S.C. § 1226, while initiating removal proceedings. Border Patrol detained him again at a job site in Oxford County on January 13, 2026, and he remained detained in Fort Fairfield without an opportunity for release on bond.

PROCEDURAL HISTORY

Correa filed a petition for a writ of habeas corpus and a motion for a temporary restraining order after being detained by U.S. Border Patrol. The court issued an order to show cause, and the federal respondents opposed relief while acknowledging that their mandatory-detention position was contrary to local precedent. The court granted habeas relief without a hearing, ordered a bond hearing before an immigration judge within seven days, and dismissed the temporary restraining order motion as moot.

DISPOSITION

granted

CASES CITED

- *Demore v. Kim*, 538 U.S. 510, 516-17 (2003)
- *Kong v. United States*, 62 F.4th 608, 614 (1st Cir. 2023)
- *Aguilar*, 510 F.3d at 11
- *Hernandez-Lara v. Lyons*, 10 F.4th 19, 33 (1st Cir. 2021)
- *Aditya W.H. v. Trump*, 2025 WL 1420131, at *7 (D. Minn. 2025)
- *Guerrero Orellana v. Moniz*, 2025 WL 3687757, at *1 (D. Mass. Dec. 19, 2025)
- *Chogullo Chafila v. Scott*, 2:25-cv-00437-SDN, 2025 WL 2688541 (D. Me. Sept. 22, 2025)
- *Bermeo Sicha v. Bernal*, 25-cv-00418-SDN, 2025 WL 2494530 (D. Me. Aug. 29, 2025)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MAINE JOSE LUIS MERCHAN CORREA,)) Petitioner)) v.) No. 2:26-cv-00024-LEW) DERRICK STAMPER, et al.,)) Respondents) ORDER ON PETITION FOR WRIT OF HABEAS CORPUS Before the Court is Petitioner Jose Luis Merchan Correa’s Petition for Writ of Habeas Corpus (ECF No. 1). Petitioner seeks release from immigration detention.

Respondent Derrick Stamper, Chief Patrol Agent of the Houlton Sector, U.S. Border Patrol, and the other federal respondents oppose the Petition. For the following reasons, the Petition is granted. BACKGROUND Petitioner is a national of Ecuador. According to his Petition, which is verified, in 2019, Petitioner entered the United States between ports of entry but was detained by the U.S. Department of Homeland Security (DHS) on December 21, 2019.

DHS detained Petitioner but then released him into the United States “in accordance with section 236 of the Immigration and Nationality Act,” i.e., 8 U.S.C. § 1226, pursuant to an Order of Release and Recognizance, and subject to conditions.

Although DHS released Petitioner, it also instituted removal proceedings and directed him to appear at a hearing roughly one year from the date of his release. Pet. ¶ 3; Pet. Ex. 2. Petitioner settled in Portland with his family.

On January 13, 2026, U.S. Border Patrol agents detained Petitioner at a job site in Oxford County. Petitioner remains in Maine and is currently detained in Fort Fairfield. Petitioner asserts that ongoing detention without an opportunity for release on bond violates the Due Process Clause and a standing order of the United States District Court for the District of Massachusetts, *Guerrero Orellana v. Moniz*, 1:25-cv-12664 (D.

Mass. Dec. 19, 2025), which granted relief to a class of persons subject to detention pending removal proceedings.¹ On January 19, 2026, the Court issued an Order to Show Cause (ECF No. 5) that directed the Respondents to address the merits of the Petition. See 28 U.S.C. § 2243.

In their Response (ECF No. 6), Respondents maintain that Petitioner is subject to mandatory detention pending the completion of removal proceedings under 8 U.S.C. § 1225(b)(2), but acknowledge that that assertion is contrary to local precedent. DISCUSSION The lawfulness of immigration detention is subject to review by, and unlawful detention is subject to remedy in, a United States District Court under 28 U.S.C. § 2241.

The exercise of jurisdiction over this matter is proper because it presents a challenge to the lawfulness of detention and does not otherwise challenge the underlying removal 1 The scope of the relief awarded in *Guerrero Orellana* extends to mandatory detentions of similarly situated noncitizens under 8 U.S.C. § 1225(b)(2)(A) “who are either detained within Massachusetts or subject to the jurisdiction of an immigration court in Massachusetts.” *Guerrero Orellana v. Moniz*, 2025 WL 3687757, at *1 (D.

Mass. Dec. 19, 2025). proceedings. See *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Kong v. United States*, 62 F.4th 608, 614 (1st Cir. 2023) (quoting *Aguilar*, 510 F.3d at 11); *Hernandez-Lara v. Lyons*, 10 F.4th 19, 33 (1st Cir. 2021).

The petitioner must prove illegal detention by a preponderance of the evidence. See *Aditya W.H. v. Trump*, 2025 WL 1420131, at *7 (D. Minn. 2025) (collecting authority). Based on the factual assertions contained in the Petition and the Federal Respondent’s failure to oppose any of the factual assertions, I find that Petitioner has resided in the United States for two years or more and that he entered the United States without admission or inspection but was then detained and released under 8 U.S.C. § 1226.

Given these circumstances and based on the district court decisions discussed in the parties’ submissions—precedent that they and the Court are well aware of concerning multiple recent habeas petitions, injunctions, and writs granted in this Court—I summarily grant habeas relief without a hearing, conditioned on Petitioner’s prompt receipt of a bond hearing by an immigration judge.² CONCLUSION For the foregoing reasons, the Petition for a writ of habeas corpus is GRANTED (ECF No. 1).

It is HEREBY ORDERED that in order for Respondents to continue detaining Petitioner they must hold a hearing within 7 days before an immigration judge to consider Petitioner’s request for release on bond pending the conclusion of his removal proceedings. If a bond hearing is held, Respondents will release Petitioner on bond unless 2 See, e.g., *Choglló Chafila v. Scott*, 2:25-cv-00437-SDN, 2025 WL 2688541 (D.

Me. Sept. 22, 2025); *Bermeo Sicha v. Bernal*, 25-cv-00418-SDN, 2025 WL 2494530 (D. Me. Aug. 29, 2025). the Government carries the burden prescribed by the First Circuit in *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021). If a hearing is not scheduled within that timeframe,

Respondents will release Petitioner and his release will be subject to all conditions imposed under the Order of Release and Recognizance.

During the 7-day period, removal of Petitioner from the District of Maine while he remains subject to detention is ENJOINED except to enable his attendance at a bond hearing in the District of Massachusetts, if that is where the hearing is held. Petitioner's Motion for Temporary Restraining Order (ECF No. 3) is DISMISSED AS MOOT. SO ORDERED. Dated this 20th day of January, 2026. /s/ Lance E. Walker Chief U.S. District Judge