

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Santiago Felipe Felipe v. Derrick Stamper, et al.

Felipe Felipe · No. 2:26-cv-00026-LEW · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Maine grants Santiago Felipe Felipe’s petition for a writ of habeas corpus challenging his continued immigration detention. The court orders Respondents to provide a bond hearing before an immigration judge within seven days, subject to release conditions and the burden prescribed by First Circuit precedent. The court also enjoins removal during that period, except as necessary for a bond hearing, and dismisses the motion for a temporary restraining order as moot.

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-00026-LEW
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a bond hearing.
STANDARD OF REVIEW	The petitioner bears the burden of proving illegal detention by a preponderance of the evidence. The Court reviewed the lawfulness of detention under 28 U.S.C. § 2241 and granted relief summarily without a hearing based on the petition's factual assertions and the Respondents' failure to contest them.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value
PARTIES	Santiago Felipe Felipe v. Derrick Stamper, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- procedural due process
- due process

PRACTICE AREAS

immigration

immigration detention

federal habeas corpus

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether the District Court had jurisdiction under 28 U.S.C. § 2241 to review Petitioner's immigration detention without reaching the validity of the underlying removal proceedings.
2. Whether Petitioner was entitled to habeas relief requiring a prompt bond hearing because his continued mandatory detention was unlawful under applicable local precedent and the circumstances of his detention.

HOLDINGS

1. A federal district court may review the lawfulness of immigration detention under 28 U.S.C. § 2241 when the petition challenges detention itself rather than the underlying removal proceedings.
2. Petitioner was entitled to habeas relief conditioned on a prompt bond hearing before an immigration judge; Respondents could continue detention only if they held the hearing within seven days and satisfied the applicable First Circuit burden for continued detention.

KEY QUOTATIONS

“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.”

“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.”

FACTUAL BACKGROUND

Santiago Felipe Felipe, a Guatemalan national, alleged that he entered the United States without admission or inspection in approximately 2012 and had resided in the country since then, with a current residence in Framingham, Massachusetts. Border Patrol agents detained him in Bethel, Maine, on January 15, 2026, while he was working on a construction project. He challenged his continued detention without an opportunity for release on bond, and Respondents asserted that he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2), while acknowledging that position conflicted with local precedent.

PROCEDURAL HISTORY

Petitioner filed a habeas petition seeking release from immigration detention. The Court issued an order to show cause, and 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 within seven days, and dismissed Petitioner's motion for a temporary restraining order as moot.

DISPOSITION

REMAND INSTRUCTIONS

Respondents must provide Petitioner with a hearing within seven days before an immigration judge to consider release on bond pending removal proceedings. If the hearing is held, Petitioner must be released on bond unless the Government satisfies the burden prescribed by *Hernandez-Lara*. If no hearing is scheduled within seven days, Respondents must release Petitioner subject to the conditions in the Order of Release and Recognizance. Removal from the District of Maine during the seven-day period is enjoined except to permit attendance at a bond hearing in the District of Massachusetts. The motion for a temporary restraining order is dismissed as moot.

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)
- *Chogllo 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 SANTIAGO FELIPE FELIPE,))
Petitioner)) v.) No. 2:26-cv-00026-LEW) DERRICK STAMPER, et al.,)) Respondents)
ORDER ON PETITION FOR WRIT OF HABEAS CORPUS Before the Court is Petitioner
Santiago Felipe Felipe'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 Guatemala. According to his Petition, he entered the United States between ports of entry without status sometime in 2012 and has resided in the United States since that date.

Petitioner's current residence is in Framingham, Massachusetts. U.S. Customs and Border Patrol agents detained Petitioner in Bethel, Maine, on January 15, 2026, where he was working on a construction project. 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 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). 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). 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. 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 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 2 See, e.g., Chogllo Chafila v. Scott, 2:25-cv-00437-SDN, 2025 WL 2688541 (D.

Me. Sept. 22, 2025); Berneo Sicha v. Bernal, 25-cv-00418-SDN, 2025 WL 2494530 (D. Me. Aug. 29, 2025). 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