

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PRECEDENTIAL VALUE	unpublished district court order; limited precedential value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)