UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

ELDER BENJAMIN ORTIZ SINTUJ, Petitioner, v. DERRICK STAMPER, Chief Patrol Agent, Houlton Sector, U.S. Border Patrol, MATTHEW HLADIK, Area Port Director, Area Port of Portland, Maine, Office of Field Operations, U.S. Customs and Border Protection, RODNEY SCOTT, Commissioner, U.S. Customs and Border Protection, DAVID WESLING, Acting Field Office Director, Boston Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary, U.S. Department of Homeland Security, PAMELA BONDI, Attorney General, U.S. Department of Justice, Respondents.	No. 2:26-cv-00027-JAW

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE
TO ORDER TO SHOW CAUSE

Petitioner, Elder Benjamin Ortiz Situj (henceforth "Petitioner"), through undersigned counsel, hereby submits a reply to Respondents' Return and Response to Order to Show Cause in Opposition to Petition For Writ of Habeas Corpus. Dkt. #10, Jan. 21, 2026 ("Response").

The Order to Show Cause asked Respondents to address two issues. First, "why the petition for a writ of habeas corpus should not be granted;" and second, "whether the Court can and should order [Petitioner's] return to the District of Maine." Dkt. #8, Jan. 21, 2026, at 2. In its Response, Respondents conceded that the caselaw from this Court uniformly sustains challenges to DHS's

own interpretation of 8 U.S.C. § 1225(b)(2).[1] *See* Response, at 2. Petitioner agrees with Respondents that the matter at hand is not substantively distinguishable from prior cases, which presumes Petitioner's eligibility to have a bond hearing before an Immigration Judge, or in the alternative, to be released from detention immediate during his proceedings. Respondents also did not contest that Petitioner is a member of the *Guerrero Orellana* class, nor that *Guerrero Orellana* requires that class members receive bond hearings. Thus, Respondents have not shown cause as to why this court should not grant the Petition for Writ of Habeas Corpus.

As to whether the Court can and should order Petitioner's return to Maine, Petitioner contends his return to Maine serves a greater cause than "practicality." *Id.* Petitioner's physical return to the District of Maine is in the interest of justice because it would assist the Court's exploration of the important constitutional questions in this case, while facilitating the fair and expeditious resolution of this matter had the transfer not occurred in the first place. As explained in Petitioner's Emergency Motion for TRO, Dkt. #3, Jan. 18, 2026, Petitioner is represented by pro bono counsel in Portland, Maine and his transfer to Louisiana impacts pro bono counsel's ability to communicate with Petitioner. Additionally, a transfer to Maine will not prejudice the government's removal proceedings, if any, because Petitioner's return may be facilitated in the same manner as ICE facilitated his initial transfer to Louisiana.

Constitutional precedent further supports Petitioner's claim in the interest of justice, specifically where parties subject to injunctions issued by Article III courts have a legal obligation to comply with both the strict letter and the underlying spirit of the court's decree.[2] There is no

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[1] *See, e.g., Chang Barrios v. Shepley*, 1:25-cv-00406-JAW, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Choglo Chafla 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).

[2] *See generally Aquavit Pharms., Inc. v. U-Bio Med, Inc.*, 2020 WL 1900502, at *6 (S.D.N.Y. Apr. 17, 2020) (*quoting Titra California, Inc. v. Titra Film*, 2001 WL 1382587, at *5 (S.D.N.Y. Nov. 6, 2001)); *see also Salazar v.*

question that the District of Maine intended to preserve the status quo of Petitioner's physical location when it issued the Emergency Order Concerning Stay of Transfer or Removal, Dkt. #4, Jan. 18, 2026, prohibiting Petitioner's transfer from the District of Maine. Nonetheless, acknowledging that the government had already moved Petitioner to Louisiana without reason, the government still has an obligation to consider the intent of the order as issued, even if literal compliance was impossible at the time of receipt. *Id.* Importantly, the Emergency Motion for TRO, Dkt. #3, Jan. 18, 2026, addressed issues beyond jurisdiction. The subsequent Order On Motion For Temporary Restraining Order, Dkt. #9, Jan. 21, 2026 ("TRO") serves to prohibit Petitioner's removal from the United States. *See* TRO, at 6. Considering the strict letter and, more importantly, the underlying *spirit* of such decree, Petitioner contends that Respondents have not showed cause to sustain his continuous physical detention in Louisiana, for it serves no underlying purpose other than facilitating Petitioner's removal from the United States. Thus, Petitoner's continued detention in Louisiana goes directly against the strict letter and underlying spirit of the TRO, to which Respondents must comply. Accordingly, pursuant to its inherent equitable power, as well its power under the All Writs Act, Petitioner requests his physical transfer back to Maine. *See* 28 U.S.C. § 1651(a) (empowering courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law").

Wherefore, Respondents have not shown cause to either issue that would dismiss Petitioner's constitutional right to relief under 28 U.S.C. § 2241. Petitioner respectfully requests this Honorable Court to grant his petition for writ of habeas corpus.

Buono, 559 U.S. 700, 762, 130 S.Ct. 1803, 176 L.Ed.2d 634 (2010) (Breyer, J. dissenting) (citing Stetson for proposition that courts have long looked to the intent of granted injunctive relief when assessing compliance).

Dated: January 21, 2026.

Respectfully submitted,

/s/ Paula Esteves

Paula Esteves, Esq.
Haven Immigration Law, LLC
132 Spring Street, Fl. 1
Portland, ME 04101
Direct: (207) 383-1895
Email: pe@im.law

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Paula Esteves, hereby certify that on January 21, 2026, I electronically filed the foregoing document with Clerk of Court using the CM/ECF system, which sent such notice to any individuals and entities who have entered appearances in this case to date, pursuant to the Court's ECF system.

/s/ Paula Esteves

Paula Esteves, Esq.
Haven Immigration Law, LLC
132 Spring Street, Fl. 1
Portland, ME 04101
Direct: (207) 383-1895
Email: pe@im.law

Attorney for Petitioner