UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SELVIN ISAIAS SITUJ GARCIA , Petitioner, v. DERRICK STAMPER, *et al.*, Respondents.	2:26-cv-00025-JAW
ELDER BENJAMIN ORTIZ SINTUJ, Petitioner, v. DERRICK STAMPER, *et al.*, Respondents.	No. 2:26-cv-00027-JAW

STATUS REPORT AND NOTICE OF CORRECTION

Respondents, by and through undersigned counsel, hereby submit this Status Report and Notice of Correction in response to the Court's Orders Granting Petitions for Writs of Habeas Corpus in these two related matters, issued on January 28, 2026 (the "Orders").

The Court found that "Respondents' continued detention of [Petitioners] without a bond hearing violates federal law and the Fifth Amendment of the United States Constitution." Orders at 14. The Court accordingly granted in part and deferred in part Petitioners' habeas corpus applications. *Id.* In doing so, the Court directed Respondents to return each Petitioner to the District of Maine within five days of the date of the Orders, *i.e.*, by the end of the day yesterday, February 2, 2026. *Id.* The Court ordered "Respondents to file a status update within twenty-four hours of the date of [Petitioners

being] return[ed] to the District of Maine, confirming [their] return consistent with th[e] [Orders]." *Id.* It further noted that an

> alternative would be for Respondents to agree that [Petitioners] could be released on personal recognizance bond. If so, [they] could be released to Massachusetts and could obtain [their] bond hearing[s] there. At this point, the Court is reluctant to release [Petitioners] prior to [their] bond hearing[s] without Respondents' acquiescence.

Id. at n.4. Finally, the Court ordered "Respondents to submit within seven days of the date of [the Orders, *i.e.*, by February 4, 2026] an affidavit or sworn declaration confirming the exact time of [each Petitioner] depart[ing] from the District of Maine on January 18, 2026." *Id.* at 14. Additional action on the merits of the Petitions was otherwise deferred. *Id.*

The United States Attorney's Office was informed yesterday by counsel for U.S. Immigration and Customs Enforcement ("ICE") that Petitioners had been transferred from ICE custody in Louisiana to ICE custody at the Mahoning County Jail in Youngstown, Ohio, on Sunday, February 1, 2026. ICE counsel confirmed yesterday evening that both Petitioners were scheduled to be released from the Mahoning County Jail, however, because their transfers to Maine would not be completed by the February 2 deadline. Each remained detained at the Mahoning County Jail through this morning until approximately 8:30 AM, when they were released, as has now been relayed to the United States Attorney's Office by ICE counsel. ICE's Online Detainee Locator System (https://locator.ice.gov/odls/#/search) also shows that neither Petitioner is in ICE custody.

The United States Attorney's Office has additionally obtained a declaration from U.S. Border Patrol concerning the exact timing of Petitioners' transport outside of the state of Maine on January 18, 2026. *See* Decl. of BPA Jonathan Lemay ("Declaration" or

"Decl."). On the basis of the Declaration, undersigned counsel must correct a statement made in Respondents' returns and responses filed on January 21, 2026. In those submissions, Respondents represented that "[a]t approximately 12:00 PM on January 18, 2025, Petitioner[s] departed *the state of Maine* on a U.S. Immigration and Customs Enforcement ("ICE") flight. . ." (emphasis added.) According to the Declaration, however, U.S. Border Patrol drove over the Maine border into New Hampshire at approximately 9:00am on January 18, 2026, in a vehicle containing Petitioners and other detainees. Decl. ¶¶ 7-9. The referenced ICE flight instead departed from Massachusetts between 10:15 AM and 1:30 PM. *Id.* ¶¶ 9-10. These details—including a copy of the Declaration—were shared with Petitioners' counsel via email yesterday afternoon.

The new details concerning Petitioner's 9:00 AM motor vehicle departure from the state of Maine on January 18, and their flight departing from Massachusetts rather than Maine, were first shared with the United States Attorney's Office yesterday afternoon. Had these details been known, Respondents would have moved to dismiss the Petitions on jurisdictional grounds.[1] Based on email correspondence with Petitioners' counsel, it is undersigned counsel's understanding that the petitions for habeas corpus relief were filed in the District of Maine between 11:00 AM and noon, several hours after Petitioners had already left the jurisdiction.

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[1] "District courts are limited to granting habeas relief 'within their respective jurisdictions,'" *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (quoting 28 U.S.C. § 2241(a)), and "with respect to habeas petitions 'designed to relieve an individual from oppressive confinement,' the traditional rule has always been that the Great Writ is 'issuable only in the district of confinement.'" *Id.* (quoting *Carbo v. United States*, 364 U.S. 611, 618 (1961)). Furthermore, "[u]nder habeas law, jurisdiction in a particular district is established when a petitioner is physically present in the district at the same moment a petition is filed there on his behalf." *Khalil v. Joyce*, 777 F. Supp. 3d 369, 374 (D.N.J. Apr. 1, 2025); accord Rumsfeld, 542 U.S. at 435 (2004); *United States v. Hayman*, 342 U.S. 205, 213 (1952); *Ahrens v. Clark*, 335 U.S. 188, 190 (1948).

Dated: February 3, 2026
Bangor, Maine

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2026, I caused the foregoing to be electronically filed 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.

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