

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

DARYNEL GERARDO MEDINA LOPEZ,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; TRACY DECAUSSIN, in her official capacity as Jail Administrator of the St. Clair County Jail; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 26-10784

Judge:

**VERIFIED PETITION FOR
WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Darynel Gerardo Medina Lopez, a national and citizen of Honduras, is unlawfully detained in the physical and legal custody of Respondents at St. Clair

County Jail, in Port Huron, Michigan. The Petitioner has been in the United States since August 2014 when he entered as an Unaccompanied Minor at the age of 11.

2. Petitioner and his mother and younger child entered the United States sometime in August 2014.

3. On July 13, 2017, an Immigration Judge in Louisiana ordered Petitioner's removal. Petitioner appealed the decision to the BIA but the appeal was dismissed on May 22, 2018.

4. Because Petitioner is the beneficiary of an approved application for Special Immigrant Juvenile Status ("SIJS"), he was paroled into the United States pursuant to 8 U.S.C §1255 (h), therefore Petitioner is not detained under 8 U.S.C § 1231 but under INA § 1226(a).

5. Petitioner's Immigration attorney, upon learning of the visa availability filed Motion to Reopen and dismiss proceedings with the BIA on March 04, 2026, the filing will be supplement with a Motion to Stay Removal; if granted, the removal order will not be administratively final until the BIA decides.

6. However, inasmuch as the Petitioner is subject to a final order of removal, ICE may execute that order at any time, and the Petitioner could be removed from the United States permanently thwarting any chance of adjustment of status after waiting for over 7 years for a visa to become available.

JURISDICTION AND VENUE

7. Petitioner is detained in the custody of Respondents at St. Clair County Jail in Port Huron, Michigan.

8. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 *et seq.*; 28 U.S.C. § 1331; and Article I, section 9, clause 2 of the United States Constitution; and 5 U.S.C. § 702.

9. Venue is proper in this District under 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Respondents, and their staff, are employees or officers of the United States or under contract with the United States, acting in their official capacity, and Respondent's field office is located in this District and his office's decision to hold Petitioner occurred in this District.

10. This Court is authorized to grant the requested relief under 28 U.S.C. § 2241, 5 U.S.C. § 706, 28 U.S.C. §§ 2201-2202, 28 U.S.C. § 1651, and the Court's equitable powers.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

11. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

12. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

13. There is no statutory exhaustion requirement in 28 U.S.C § 2241. In the absence of a statutory exhaustion requirement, “prudential” exhaustion may be judicially required. *Island Creek Coal Co. v. Bryan*, 937 F.3d 738, 746 (6th Cir. 2019). Whether or not to require prudential exhaustion falls within this Honorable Court’s sound judicial discretion, provided that such discretionary requirement complies with statutory schemes and the intent of Congress. *See Shearson v. Holder*, 725 F.3d 588, 593-594 (6th Cir. 2013) (internal citation/quotation omitted).

14. The United States Court of Appeals for the Sixth Circuit has not yet issued a precedential decision as to whether courts or not should impose administrative exhaustion in the context of a noncitizen’s habeas petition for unlawful mandatory detention. *See, e.g., Jose O. Puerto-Hernandez v. Robert Lynch, et al.*, No. 25-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025) (internal citations omitted).

15. Moreover, the fundamental question presented by this petition is whether 8 U.S.C. § 1226 or 8 U.S.C. § 1231 applies to the Petitioner's detention, which is a purely legal question of statutory interpretation which would not be impacted by any administrative record developed in immigration court or on appeal to the BIA.

16. This Honorable Court is not bound by and is not required to give deference to any agency interpretation of a statute. *See Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 413 (2024) (holding that federal judges are not required to, and pursuant to the APA are not to defer to an agency interpretation of the law simply because a statute is ambiguous, as that is the role of the federal courts).

17. Finally, the Petitioner's constitutional challenge to his detention does not require exhaustion. The Sixth Circuit has noted that due process challenges, such as the one raised by Petitioner here, generally do not require exhaustion because the BIA cannot review constitutional challenges. *See Sterkaj v. Gonzalez*, 439 F.3d 273, 279 (6th Cir. 2006).

PARTIES

18. Petitioner Darynel Gerardo Medina Lopez has lived in the United States since he was 11 years old, when he, together with his mother and younger brother, emigrated from Honduras after 

 Prior to Petitioner's detention in March 2026, Darynel Gerardo Medina Lopez had been residing in Detroit, MI since 2021, and was

lawfully employed as a construction laborer. Petitioner was paroled into the United States after his removal order pursuant to a grant of SIJS status.

19. Respondent Kevin Raycraft is the Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

20. Respondent Tracy Decaussin, in her official capacity as Jail Administrator of the St. Clair County Jail where Petitioner is detained by ICE. The St. Clair County Jail holds immigration detainees pursuant to a contract with ICE.

21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

22. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

23. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates are component agencies. She is sued in her official capacity.

24. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

STATEMENT OF FACT

25. Petitioner Darynel Gerardo Medina Lopez is a Honduran citizen who has been living in the United States since August 2014, when he entered as a minor with his mother and younger brother. He was arrested by ICE on March 03, 2026 and is currently detained at St. Clair County Jail, in Port Huron, Michigan.

26. On April 9th 2019 a judge for Juvenile Court for the Parish of Livingston in Louisiana made the following factual findings, (1) that Petitioner was an unmarried, unemancipated minor; (2) that the court had jurisdiction to make judicial determinations about the Petitioner's custody and care; and (3) that it was not in Petitioner's best interest to return to Honduras due to abandonment and neglect within the meaning of Article 602 and 1015 of Louisiana Children's Code and 8 U.S.C. § 101(a)(27)(J).

27. Petitioner is the beneficiary of an approved SIJS petition, with a priority date of May 13, 2019. Petitioner has been waiting since then for a visa to become available which will allow him to file for Adjustment of Status.

28. Petitioner has an order of removal, which became administratively final on May 22, 2018 after the BIA dismissed their appeal. A Motion to Reopen and dismiss

proceedings was filed with the BIA on March 04, 2026, pursuant to the changed circumstances which now allow Petitioner to apply for adjustment of status.

29. Petitioner is not a danger to the community or a flight risk.

30. The grant of SIJS status granted Petitioner parole into the United States after his removal order.

31. If Petitioner were to be removed by ICE, he would not be able to apply for Adjustment of Status or return to the United States. Instead he would be removed to the same country where the Judge for the Juvenile Court for the Parish of Livingston found that it was not in Petitioner's best interest to be removed.

32. ICE has not scheduled a bond hearing for Petitioner despite his detention being ruled by INA § 1226 as a result of his parole post removal order.

LEGAL FRAMEWORK

Special Immigrant Juvenile Status

33. Congress created the Special Immigrant Juvenile Status ("SIJS") classification to provide humanitarian protection to vulnerable noncitizen children in the United States who have been abused, neglected, or abandoned by one or both parents. The SIJS framework reflects Congress's longstanding policy of protecting immigrant children who cannot safely reunify with their parents and for whom return to their country of nationality is not in their best interest. See 8 U.S.C. § 1101(a)(27)(J).

34. The William Wilberforce Trafficking Victims Protections Reauthorization Act of 2008 (“TVPRA”) codified at 22 U.S.C. § 7101 established and strengthen the framework under which Congress sought to protect vulnerable immigrant children, and enacted the provisions to ensure that children who had been abused, neglected, or abandoned are not returned to harmful environments and instead have access to stability and protection in the United States.

35. The Immigration and Nationality Act (“INA”) established the criteria for SIJS classification and the process through which eligible juveniles may seek immigration protection. Under the statute, a noncitizen child may obtain SIJS classification if a state juvenile court determines that the child has been abused, neglected, or abandoned by one or both parents, that reunification with the offending parent is not viable, and that it is not in the child’s best interests to return to their country of nationality. 8 U.S.C. § 1101(a)(27)(J).

36. Congress further provided that individuals granted SIJS classification are eligible to apply for adjustment of status to lawful permanent residence under the INA. See 8 U.S.C. § 245(h)(1); 8 C.F.R. § 245.1(e)(3)(i). Notably, SIJS recipients are deemed paroled into the United States for purposes of adjustment of status, a statutory mechanism designed to remove technical barriers that would otherwise prevent vulnerable children from obtaining lawful immigration status. *Id.*

37. Federal courts have recognized that SIJS status confers substantial legal protections that distinguish recipients from other immigration detainees. The Third Circuit in *Osorio-Martinez v. Attorney General* found that SIJS recipients "enjoy at least minimum due process rights by virtue of their status" and possess "substantial legal relationship between them and the United States" *Osorio-Martinez v. Attorney General United States of America*, 893 F.3d 153 (2018). The court emphasized that SIJS designees "are a hair's breadth from being able to adjust their status, pending only the availability of immigrant visas," placing them much closer to lawful permanent residents than typical immigration detainees *Id.*

38. As this Honorable Court has jurisdiction over this Petition for a Writ of Habeas Corpus, it must next determine whether the Petitioner's detention is governed by the mandatory detention provisions in 8 U.S.C. § 1231 or the discretionary detention provisions in 8 U.S.C. § 1226(a).

39. 8 U.S.C. § 1226 authorizes the detention of noncitizens who are in removal proceedings. *See* 8 U.S.C. § 1229a. *See also Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings"). Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to seek

release on bond.¹ The bond may be set by ICE itself as part of an initial custody determination, *see* 8 C.F.R. § 1236.1(c)(8), and/or the individual may seek a bond hearing in immigration court at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Section 1226(a) is the statute that, for decades, has been applied to people like Petitioner who have been living in the United States and are charged with inadmissibility under § 1182(a)(6)(A)(i).

40. 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens during “the removal period,” which is defined as the 90-day period beginning on “the latest” of either “[t]he date the order of removal becomes administratively final”; “[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court’s final order”; or “[i]f the [noncitizen] is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.”

Due Process

41. The Due Process Clause of the Fifth Amendment to the United States Constitution, prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law[.]” U.S. Const. Amend. V.

¹ Section § 1226 contains an exception for noncitizens who have been arrested, charged with, or convicted of certain crimes, who are subject to mandatory detention without bond. 8 U.S.C. § 1226(c). That exception does not apply to Petitioner here.

42. The right to due process extends to “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001)

43. Individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972).

44. “Procedural due process imposes constraints on governmental decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Mathews v. Eldridge*, 424 U.S. 319, 332, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976).

45. “The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Mathews*, at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S. Ct. 1187, 14 L. Ed. 2d 62 (1965)).

46. Determining whether an administrative procedure provides the process constitutionally due requires consideration of three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens

that the additional or substitute procedural requirement would entail. *Mathews*, at 335.

47. The Sixth Circuit held that the balancing test set forth in *Mathews*, regarding the adequacy of process, applies in the context of immigration detention. *See, United States v. Silvestre-Gregorio*, 983 F.3d 848, 852-56 (6th Cir. 2020). *See also, Pablo-Mendoza v. Lynch*, No. 1:25-cv-1774, 2026 U.S. Dist. LEXIS 2623, at *16 (W.D. Mich. Jan. 7, 2026); *Yakubiv v. Raycraft*, No. 1:25-cv-1792, 2026 U.S. Dist. LEXIS 219, *16 (W.D. Mich. Jan. 3, 2026); *Rujano v. Lynch*, No. 1:25-cv-1631, 2026 U.S. Dist. LEXIS 199, at *16-17 (W.D. Mich. Jan. 2, 2026).

48. Nearly all courts have concluded that the Fifth Amendment Due Process Clause requires the government to bear the burden of proof at immigration bond hearings because the potential loss of liberty is “so severe...he should not have to share the risk of error equally.” *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232, at *35 (W.D. Tex. Sep. 21, 2025) (quoting *Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203, 214 (3d Cir. 2020)).

49. Indeed, the “vast majority”—an “overwhelming consensus”—of courts have placed the burden on the Government to prove by clear and convincing evidence that the detainee poses a danger or flight risk in bond hearings under 8 U.S.C. § 1226(a). *Id.*

50. Petitioner is entitled to a bond hearing before an immigration judge where the government bears the burden of proof by clear and convincing evidence that he is a flight risk or danger to the community.

CLAIMS FOR RELIEF

COUNT I Violation of Due Process

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

2. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

3. Respondents are unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1231 because his SIJS granted Petitioner parole therefore he is detained under 8 U.S.C. §1226 (a) and therefore entitled as a matter of Due Process to a bond hearing.

4. The government’s detention of Petitioner without an opportunity for a custody determination or bond hearing where the Government has the burden to establish that Petitioner is a flight risk or a danger to others.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- a. Assume jurisdiction over the matter;
- b. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner from custody, or in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 3 days where the government bears the burden of proof by clear and convincing evidence that Petitioner is a flight risk or danger to the community;
- c. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

Dated: March 09, 2026

Respectfully Submitted,

/s/Maria Eugenia Daniel
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VERIFICATION

On March 09, 2026, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. I make this verification in lieu of and acting on behalf of the Petitioner, Darynel Gerardo Medina Lopez, because the Petitioner is currently detained and because of the urgent nature of the relief requested. I am authorized to make this verification as Petitioner's counsel.

Dated: March 09, 2026

Respectfully Submitted,

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