

**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 et al.

Respondents.

Case No. 26-10784

Judge: Honorable F. Kay Behm
Mag. Judge Anthony P. Patti

**PETITIONER'S RESPONSE IN OPPOSITION TO MOTION TO VACATE
TEMPORARY RESTRAINING ORDER**

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INTRODUCTION

Petitioner respectfully asks this Court to maintain the Emergency Temporary Restraining Order (TRO) in place. This court has jurisdiction to hear and adjudicate the TRO. The TRO is not a review of the removal order itself but rather is a challenge to the government's lack of statutory authority to *remove* a person who was granted Deferred Action through the Special Immigrant Juvenile Status program. Petitioner's detention and Respondent's removal efforts are unlawful because deferred action shields him from removal. Respondents must follow specific procedures to revoke deferred action, and it has failed to do so. Accordingly, Petitioner remains protected from removal.

BACKGROUND

Petitioner, Darynel Gerardo Medina Lopez is a 22-year-old citizen of Honduras. Petitioner has been in the United States since August 2014 when he entered as an Unaccompanied Minor at the age of 11. Petitioner is unlawfully detained in the physical and legal custody of Respondents at Saint Clair County Jail, in Port Huron, Michigan.

On July 13, 2017, an Immigration Judge in Louisiana ordered Petitioner's removal. Petitioner appealed the decision to the Board of Immigration Appeals ("BIA"), but the appeal was dismissed on May 22, 2018. Currently, Petitioner is a beneficiary of an approved Special Immigrant Juvenile Status ("SIJS") approved on December 20,

2019. Due to the backlog in immigration visas, Petitioner had to wait over six years for a visa to become available to enable him to submit an Adjustment of Status (“AOS”). In the meantime, the Petitioner was granted Deferred Action for beneficiaries of SIJS status. Petitioner’s Deferred Action was granted on July 25, 2023, and it is still current. See Exhibit A. Deferred Action protects Petitioner from deportation and granted him a work authorization permit. On March 13, Petitioner submitted his AOS. This means he is on the path to obtaining a legal permanent resident card, known as a green card. Legal permanent residents are allowed to remain permanently in the United States and are eligible to apply for citizenship.

In early March 2026, petitioner was arrested by local law enforcement officials during a traffic stop, and immigration officials were contacted which led to Petitioner’s detention. On March 09, Petitioner filed a habeas corpus in federal court. On March 12, 2026, Respondents transported Petitioner outside of Michigan and for more than 24 hours neither his counsel nor family had any information of his whereabouts. On March 13, 2026, Petitioners counsel learned that he was moved to Port Isabel Detention Center, in Los Fresnos, Texas where his removal was imminent. The signed dated declaration dated March 18, 2026, by Petitioner's deportation officer Warren L. Hughley stated that “Medina Lopez was scheduled to be removed to Honduras on March 15, 2026, via ICE Air Operations (IAO) Charter flight.” Due this Court’s grant of the Emergency Temporary Restraining Order,

Petitioner was returned to Michigan where he continues to fight for his ability to remain in the United States.

On DATE, Petitioner filed a Motion to Reopen proceedings and Emergency Motion to Stay Removal with the Board of Immigration Appeals ("BIA"), the BIA indicated that they had no need to rule on the Motion to Stay Removal because the TRO from this Court is already staying the removal. The Motion to Reopen proceedings is still pending.

ARGUMENT

A. This Court retains jurisdiction to Enjoin Petitioner's removal

1. Section 1250(g) is Narrow and Does Not Strip Jurisdiction Over Collateral Claims.

Respondents' reliance on 8 U.S.C. § 1252(g) is misplaced. The Supreme Court has consistently held that § 1252(g) is narrow and does not impose a "general jurisdictional limitation" or cover "the universe of deportation claims." In *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471 (1999), the Court rejected the government's sweeping interpretation of § 1252(g) and confirmed that the provision applies only to three discrete actions.

The plain language of 8 U.S.C. § 1252(g) therefore limits jurisdiction as it relates to claims arising from the commencement of removal proceedings, adjudication of such cases, or the execution of removal orders, even when jurisdiction would otherwise be proper under federal question jurisdiction, mandamus jurisdiction, or

“any other provision of law.” *See Elgharib v. Napolitano*, 600 F.3d 597, 607 (6th Cir. 2010); *see also Karki, et al. v. Jones, et al.*, No. 25-CV-281, 2025 WL 1638070, at *7 (S.D. Ohio June 9, 2025). *Quoted in Singh v. Raycraft*, 2026 WL 948367, at *2 (S.D. Ohio April 8, 2026). Consistent with that interpretation, the Sixth Circuit has recognized that § 1252(g) does not bar claims that fall outside those narrow categories. *Elgharib v. Napolitano*, 607.

Here, Petitioner does not seek review of the removal order itself. Rather, Petitioner challenges the government’s lack of statutory authority to *remove* him while a valid grant of deferred action remains in effect, as well as the procedural violations surrounding his detention and attempted removal. These are collateral claims that fall squarely outside the scope of § 1252(g). Petitioner properly filed a motion to stay removal with the BIA on March 20, 2026. The BIA may take months to make a decision on the motion. However, the BIA will not consider the motion while this Temporary Restraining Order remains in place, and Respondents have already demonstrated a willingness to quickly remove Petitioner. Any lapse in which a TRO or Stay of Removal is not in place, could result in Petitioner’s removal and would forever terminate his ability to pursue adjustment of status.

2. Habeas Jurisdiction Exists in the 6th Circuit For Detention Claims

Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention and related constitutional claims. The Sixth Circuit has

expressly recognized that district courts retain jurisdiction over individual detention-based claims independent of removal proceedings. *Hamama v. Adducci*, 912 F.3d 869, 877 (6th Cir. 2018).

Because Petitioner challenges unlawful detention and removal in contravention of an existing grant of deferred action which shields him from removal efforts and pending adjustment of status rather than the validity of the removal order itself, jurisdiction is proper.

3. Hamma Does Not Control this Individual Habeas Corpus Action

Hamama addressed a systemic, class-wide injunction that interfered with the execution of final removal orders across a broad population. The Sixth Circuit's concern was preserving the statutory review scheme requiring petitions for review in the courts of appeals. *See Hamama v. Adducci* at 877.

This case is fundamentally different. Petitioner brings an individual habeas action raising constitutional and collateral claims, not a systemic challenge to removal proceedings. Petitioner does not seek review of his removal order; rather, he seeks to prevent removal stemming from unlawful detention. Petitioner's detention itself is unlawful, and that illegality forms the basis for enjoining his removal. Nothing in *Hamama* eliminates a district court's authority to issue narrowly tailored injunctive relief to preserve jurisdiction over properly filed habeas claims.

Respondents' reliance on *Muka v. Baker* is likewise misplaced. This Court is not reviewing the removal order; it is addressing unlawful detention and preventing removal that would result from that unlawful custody. *See Muka v. Baker*, 559 F.3d 480, 483 (6th Cir. 2009).

4. Petitioner's Grant of Deferred Action Bars Removal Absent Proper Termination

Petitioner was granted deferred action through SIJS on July 25, 2023, six years after his removal order, and that grant remains in effect. Deferred action is a formal exercise of prosecutorial discretion by the Department of Homeland Security. The Supreme Court has defined deferred action as the government's decision to "decline to institute proceedings, terminate proceedings, or decline to execute a final order of removal." *Reno v. American-Arab Anti-Discrimination Committee* at 525 U.S. at 484 Thus, a grant of deferred action represents the government's affirmative decision not to remove an individual during the period of the grant. By granting deferred action, the government has already exercised its discretion to forgo execution of the removal order, and that decision remains operative unless and until it is properly terminated.

Federal agencies have consistently recognized that individuals with deferred action are not subject to removal unless that status is formally terminated through appropriate procedures. USCIS policy confirms that deferred action may be terminated only on a case-by-case basis and typically requires notice to the

noncitizen. The April 13, 2026, USCIS policy memorandum titled “Special Immigrant Juvenile Classification and Deferred Action,” 2026 WL 1006489, further confirms that deferred action is not categorically terminated, remains valid for its designated period, and may only be revoked through proper process. Accordingly, Respondents lack authority to execute removal while Petitioner’s deferred action remains in effect and has not been formally terminated. Accordingly, Petitioner cannot be removed from the United States.

B. The Court properly enjoined Petitioner’s transfer
1. ICE Discretion Under § 1231(g)(1) Is Not Absolute

Although Respondents rely on 8 U.S.C. § 1231(g)(1) to assert broad discretion over detention placement, that authority is not absolute where a habeas petition is pending. The Sixth Circuit has recognized that an exception may apply where the government exercises its transfer power in a manner that undermines access to habeas relief. *See Roman v. Ashcroft*, 340 F.3d 314 (2003). In *Roman*, the court acknowledged the practical risk that immigration authorities could “deny aliens any meaningful opportunity to seek habeas corpus relief simply by transferring aliens to another district any time they filed a habeas corpus petition,” and further held that “extraordinary circumstances” may justify departure from ordinary custody rules to preserve access to judicial review. *Id.* at 325–26.

Those concerns are directly implicated here, where Petitioner was transferred out of state without notice after filing his habeas petition. As it has been stated before,

Petitioner's grant of Deferred Action shields him from Deportation. Therefore, his detention is unlawful and Respondent's efforts to remove him are unlawful. Additionally, when a TRO is already in place, ICE's motion to vacate and subsequent attempt to transfer should be viewed as precisely the type of maneuvering *Roman* identified as potentially impermissible. Consistent with these principles, courts retain authority to protect their jurisdiction and ensure meaningful judicial review. *See Rumsfeld v. Padilla*, 542 U.S. 426 at 441 (2004) (citing *Ex parte Endo*); *Nken v. Holder* 556 U.S. at 426 (2009).

CONCLUSION

For the foregoing reasons, Respondents' Motion to Vacate the Temporary Restraining Order should be denied. This Court properly exercised its jurisdiction to preserve meaningful judicial review over Petitioner's habeas and collateral statutory claims, which fall outside the narrow scope of 8 U.S.C. § 1252(g). Petitioner's valid grant of deferred action remains in effect and has not been formally terminated through required procedures, rendering Respondents' attempted removal unlawful. Moreover, Respondents' transfer of Petitioner after the filing of this action underscores the necessity of injunctive relief to protect this Court's jurisdiction and prevent irreparable harm. Binding Supreme Court and Sixth Circuit precedent confirm that courts retain authority to enjoin government actions that would frustrate habeas review or render it ineffectual. Accordingly, the TRO remains necessary,

lawful, and fully supported by controlling authority, and should be maintained in its entirety.

Dated: April 30, 2026

Respectfully Submitted,

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PROOF OF SERVICE

I hereby certify that on April 30, 2026, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

By /s/Maria Eugenia Daniel
Maria Eugenia Daniel
Attorney for Petitioner