

**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 et al.

Respondents.

Case No. 26-10784

Hon. F. Kay Behm

Mag. Judge Anthony P. Patti

**PETITIONER'S REPLY BRIEF
IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

TABLE OF AUTHORITIES

Cases

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INTRODUCTION

Respondents refuse to release Petitioner from detention, conditions indistinguishable from incarceration on the sole basis that he is subject to a final order of removal and has been detained for less than ninety days. They further contend that his removal is likely in the reasonably foreseeable future. That position ignores the critical facts of this case. Petitioner is the beneficiary of approved Special Immigrant Juvenile Status, was granted deferred action on 25, 2023, and has since filed an application for adjustment of status. See Exhibit A. Petitioner properly challenges his detention under *Zadvydas v. Davis*, which prohibits detention where removal is not reasonably foreseeable.

Although an Immigration Judge ordered Petitioner removed on July 13, 2017, his case has materially changed. On March 20, 2026, Petitioner filed both a motion to reopen his immigration proceedings and a motion to stay removal with the Board of Immigration Appeals (“BIA”). The later motion may take months to adjudicate.

In the interim, Petitioner sought and obtained emergency relief from this Court on March 13, 2026, in the form of a Temporary Restraining Order preventing his removal. That TRO has already served its essential purpose: protecting Petitioner from being unlawfully removed to Honduras before his pending claims and applications for relief can be adjudicated. It also important to note that the BIA will

not make a decision on the motion to stay removal while the TRO is still in place. Nonetheless, the TRO is preventing the unlawful removal of petitioner.

Petitioner's detention is unlawful because it is premised on a removal authority the government cannot presently exercise. Deferred action reflects the government's affirmative decision not to execute a removal order, and that determination remains in effect unless and until it is properly revoked. Combined with Petitioner's pending motion to reopen and application for adjustment of status, removal is not imminent. Because Respondents lack authority to remove Petitioner and cannot establish that his removal is reasonably foreseeable, his continued detention violates both the Immigration and Nationality Act and the Due Process Clause. Habeas relief is therefore warranted.

The core issue presented in this habeas petition is a purely legal question: whether Petitioner's detention is governed by 8 U.S.C. § 1226 or 8 U.S.C. § 1231. That question turns on statutory interpretation and does not depend on the development of an administrative record before the immigration court or the Board of Immigration Appeals. Accordingly, this Court is well-positioned to resolve the legality of Petitioner's detention now, without awaiting further agency action.

ARGUMENT & AUTHORITY

A. Petitioner's Removal Is Not Reasonably Foreseeable

As Respondents acknowledge, Petitioner challenges his detention under *Zadvydas v. Davis* which prohibits detention where removal is not reasonably foreseeable. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). The Supreme Court held that detention is lawful only so long as it bears a reasonable relation to the purpose of effectuating removal; where, in light of the “particular circumstances,” that relationship no longer exists, detention exceeds statutory authority. *Id.* at 699–701.

Here, Petitioner’s removal is not reasonably foreseeable as a matter of law. Petitioner is the beneficiary of approved Special Immigrant Juvenile Status and was granted deferred action on July 25, 2023, six years after his removal order. That grant remains in effect. Deferred action is a formal exercise of prosecutorial discretion by which the government affirmatively decides not to execute a removal order. As the Supreme Court explained in *Reno v. American-Arab Anti-Discrimination Committee* at 484, deferred action reflects a decision to “decline to execute a final order of removal.” *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471 (1999). Thus, the government has already determined that Petitioner should not be removed during the period of the grant.

Federal policy confirms that individuals with deferred action are not subject to removal unless that status is formally terminated through appropriate procedures. The April 13, 2026, USCIS policy memorandum titled “Special Immigrant Juvenile Classification and Deferred Action,” 2026 WL 1006489, confirms that deferred

action remains valid for its designated period and may only be revoked on a case-by-case basis through proper process. Respondents have not terminated Petitioner's deferred action. Accordingly, they lack authority to execute his removal. Because removal cannot lawfully proceed, it is not reasonably foreseeable, and detention under § 1231 is improper.

This conclusion is further reinforced by Petitioner's pending motions with the BIA, the motion to reopen and motion to stay removal, and the application for adjustment of status filed with USICS. The BIA may take months to adjudicate these filings. In the meantime, Petitioner has a viable pathway to lawful permanent residency based on his SIJS classification. These ongoing proceedings further demonstrate that removal is neither imminent nor reasonably foreseeable

B. Petitioner's Detention Is Not Proper Under 8 U.S.C. § 1231

Respondents incorrectly characterize Petitioner's detention as governed by 8 U.S.C. § 1231. While § 1231 applies after a removal order becomes administratively final, that framework presumes that removal is executable. Where removal cannot lawfully proceed, detention under § 1231 loses its statutory justification.

Although *Johnson v. Guzman Chavez* held that detention shifts to § 1231 after a removal order becomes administratively final, that case did not involve a petitioner with an active grant of deferred action and a pending adjustment of status. *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021). The Court's reasoning in *Guzman Chavez*

was grounded in the assumption that the removal order was executable and that “there is nothing left for the BIA to do ... other than to execute it.” *Id. at 534*. That reasoning does not apply here.

Petitioner’s case is materially different. His pending motion to reopen, combined with his approved SIJS petition, grant of deferred action and pending adjustment of status, creates a procedural posture in which removal is neither appropriate nor inevitable. Approval of his adjustment application would require reopening and termination of proceedings. Thus, unlike in *Guzman Chavez*, there remains significant administrative action to be taken before removal could occur.

Moreover, Respondents’ position ignores the legal effect of their own grant of deferred action. While SIJS alone may not confer lawful status, the government’s subsequent grant of deferred action is a binding exercise of discretion that precludes removal absent formal termination. Respondents cannot rely on § 1231 to justify detention for the purpose of removal while simultaneously maintaining a grant of deferred action that prohibits such removal.

Ultimately is up to this Court to decide whether Petitioner’s detention is governed by 8 U.S.C. § 1226 or 8 U.S.C. § 1231. The core issue presented in this habeas petition is a purely legal question that this Court authority to decide.

C. Petitioner’s Detention Violates the Due Process Clause

The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. U.S. Const. amend. V. This protection extends to all persons within the United States, including noncitizens, regardless of immigration status. *Zadvydas v. Davis* at 693. Immigration detention is therefore constitutionally permissible only where it remains reasonably related to its purpose of effectuating removal. *Id.* at 690.

Moreover, individuals who have been previously released or permitted to remain in the community under conditions established by the government possess a cognizable liberty interest in their continued freedom from physical restraint. As the Supreme Court has recognized, individuals released on parole or other forms of conditional release retain a protected liberty interest in their “continued liberty.” *Morrissey v. Brewer* 408 U.S. 471, 482 (1972).

That principle applies with equal force here, where Petitioner was affirmatively granted deferred action by the Department of Homeland Security, permitting him to remain in the United States without active enforcement of removal.

Petitioner’s subsequent detention, absent any lawful termination of that deferred action grant, constitutes a deprivation of liberty that is not reasonably related to any valid removal purpose. Because Respondents lack present authority to execute removal and have not taken steps to terminate Petitioner’s deferred action, continued detention violates both statutory limits and the Due Process Clause.

CONCLUSION

For these reasons, Petitioner's detention is unlawful under both the Immigration and Nationality Act and the Constitution. Because removal is not reasonably foreseeable and Respondents lack authority to execute the removal order while deferred action remains in effect, habeas relief is warranted.

Dated: April 30, 2026

Respectfully Submitted,

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CERTIFICATE 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