

**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 MOTION FOR A PERMANENT INJUNCTION

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INTROUDCTION

Petitioner, Darynel Gerardo Medina Lopez, is a 22-year-old citizen of Honduras with an approved Special Immigrant Juvenile Status (“SIJS”) petition and an immediately available visa. After the visa became available, Petitioner filed an application for adjustment of status on March 19, 2026. Because visa availability delays affected many SIJS beneficiaries, deferred action was granted to eligible SIJS recipients, including Petitioner, who received deferred action on July 25, 2023. It is unclear when Petitioner’s deferred action will expire, as deferred action is typically granted for four years.

Petitioner has lived the United States since August 2014. An Immigration Judge ordered him removed on July 13, 2017, but his case materially when his SIJS visa became available allowing him to request for his immigration case to be reopened. 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”). However, the BIA is going to take months to rule on these motions.

On March 03, 2026, Petitioner was arrested by Immigration and Customs Enforcement (“ICE”). Petitioner filed a Petition for Habeas Corpus before this court on March 09, 2026. On March 12, 2026, Petitioner was transferred out of this court’s jurisdiction to the State of Texas where his removal was imminent.

On March 13, 2026, Petitioner filed an Emergency Motion for Temporary Restraining Order (“TRO”) to request the return of Petitioner to the State of Michigan and prevent his imminent unlawful deportation to Honduras. This Court granted the Petition and Petitioner was returned to Michigan. On May 12, 2026, this Court extended the time for the emergency TRO to 10 additional days. On May 15, 2026, this Court granted the habeas corpus petition ordering the release of Petitioner within 3 days. Petitioner was in fact release from Detention on May 19, 2026.

To ensure that Respondents restrain from removing Petitioner while his grant of deferred action is valid and/or his adjustment of status is adjudicated, Petitioner is filing this request for permanent injunctive relief. Both Petitioner’s SIJS status and his grant of deferred action render his order of removal non-executable. *See* ECF No. 17, PageID.205, *see also* ECF. No17, PageID.213.

LEGAL AUTHORITY

The test for a permanent injunction requires the movant to establish: (1) irreparable injury; (2) there are no adequate remedies available at law to compensate for the injury; (3) a remedy in equity is warranted (the balance of hardship favors the plaintiff); and (4) the injunction would not disserve the public interest. *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006); *see also Galvez v. Jaddou*, 52

F.4th 821, 831 (9th Cir. 2022). *see also*, *Audi AG v. D'Amato*, 469 F.3d 534, 550 (C.A.6 (Mich.), 2006)

The purpose of a permanent injunctive relief is to prohibit or require future action after a final merits determination either on summary judgment or after trial. *United States v. W.T. Grant Co.*, 345 U.S. 629, 633 (1953); *Zukerman v. U.S. Postal Serv.*, 64 F.4th 1354, 1363-64 (D.C. Cir. 2023); *Sierra Club v. U.S. Army Corps of Eng'rs*, 732 F.2d 253, 256 (2d Cir. 1984); *Amer. Civil Liberties Union of Ky. v. McCreary Cnty.*, 607 F.3d 439, 445 (6th Cir. 2010).

In general, the standard for permanent injunction and pre-liminary injunction are the same with one exception. The framework set forth in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008), which permits relief based on a “likelihood” of success on the merits, applies only to preliminary injunctions. By contrast, a permanent injunction requires actual success on the merits. Here, this Court granted Petitioner’s petition for a writ of habeas corpus, concluding that his detention was unlawful and ordering his release within three days. *See* ECF No.17, PageID.241. Because this Court has already entered a final decision on the habeas petition, Petitioner has satisfied the first requirement for permanent injunctive relief.

ARGUMENT

1. The Petitioner will Suffer Irreparable Injury

Petitioner will suffer irreparable harm absent permanent injunctive relief. The Sixth Circuit requires a showing that failure to issue a permanent injunction is likely to result in irreparable harm. *U.S. v. Miami University*, 294 F.3d 797, 816 (6th Cir. 2002); *Audi AG v. D'Amato*, 469 F.3d 534, 550 (6th Cir. 2006).

Petitioner is a beneficiary SIJS, a humanitarian protection Congress created for vulnerable noncitizen children who have been abused, neglected, or abandoned. Petitioner has an approved SIJS petition, an immediately available visa, a grant of deferred action and a pending adjustment of status application. Because adjustment under INA § 245(a) requires physical presence in the United States, Petitioner's removal would effectively foreclose his ability to obtain lawful permanent residence and deprive him of protections Congress specifically intended for SIJS beneficiaries.

Courts in other circuits have recognized that the loss of the opportunity to pursue immigration relief, including adjustment of status and work authorization, constitutes irreparable harm. *Nken v. Holder*, 556 U.S. 418, 435 (2009); *Pinho v. Gonzales*, 432 F.3d 193, 203 (3d Cir. 2005). Courts have also recognized that wrongful removal and family separation constitute irreparable harm. *Nat'l TPS Alliance v. Noem*, 150 F.4th 1000, 1025–26 (9th Cir. 2025). Accordingly, permanent injunctive relief is necessary to prevent irreparable harm and preserve Petitioner's statutory rights.

2. Petitioner has no Adequate Remedy at Law

Petitioner has no adequate remedy at law. A party seeking permanent injunctive relief must demonstrate that “remedies available at law, such as monetary damages, are inadequate to compensate for that injury.” *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006); *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 156–57 (2010). Whether a legal remedy is adequate must be determined on a case-by-case basis and must be sufficient to meet the ends of justice. *Harris Stanley Coal & Land Co. v. Chesapeake & Ohio Ry. Co.*, 154 F.2d 450, 455 (6th Cir. 1946).

Here, monetary damages cannot remedy the unlawful removal of Petitioner or restore the immigration protections he would lose if deported to Honduras. Petitioner has a grant of deferred action, an approved SIJS petition, an immediately available visa, and a pending adjustment of status application. Because adjustment under INA § 245(a) requires physical presence in the United States, Petitioner’s removal would terminate his ability to pursue lawful permanent residence and effectively nullify the humanitarian protections Congress created for SIJS beneficiaries. Accordingly, the only adequate remedy is injunctive relief allowing Petitioner to remain in the United States while his adjustment application is pending and/or his deferred action is maintained.

3. The Balance of Hardships and Public Interest Weights in Favor of Issuing the Permanent Injunction

The balance of hardships and public interest favor a permanent injunction. When the federal government is a party, those factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). In the Sixth Circuit, injunctive relief must also avoid substantial harm to others and serve the public interest. *City of Pontiac Retired Emps. Ass'n v. Schimmel*, 751 F.3d 427, 430 (6th Cir. 2014); *Dutton v. Shaffer*, 171 F.4th 858, 879 (6th Cir. 2026).

Here, the government faces little harm from allowing Petitioner to remain in the United States while pursuing adjustment of status based on his approved SIJS petition and/or while he maintains deferred action. By contrast, Petitioner would suffer severe harm if removed, including the loss of his ability to adjust status and obtain lawful permanent residence. Granting injunctive relief also serves the public interest by preserving the humanitarian protections Congress created through the SIJS statute.

It is also in the public interest to prevent a miscarriage of justice. The Sixth Circuit has made it clear in *Enriquez-Perdomo v. Newman* that a removal order is unenforceable when there is a grant of deferred action. *See Enriquez-Perdomo v. Newman*, 149 F.4th 623, 629 (6th Cir. 2025) (citing *Enriquez-Perdomo v. Newman*, 54 F.4th 855, 867 (6th Cir. 2022) (deferred action under DACA); see ECF No.17, PageID.213. Petitioner's deferred action prevents his removal from the United

States. If Respondents remove Petitioner from the county, it constitutes a miscarriage of justice.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Issue a Permanent Injunction Prohibiting Respondents from taking any further action to remove Respondent from the United States while he pursues Adjustment of Status under his SIJ status or while he maintains his deferred action status.
2. Order Respondents to immediately take all reasonable steps to facilitate Petitioner's return to the United States if necessary, and specifically to the State of Michigan, so that this Court may provide meaningful habeas relief;
3. Grant such other and further relief as this Court deems just and proper.

Dated: May 22, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 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