

**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 TO RESPONDENT'S RESPONSE TO MOTION
FOR PERMANENT INJUNCTION**

TABLE OF AUTHORITIES

Cases

<i>Audi AG v. D'Amato</i> , 469 F.3d 534, 550 (6th Cir. 2006)	2
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INTRODUCTION

Petitioner, Darynel Gerardo Medina Lopez, is a 22-year-old citizen of Honduras. After his Special Immigrant Juvenile Status (“SIJS”) visa became available, Petitioner filed an application for adjustment of status (“AOS”) on March 19, 2026. It is true that Petitioner had a *priority date* of May 13, 2019, however, this does not mean that Petitioner was eligible to apply for AOS at that time. A *priority date* needs to become *current*, meaning a visa needs to become available for a beneficiary to be eligible to apply for AOS.

Given that it takes several years for a visa to become available, SIJS beneficiaries were granted deferred action to protect them from deportation and provide them work authorization. Petitioner was granted 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.

On March 03, 2026, Petitioner was arrested by Immigration and Customs Enforcement (“ICE”) while he clearly had a grant of deferred action. 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 prevent his imminent unlawful deportation to Honduras. This Court granted the TRO.

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 May 15, 2026, this Court granted the habeas corpus petition ordering the release of Petitioner within 3 days. Petitioner was release from Detention on May 19, 2026.

Petitioner will suffer irreparable harm if he is removed from the United States. He has been waiting for many years to be given the opportunity to apply for AOS. He now has that opportunity. If he is removed from the United, he will not be able to adjust status. Petitioner has no other adequate remedy at law since the motions submitted to the BIA will take several months to be decided.

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 need this Court to grant permanent injunctive relief.

ARGUMENT & AUTHORITY

1. Petitioner Will Suffer Irreparable Harm If He is Removed from the United States.

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. *See U.S. v. Miami University*, 294 F.3d 797, 816 (6th Cir. 2002); *See Audi AG v. D’Amato*, 469 F.3d 534, 550 (6th Cir. 2006).

Petitioner needs to be present in the United States at the time of the filing and adjudication of his AOS application. The United States Citizenship and Immigration Services (“USCIS”) manual clearly states that Petitioner must be present in the United States *at the time of filing and adjudication* of his AOS petition. *See USCIS Policy Manual Vol.7, Adjustment of Status- Part F- Special Immigrant Based Adjustment*, found at <https://www.uscis.gov/policy-manual/volume-7-part-f-chapter-7>. If the Petitioner is removed, he cannot simply continue with or file an AOS petition abroad to come back. The USCIS Policy Manual is clear, Petitioner needs to be present in the United States both at the time of filing and adjudication of his AOS.

Additionally, if removed Petitioner will be subject to the 3-year or 10-year re-entry bars. 212(a)(9)(B) of the Immigration and Nationality Act (INA), the statute imposes re-entry bars on immigrants who accrue “unlawful presence” in the United States, leave the country, and want to re-enter lawfully. These bars could be overcome through a waiver, but Petitioner will not qualify for a waiver because he does not have a parent or spouse who is a United States citizen of legal permanent resident.

In *Nken v. Holder*, the court in fact explained that the burden of removal alone cannot constitute the requisite irreparable injury that is because noncitizens who are removed may continue to pursue their immigration petitions and may be able to

come back to the United States. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). However, that is not the case here, it is incorrect that current immigration law would allow Petitioner to return to the United States if deported. Therefore, if individuals cannot be returned to United States or pursue relief abroad, they will suffered irreparable injury.

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.” *See eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006); *See Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 156–57 (2010).

On March 20, 2026, he filed both a *motion to reopen* his immigration proceedings and a *motion to stay removal* with the Board of Immigration Appeals (“BIA”). But the BIA is likely to take several months to rule, as more than two months have already passed and the motions remain pending.

If this Court had not intervened and granted the Emergency TRO on March 14, 2026, Petitioner would more than likely be in Honduras right now. Therefore, although Petitioner has properly requested other available remedies, they are inadequate because they fail to protect him from deportation while they are pending.

The only remedy available right now that can protect Petitioner from being removed from the United States is a permanent injunction.

CONCLUSION

For the reasons stated above, Petitioner respectfully asks this Court to grant the permanent injunction.

Dated: June 05, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 05, 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