

United States District Court  
Eastern District of Michigan

Willian Wilfredo Pacheco Mayen,

Petitioner,

Civil No. 25-13056

v.

Honorable Brandy R. McMillion  
Magistrate Judge Elizabeth A. Stafford

Kevin Raycraft, in his official capacity  
as Acting Field Office Director of  
Enforcement and Removal Operations,  
Detroit Field Office, Immigration and  
Customs Enforcement; et al.,

Respondents.

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**Respondents' Response to the Court's Briefing Order and Brief in Support**

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On September 30, 2025, several petitioners in another case, *Contreras-Cervantes v. Raycraft*, Civil No. 25-13056 (E.D. Mich.), filed a notice in this case indicating that it presented a common question of law and, therefore, was a potential companion to this case. (*See Not.*, ECF No. 6).

On October 1, 2025, the Court ordered the "Government" to address "whether it views the cases as companions under the Court's Local Rules and as to whether the cases should be handled by a single District Judge." (Order, ECF No. 7).

Respondents do not believe that *Contreras-Cervantes* or the other cases listed in *Contreras-Cervantes*' notice qualify as companion cases under the Local Rules. Under the Local Rules, there are only three kinds of companion cases. *See* Loc. R. 83.11(b)(7). The cases listed in *Contreras-Cervantes*' notice do not qualify as companions under any of them.

The first kind of companion cases are those “in which it appears that substantially similar evidence will be offered at trial.” Loc. R. 83.11(b)(7)(A)(i). Habeas cases do not result in trials, which likely makes this subsection inapposite. *See* 28 U.S.C. §§ 2241, 2243. In any event, the only record evidence introduced in each alleged companion case—agency declarations describing each petitioner’s immigration history and the immigration records of each petitioner—are unique to each case. (Compare Mitchell Decl., ECF No. 8-2, PageID.94–99 *with Contreras-Cervantes v. Raycraft*, Civil No. 25-13073 (E.D. Mich.), Ocando-Leon Decl, ECF No. 9-4, PageID.165–69). Therefore, the evidence in each of these cases is not substantially similar and, instead, does not overlap at all.

The second kind of companion cases are those involving “the same or related parties . . . and the cases arise out of the same transaction or occurrence.” Loc. R. 83.11(b)(7)(A)(ii). While the only proper respondent in each of the alleged companion cases (the immediate custodian of the petitioner) is the same, the petitioner in each case is different and the petitioners are not related in any way.

Therefore, these cases do not involve the same or related parties. Further, none of the alleged companion cases arise out of the same transaction or occurrence. Each case challenges the petitioner's detention, but all of them were detained in different locations, at different times, and for different reasons. Therefore, their detention does not arise out of the same transaction or occurrence.

The third and final type of companion cases are Social Security cases filed by the same claimant, which plainly does not apply here. *See* Loc. R. 83.11(b)(7)(A)(ii). Accordingly, the potential companion cases cited by Contreras-Cervantes do not qualify as companion cases under the Local Rules.

In any event, Contreras-Cervantes' notice is not a proper procedural device for seeking to consolidate these cases before one judge. The Local Rules describe only one method of notifying the Court of a companion case. The Rules require that a party "must bring companion cases to the Court's attention by responding to the questions on the civil case cover sheet or in the electronic filing system." *See* Loc. R. 83.11(b)(7)(C). Pacheco-Mayen did not do that in this case and the Rule does not permit a non-party to file a notice of potential companion case mid-briefing. *See id.*

Finally, assigning these cases to a single judge does not serve the interests of judicial efficiency. As noted by Contreras-Cervantes, habeas petitions often require the Court to address the matter in a short period of time. However, each of these cases present unique factual and procedural circumstances. For instance, even

among the eight petitioners in the *Contreras-Cervantes* case alone, there are substantial relevant factual differences. Some of the petitioners in that case have been in the United States for decades and others only recently arrived within the last few years. (*See Contreras-Cervantes v. Raycraft*, Civil No. 25-13073 (E.D. Mich.), Resp., ECF No. 9, PageID.125–31). Some are currently detained while others are not. (*Id.*) Some have sought bond hearings in immigration court and some have not. (*Id.*) Some have requested cancellation of removal, some have sought asylum, and others have not yet requested any relief from removal. (*Id.*) Accordingly, because the Court must make an individualized determination in each case there is no reason to believe that having a single judge rule on every case will result in a faster resolution of each petitioner’s suit than if the cases are spread out over the twenty judges presiding in this district and, instead, it will likely result in slower rulings in each case while also preventing the assigned judge from managing the other cases on his or her civil and criminal docket.

Respectfully submitted,

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Dated: October 10, 2025

### **Certificate of Service**

I hereby certify that on October 10, 2025, 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.

*/s/ Zak Toomey* \_\_\_\_\_

**Zak Toomey**

Assistant U.S. Attorney