

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EVELIN JOSEFINA PEREZ,

S

A minor,

Case No. 2:25-cv-13391-
RJW

Petitioners,

v.

KEVIN RAYCRAFT, Acting Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office, Immigration
and Customs Enforcement; **KRISTI NOEM**,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; **PAMELA BONDI**,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW.

Respondents.

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**PETITIONERS' MOTION
FOR A TEMPORARY RESTRAINING ORDER**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVELIN JOSEFINA PEREZ,

S

A minor,

Case No. 25-CV-13931 RJW

Petitioners,

v.

KEVIN RAYCRAFT, Acting Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office, Immigration
and Customs Enforcement; **KRISTI NOEM**,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; **PAMELA BONDI**,
U.S. Attorney General; EXECUTIVE OFFICE
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**PETITIONERS' BRIEF IN SUPPORT OF THEIR MOTION
FOR A TEMPORARY RESTRAINING ORDER**

The family of the Petitioners contacted Counsel at 8 AM today stating that Evelin Josefina and her minor son had been detained this AM by Customs and Border Patrol despite the Petitioners' pending application for asylum and their compliance with all conditions for their parole. They requested this office to assist them in this matter.

At approximately noon, the Petitioners' family advised counsel that DHS had informed Petitioners that they would be put on a plane to Washington, D.C. at 5:00 P.M. and would be in Texas by midnight tonight.

Counsel drafted and filed the Petition early this afternoon. Counsel relies on the vast array of statutory and constitutional authority cited in the Complaint that persons in wide variety of circumstances, including those faced by the Petitioners, may not have their parole revoked without due process of law. Due to DHS's haste in seeking to transfer the Petitioners out of state before their counsel could even review the matter, there is no time to review that case law in detail here.

However, the balance of equities in this tilt overwhelmingly in favor of the Petitioners. They had built a life in Detroit and were in the midst of immigration proceedings to determine their asylum petition. But suddenly DHS wants to ship them a thousand miles away for their family and their

counsel. This is a deliberate effort to essentially prevent effective judicial review before exacting punishment on the Petitioners.

The Petitioners accordingly request that this Court issue a Temporary Restraining Order prohibiting the Respondents from transporting the Petitioners from the State until this Court has had the opportunity to receive briefs and to review and decide this matter the way dictated by Due Process.

The Petitioners thus request that the Court issue a Temporary Restraining Order preventing the Respondents from transporting the Petitioners out of state pending this Court's review of the Petition.

By the Petitioners' attorneys,

/s/ George B. Washington

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Dated: December 8, 2025

CERTIFICATE OF SERVICE

The undersigned served a copy of this Motion and Brief on counsel for the Respondent by filing it with ECF and by sending a copy via email to Assistant US Attorney Zak Toomey at the email address he provided to counsel.

s/ George B. Washington

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Petitioners move for the entry of a Temporary Restraining Order restraining the government from removing them from the Eastern District of the State of Michigan pending hearing on Petitioners' Habeas Petition Seeking a Release from Custody. As grounds for that Motion, the Petitioners state as follows:

1. As set forth in the Complaint and as verified by the documents attached as Exhibits, the Petitioners were admitted to the United States on States and placed on parole on November 14, 2024, with the directive to report for a hearing in Detroit, Michigan.
2. Since that time, the Petitioners have resided in the United States and complied with all terms of their admission.
3. The Petitioner Evelin Josefina Perez has been authorized to work and her minor son is enrolled at Western High School in Detroit.
4. As verified by the exhibits attached to the Complaint, the Petitioners have filed an Asylum Petition that is now pending before an immigration judge.
5. On the evening of December 7, 2025, however, the Warren Police Department detained the Petitioners for a traffic violation and,

when it determined that they were not citizens, turned them over to the Customs and Border Patrol.

6. The Petitioners requested counsel to file a Petition for Habeas Corpus today at P.M.
7. The HHS has, however, informed the Petitioners and, through their family, counsel, that HHS intends to remove them from the State of Michigan by 5:00 P.M. today.
8. The undersigned contacted the United States attorney today and requested that he agree to suspend their removal from this State until this Court has the chance to review and decide this Petition.
9. The undersigned certifies that at 2:45 P.M. today, he emailed and then talked with Assistant United States Attorney Zak Toomey requesting his agreement to delay the proposed attempted to move the Petitioners out of the state by a 5:00 P.M. plane today. Mr. Toomey promised to review the matter with ICE but could not offer any guarantee what his response would be. At his request, I forwarded to him a copy of the Petition and attachments.
10. The Petitioners will suffer irreparable harm if they are physically moved from the State and thus their families.

11. The Respondents will, however, suffer no harm because they can easily confine the Petitioners at numerous facilities in this State pending the Court's decision on this Petition.
12. The Petitioners accordingly request that this Court issue a Temporary Restraining Order barring the Respondents from removing the Petitioners from this State until this Court can hear and decide the Petitioners' petition for the Writ of Habeas Corpus.

By the Petitioners' attorneys,

/s/ George B. Washington

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Dated: December 8, 2025