UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JUAN MANUEL LOPEZ-CAMPOS, Petitioner, v. KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, Respondents.	Case No. 2:25-cv-12486 Hon. Brandy R. McMillion Mag. Elizabeth A. Stafford

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

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1. Are Respondents unlawfully detaining Petitioner without a bond hearing under 8 U.S.C. § 1225(b)(2)(A), which applies only to the inspection and detention of recent arrivals at or near the border?

2. Is Petitioner entitled to a bond hearing under 8 U.S.C. § 1226(a), which all courts to consider the question have found applies to noncitizens like Petitioner who were residing in the United States when they were apprehended and charged with inadmissibility, and which Respondents themselves have historically applied to such noncitizens?

3. Have Respondents violated the Due Process Clause by detaining Petitioner, who is a long-time resident of the United States with no criminal history, without any individualized determination that his civil detention is necessary to facilitate removal because he is a flight risk or danger?

4. Should this Court, like all others that have considered such claims, exercise its discretion to waive prudential exhaustion requirements and proceed to the merits of Petitioner's habeas corpus petition, which raises urgent statutory and constitutional claims regarding his ongoing unlawful detention?

CONTROLLING OR MOST APPROPRIATE AUTHORITY*

28 U.S.C. § 2241
8 U.S.C. § 1226
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Other Cases Raising Same Merits and Exhaustion Issues

Rodriguez v. Bostock, 779 F. Supp. 3d 1239 (W.D. Wash.2025)
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McCarthy v. Madigan, 503 U.S. 140 (1992)
Cooper v. Zych, 09-CV-11620, 2009 WL 2711957 (E.D. Mich. Aug. 25, 2009)

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* Courtesy copies of these authorities will be delivered to chambers along with a copy of this brief, per Judge McMillion's practice guidelines. A courtesy copy of the underlying petition will also be included.

Respondents do not deny that Mr. Lopez-Campos has lived in the United States for twenty-six years, surrounded by his children and community, with no criminal history. Nor do they dispute that he is not seeking to *enter* this country, but instead to *remain* in the land he calls home. Still, Respondents advance a new statutory interpretation that defies the text, structure, and purpose of the Immigration and Nationality Act (INA), and reverses decades of consistent agency practice. *See* Pet. at ¶¶35-37, PageID.12. This new interpretation has been squarely rejected by every federal court to address this issue.[1] As court after court has held, § 1225 is a border inspection scheme that does not apply to noncitizens who were already residing in the United States when they were apprehended. Instead, § 1226(a) plainly applies. And those courts *all* rejected the government's argument that exhaustion is a barrier to habeas relief. This Court should grant Mr. Lopez-Campos's petition and order Respondents to either immediately release him or hold a bond hearing.

I. Because § 1225 Only Applies to the Inspection of Recent Arrivals, § 1226 Governs the Detention of Residents Like Mr. Lopez-Campos.

The text, structure, and purpose of the INA all support Mr. Lopez-Campos's argument that § 1226(a) governs his detention, and not § 1225(b)(2)(A). As Mr.

[1] *See* Pet. at ¶41, PageID.14 (listing decisions); *Romero v. Hyde*, 25-CV-11631, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) at *8-13 (petitioner's detention governed by § 1226(a) and not § 1225(b)); *Maldonado v. Olson*, 25-CV-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025) at *11-14 (same); *Dos Santos v. Noem*, 25-CV-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025) at *6-8 (same); Order, *Gonzalez v. Noem*, 25-CV-2054 (C.D. Cal. Aug. 13, 2025), Dkt. 12 at *6-9 (same).

Lopez-Campos explained in his petition, § 1226(a) and § 1225(b)(2)(A) work in tandem to cover different categories of noncitizens: § 1226 provides a discretionary detention scheme for individuals who are "already in the country" and are detained "pending the outcome of removal proceedings," *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018), while § 1225 (including its subsection (b)(2)(A)) is a processing and inspection scheme that applies to those "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible," *id.* at 287. *See* Pet. at ¶¶31-37, 43-47, PageID.11, 15-16. Indeed, there is a "line historically drawn between these two sections" and the categories of noncitizens they respectively cover. *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025).

This understanding situates each detention provision "in their context and with a view to their place in the overall statutory scheme." *King v. Burwell*, 576 U.S. 473, 486 (2015) (citation omitted). *See also Biden v. Texas*, 597 U.S. 785, 799-800 (2022) (looking to statutory structure to inform interpretation of INA provision). Placing a provision in its larger context is especially important where the provision "may seem ambiguous in isolation" but can be "clarified by the remainder of the statutory scheme . . . because only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law." *United Sav. Ass'n of Tex. v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 371 (1988). And

the one meaning which permits a logical and compatible effect here is that § 1225 and § 1226 each cover *different* categories of noncitizens.[2]

Section 1225's plain text shows that it is focused on inspecting people who are arriving or have just entered the United States. *See generally* 8 U.S.C. § 1225(a)–(b), (d). That section repeatedly refers to "examining immigration officer[s]," 8 U.S.C. § 1225(b)(2)(A), (b)(4); sets out procedures for "inspection[s]" of people "arriving in the United States," *id.* § 1225(a)(3), (b)(1), (b)(2), (d); and discusses "stowaways, "crewm[e]n," and noncitizens "arriving from contiguous territory." *Id.* § 1225(a)(2), (b)(2)(B), (b)(2)(C). Even the title of § 1225 refers to the "inspection" of "inadmissible *arriving*" noncitizens (emphasis added). *Cf. Dubin v. United States*, 599 U.S. 110, 120-21 (2023) (relying on section title to help construe statute). Thus, by its own text, § 1225, read as a whole, makes clear that it is intended to apply to recent arrivals at or near the U.S. border. Mr. Lopez-Campos, of course, arrived at the border twenty-six years ago and has been residing in the United States since.[3]

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[2] Respondents are also wrong to claim § 1225(b)(2)(A) somehow takes "priority" over § 1226(a) in the event that they overlap. Resp. Br. at 19, PageID.89. Nothing in the INA's text suggests such an order of priority. In fact, the U.S. Supreme Court has said the opposite, characterizing § 1226(a) as the "default rule" for "aliens already in the country." *Jennings*, 583 U.S. at 288-89.

[3] Respondents' claim that Mr. Lopez-Campos "was effectively detained at the border" because he was "apprehended less than 25 miles" from Canada, Resp. Br. at 14, PageID.84, is as outlandish as it is dangerous. Under Respondents' logic, *every* allegedly inadmissible noncitizen residing (no matter how long) in Detroit, San Diego, El Paso, Buffalo, and countless other cities would be subject to mandatory detention because they happen to live near an international border.

On the other hand, § 1226(a) is a separate detention authority that applies broadly to any noncitizen arrested "on a warrant . . . pending a decision on whether [they are] to be removed from the United States." *See also Jennings*, 583 U.S. at 289 (§ 1226(a) applies to those "already in the country" who are detained "pending the outcome of removal proceedings"). On its face, the provision plainly applies to Mr. Lopez-Campos, who was arrested "on a warrant" when he was already in the U.S. and is now detained "pending a decision on" his removal. Thus, § 1226(a), and not § 1225(b)(2)(A), is clearly the proper detention authority for Mr. Lopez-Campos.

This is not a novel interpretation of the INA. It has been *Respondents' own* understanding of these provisions since they were first enacted thirty years ago—a view they held until suddenly reversing course last month in a policy ICE issued "in coordination with the Department of Justice." *See* Pet. at ¶¶35-38, PageID.12-13. Now, Respondents contend that only people who were "admitted and inspected" can be detained under § 1226(a), thus conveniently denying bond hearings to countless people like Mr. Lopez-Campos who are charged with inadmissibility but have long resided in the United States. *See* Resp. Br. at 14-15, PageID.85.

Respondents' new reading defies the plain text of § 1226, which expressly applies to "inadmissible" noncitizens. Section 1226(a) states that detained non-citizens may be released on bond or parole "[e]xcept as provided in subsection (c)". 8 U.S.C. § 1226(a). Subsection (c), in turn, exempts certain "inadmissible" non-

citizens from § 1226(a)'s discretionary detention scheme. *See* Pet. at ¶44, PageID.15. These "statutory exceptions would be unnecessary" if Congress did not intend for § 1226(a) to cover noncitizens alleged to be inadmissible, like Mr. Lopez-Campos. *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010). Because § 1226(a) governs Mr. Lopez-Campos's detention, granting his habeas petition would uphold the INA's text, structure, and intent.

II. Section 1225(b)(2)(A) Cannot Apply to Mr. Lopez-Campos Because He Is Neither an "Applicant For Admission" Nor "Seeking Admission" to the United States.

The parties agree that § 1225(b)(2)(A) only applies to noncitizens who satisfy both the requirement that they be an "applicant for admission" *and also* the distinct requirement that they be "seeking admission" to the United States. Resp. Br. at 13-14, PageID.83; Pet. at ¶46, PageID.15. But that is the end of the parties' agreement. Respondents conjure impermissibly broad definitions of these terms that would have this Court treat Mr. Lopez-Campos as someone at the border requesting entry into the United States. But "we must (as usual) interpret the relevant words not in a vacuum, but with reference to the statutory context, structure, history, and purpose." *Abramski v. United States*, 573 U.S. 169, 179 (2014) (citation modified). *See also Burwell*, 576 U.S. at 486 (statutory terms must be understood "in their context and with a view to their place in the overall statutory scheme") (citation omitted). And under any reasonable and context-sensitive understanding of these terms, Mr. Lopez-

Campos is neither an "applicant for admission" nor is he "seeking admission." Thus, § 1225(b)(2)(A) cannot govern his detention.

a. Section 1225(b)(2)(A) cannot apply to Mr. Lopez-Campos because he is not an "applicant for admission."

Respondents first argue that, despite having lived in this country for more than a quarter century, Mr. Lopez-Campos is an "applicant for admission" and can be detained under § 1225(b)(2)(A) as if he were fictionally at the border attempting entry. *See* Resp. Br. at 10-11, PageID.80.[4] Respondents zoom too far into the statute. The term "applicant for admission," when viewed in its statutory context, cannot be understood without acknowledging Congress's choice to deploy the term within § 1225's border inspection scheme. *See* Section I.a. By contrast, the term "applicant for admission" appears nowhere in § 1226. This comparative context thus clarifies that the term refers to a specific category of "arriving" noncitizens being "inspected" at or near the border. *See* 8 U.S.C. § 1225. Indeed, in *Bautista v. Santacruz Jr.*, the court rejected this exact argument, finding that the petitioners—who had been residing in the U.S.—were not "applicants for admission." No. 5:25-CV-1873-BFM (C.D. Cal. July 28, 2025), Dkt. 14 at 7-8.

Thus, when § 1225(a)(1) describes "applicants for admission" as a noncitizen

[4] Respondents' reliance on *DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020), to support this statutory fiction is misleading at best. The Supreme Court was clearly referring to the scope of *due process* protections, and was also referring to people who physically "arrive at ports of entry" (airports are offered as an example). *Id.*

"present in the United States who has not been admitted," the larger context of § 1225 clarifies that this definition refers to individuals who were apprehended in the interior of the country after having recently crossed the border. In sum, Mr. Lopez-Campos—who has resided here for a quarter-century—is not an "applicant for admission" as that term should be understood within the INA, and thus he cannot be mandatorily detained under § 1225(b)(2)(A).

b. Section 1225(b)(2)(A) cannot apply to Mr. Lopez-Campos because he is not "seeking admission" to the United States.

Even if Mr. Lopez-Campos were an "applicant for admission," § 1225(b)(2)(A) also requires an independent and separate showing that he is "seeking admission" to the United States. But Respondents' interpretation of "seeking admission" has even less statutory footing: they argue that the term encompasses anyone seeking "a lawful means of entering" the country "without regard to where or when that right may be granted," Resp. Br. at 11-12, PageID.81-82, thus mandating the detention of "any noncitizen 'present' in the United States who has not been lawfully admitted or paroled and who seeks a lawful means of entry," *id.* at 12. Such a broad interpretation of "seeking admission" flies in the face of the INA's text, structure, and purpose, and defies the common-sense meaning of the term. Interpreting the INA properly shows that "seeking admission" describes a much narrower class: recent arrivals who are presenting themselves for admission at or near the border. *See* Pet. at ¶46, PageID.15.

Again, the text and structure of § 1225 clearly show that it deals with inspections of recent arrivals at or near the border. *See* Section I.a. By deploying "seeking admission" within § 1225's border inspection scheme—and not § 1226—Congress intended for this term to cover the detention of noncitizens seeking admission *at or near the border*. That is why the statute's implementing regulations, which were "promulgated mere months after passage of the statute and have remained consistent over time," *Lopez Benitez v. Francis*, 25-CV-5937-DEH, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025), describe those seeking admission as "arriving aliens," 8 C.F.R. § 235.3(c)(1), who are "*coming or attempting to come into* the United States," 8 C.F.R. § 1.2 (emphasis added). *See Martinez*, 2025 WL 2084238 at *6 (the regulations' use of "arriving alien" is "roughly interchangeable with an 'applicant . . . seeking admission'" as used in § 1225(b)(2)(A)). *See also Lopez Benitez*, 2025 WL 2371588, at *7 (same). Thus, only those who take affirmative steps to seek admission while "coming or attempting to come into the United States" can reasonably be said to be "seeking admission" under § 1225(b)(2)(A). *See Gonzalez*, 25-CV-2054-ODW-BFM at 8.

Mr. Lopez-Campos is not presenting himself for admission at the border; he arrived at the border over a quarter-century ago and has been residing in the United States since. He simply wishes to *remain* in the country he has long called home—not to enter it. All that Respondents can say in response to this obvious fact is that

Mr. Lopez-Campos "is *presumed* to desire a lawful means of entering the country," Resp. Br. at 13, PageID.83 (emphasis added), and therefore must be seeking admission, *id*. But even Respondents' massive presumption does not make their case. Regardless of whether Mr. Lopez-Campos "desired" a lawful means of entering, the reality is that Mr. Lopez-Campos is not trying to enter the United States; he is already here. Thus, he cannot be considered "seeking admission" in any reasonable way, rendering § 1225(b)(2)(A) wholly inapplicable to his detention.

c. Respondents themselves initially detained Mr. Lopez-Campos under 8 U.S.C. § 1226.

Finally, belying Respondents' entire defense are the actual facts surrounding Mr. Lopez-Campos's initial detention: when Mr. Lopez-Campos was apprehended, DHS took the position that § 1226—not § 1225—governed his detention. By Respondents' own admission, Mr. Lopez-Campos's arrest warrant and Notice to Appear (NTA) both cited 8 U.S.C. § 1226 as the authority for Lopez Campos's detention. *See* Ex. 1 to Resp. Br., Dkt. 9-2 at ¶ 6, PageID.95. And in the NTA, DHS deliberately chose *not* to check the box designating Mr. Lopez-Campos as an "arriving alien." *See* Notice to Appear, attached hereto as Exhibit 1. Instead, DHS only checked the box for an "alien present in the United States." *Id.*

It was not until Mr. Lopez-Campos's bond hearing—over a month after his arrest—that Respondents first argued he was detained under § 1225. Other federal courts recently considering this issue have rejected such "post hoc" justifications for

imposing mandatory detention. *See Lopez Benitez*, 2025 WL 2371588 at *5, *7 n.9 (because the petitioner's arrest warrant was issued under § 1226, the "Court cannot credit Respondents' new position as to the basis for [the petitioner's] detention, which was adopted post hoc"); *Maldonado*, 2025 WL 2374411 at *11 (giving weight to which box DHS checked in the NTA); *Martinez*, 2025 WL 2084238 at *6 (same). This Court should likewise take DHS at its word: Mr. Lopez-Campos is not an "arriving alien," but is instead "present in the United States" and subject to § 1226(a) detention. *See* Exhibit 1; Ex. 1 to Resp. Br. at ¶ 6, PageID.95. DHS's own words and actions counsel further in favor of granting his petition and ordering that Respondents release him or promptly hold a bond hearing.

III. Due Process Entitles Mr. Lopez-Campos to a Bond Hearing.

Respondents claim that Mr. Lopez-Campos is only due the "removal procedures provided by Congress." Resp. Br. at 19, PageID.89. While that may be true for some people apprehended while crossing the border, *see Thuraissigiam*, 591 U.S. at 139, that is not true for people like Mr. Lopez-Campos who have resided in the United States and "develop[ed] the ties that go with" that longtime residence, *Landon v. Plasencia,* 459 U.S. 21, 32 (1982). Indeed, there has long been a legal "distinction between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, *irrespective of its legality*." *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958) (emphasis added).

And the process due here is governed by the classic balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 334-335 (1976). Mr. Lopez-Campos invokes "the most elemental of liberty interests—the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004). Meanwhile, the government's interest in detaining Mr. Lopez-Campos is limited to ensuring his appearance at future immigration proceedings and preventing danger to the community. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). But because Respondents denied Mr. Lopez-Campos a proper bond hearing, "there is nothing in the record demonstrating that [Mr. Lopez-Campos] is a flight risk or a danger to the community." *Lopez Benitez*, 2025 WL 2371588 at *12. Therefore, the risk of erroneously depriving Mr. Lopez-Campos of his physical freedom is unbearably high. *See id.* Without the bond hearing that he is entitled to under § 1226(a), Mr. Lopez-Campos will never be able to present the compelling reasons that he is neither a flight risk nor a danger. *See* Pet. at ¶¶24, 27, PageID.9. Due process thus requires that Mr. Lopez-Campos be afforded a bond hearing under § 1226(a).

IV. This Court Should Waive Any Prudential Exhaustion Requirement.

The parties agree that exhaustion of administrative remedies is not a statutory or jurisdictional requirement but is instead a prudential matter of this Court's discretion. *See* Resp. Br. at 6, PageID.76. There are many circumstances where courts do not require exhaustion of administrative remedies, including when "[1]

delay means hardship . . . or when [2] exhaustion would prove 'futile'." *Shalala v. Illinois Council*, 529 U.S. 1, 13 (2000). *See also Fazzini v. Ne. Ohio Corr. Ctr.*, 473 F.3d 229, 236 (6th Cir. 2006). This Court should exercise its discretion and waive exhaustion requirements because Mr. Lopez-Campos's sole administrative remedy—an appeal to the BIA—would both cause intolerable delay and be futile.

As to delay, courts often waive prudential exhaustion requirements when a petitioner faces "an unreasonable or indefinite timeframe for administrative action." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). This is so "[e]ven where the administrative decisionmaking schedule is otherwise reasonable and definite." *Id.* Agency data shows that, on average, the BIA took over six months to decide bond appeals in 2024. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (2025). Such a delay surely "means hardship" for Mr. Lopez-Campos, who would have to remain unlawfully detained for months—separated from his home, his children, and his community—before the BIA could rule on the legality of his bond denial and on any underlying merits appeal.[5] *Shalala*, 529 U.S. at 13. Indeed, "because of delays inherent in the administrative process, BIA review would result in the very harm that the bond hearing was designed to prevent: prolonged detention without due process."

[5] Respondents are wrong that, if Mr. Lopez-Campos were ordered removed at his October hearing, the authority for his detention would shift to 8 U.S.C. § 1231, which mandates detention for noncitizens ordered removed. That authority would not apply until the "order of removal becomes administratively final," § 1231(a)(1)(B), which does not occur until "dismissal of an appeal by the [BIA]," 8 C.F.R § 1241.1(a).

Hechavarria v. Whitaker, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (cleaned up).

Second, requiring Mr. Lopez-Campos to first wait for the BIA to decide his bond appeal before seeking habeas relief would be futile. Waiver based on futility is especially appropriate when, as here, the administrative agency "has predetermined the disputed issue" by having a "clearly stated position" that the petitioner is not eligible for the relief sought. *Cooper v. Zych*, No. 09-CV-11620, 2009 WL 2711957, at *2 (E.D. Mich. Aug. 25, 2009). *See also McCarthy*, 503 U.S. at 148 (same). Here, Respondents have already made their position clear. ICE's policy guidance was issued "in coordination with the Department of Justice," of which EOIR is a component agency. *See* Pet. at ¶¶38-39, PageID.13. And in this litigation, as in all other recent cases, *see supra* fn. 1, Respondent EOIR has defended the IJs' and DHS's new statutory interpretation. *See* Resp. Br. at 10-19, PageID.80.[6] Thus, a BIA appeal is futile because Respondents have "predetermined the disputed issue" via multiple "clearly stated position[s]." *Cooper*, 2009 WL 2711957, at *2.

Further, as Respondents point out, waiver is appropriate when a petitioner raises "'non-frivolous' constitutional questions." *See* Resp. Br. at 9, PagedID.79

[6] The BIA has already begun to issue appeal decisions in line with this clearly stated position, *see* Pet. at ¶40, PageID.13, and Respondent Bondi ("in coordination with" whom ICE's new policy was issued) retains the statutory authority to modify or overrule BIA decisions, *see id.* at ¶49. Respondents' example of a contrary BIA decision was issued in 2023, more than two years before their new policy. *See* Ex. 3 to Resp. Br., PageID.101. That decision also remanded a bond appeal for more fact-finding, not because it held that DHS incorrectly applied § 1225(b)(2)(A). *Id*.

(citing *Bangura v. Hansen*, 434 F.3d 487, 493 (6th Cir. 2006)). Mr. Lopez-Campos's due process arguments, *see* Section III, are far from frivolous, and raise important questions about whether the government can mandatorily detain a longtime resident without a criminal record before they have been ordered removed. That is an argument "[n]either an immigration judge nor the Board of Immigration Appeals is positioned to properly adjudicate." *Lopez Benitez*, 2025 WL 2371588 at *14.

Finally, the need for waiver under all of these circumstances is amplified in the context of a habeas corpus petition, which demands a "swift" remedy in the face of illegal detention. *Fay v. Noia*, 372 U.S. 391, 400 (1963). *See also* 28 U.S.C. § 2243. Requiring prior administrative exhaustion will only serve to prolong that illegal detention. Unsurprisingly, then, this Court regularly waives prudential exhaustion requirements in § 2241 habeas actions.[7] This Court should again exercise its discretion to do so here and proceed to the merits of this petition—especially in the absence of factual disputes and facing only questions of pure statutory interpretation and constitutional due process analysis. *See Shalala*, 529 U.S. at 13 (waiver appropriate when "the legal question is 'fit' for resolution.").

Dated: August 25, 2025 /s Ramis J. Wadood

[7] *See, e.g., Cooper*, 2009 WL 2711957, at *2; *Shweika v. DHS*, No. 09-CV-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015); *Holloway v. Eichenlaub*, No. 08-CV-11347, 2009 WL 416325, at *1 (E.D. Mich. Feb. 18, 2009); *Williams v. Zych*, No. 09-CV-12173, 2010 WL 200847, at *1 (E.D. Mich. Jan. 15, 2010); *Cabrera v. Walton*, No. 10-CV-13654, 2010 WL 4974040, at *1 (E.D. Mich. Dec. 1, 2010).

Respectfully submitted,

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