

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

**Wilson Jose Brito Hidalgo v. Kevin Raycraft, Immigration and
Customs Enforcement, Director of Detroit Field Office, Enforcement
and Removal, Kristi Noem, Secretary of the U.S. Department of
Homeland Security, U.S. Department of Homeland Security, Pamela
Bondi, U.S. Attorney General, and Executive Office for Immigration
Review**

Case No. 25-cv-13588 (E.D. Mich. Dec. 8, 2025) · No. 2:25-cv-13588 · Decided December 8, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan granted Wilson Jose Brito Hidalgo’s motion for a temporary restraining order to prevent his removal while the court considered whether it had jurisdiction over his due process claim concerning reunification with his child and an orderly departure. The court also scheduled a telephonic status conference to address the claim and future briefing.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Linda V. Parker
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 8, 2025
DOCKET	2:25-cv-13588
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 concerning immigration detention and moved for a temporary restraining order to prevent his removal while the court considered a due process claim.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

- immigration detention
- removal proceedings
- due process
- injunctions
- subject matter jurisdiction

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether the district court could temporarily restrain petitioner's removal while determining whether it had jurisdiction to adjudicate his asserted due process claim.
2. Whether petitioner was entitled to a temporary restraining order preserving the status quo pending a status conference and briefing on the due process claim.

HOLDINGS

1. A district court may issue a restraining order to preserve existing conditions while it determines whether it has jurisdiction over the underlying claim.
2. Petitioner's motion for a temporary restraining order was granted, temporarily restraining his removal and preserving the matter for a status conference and briefing on his due process claim.

KEY QUOTATIONS

“the District Court unquestionably had the power to issue a restraining order for the purpose of preserving existing conditions pending a decision upon its own jurisdiction.” (Opinion text citing *United Mine Workers*)

“a court always has jurisdiction to determine its jurisdiction” (Opinion text citing *Derminer*)

FACTUAL BACKGROUND

Petitioner, who lacked lawful immigration status, had lived in the United States for nearly four years, fathered two U.S.-citizen children, and was the sole custodian of a ten-year-old noncitizen child. He was detained pending removal proceedings without a bond hearing. After the court ordered a bond hearing or release, petitioner alleged that immigration authorities were preparing for his removal and asserted that removal would interfere with his ability to reunify with and make arrangements for his ten-year-old son and his minor U.S.-citizen children.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition challenging detention without a bond hearing. On December 3, 2025, the court granted the petition and ordered respondents to provide a bond hearing or release petitioner. Petitioner then filed an emergency motion for a temporary restraining order, asserting that immigration authorities were preparing to remove him without providing the ordered bond hearing. The court granted the temporary restraining order and scheduled a telephonic status conference to address jurisdiction and briefing on petitioner's due process claim.

DISPOSITION

other

CASES CITED

- *Derminer v. Kramer*, 386 F. Supp. 2d 905, 906 n.1 (E.D. Mich. 2005)
- *United States v. United Mine Workers of Am.*, 330 U.S. 258, 290 (1947)
- *Am. Fed'n of Musicians v. Stein*, 213 F.2d 679, 689 (6th Cir. 1954)
- *Brito-Hidalgo v. Att'y Gen. of the United States*, No. 25-3005 (3d Cir. filed Oct. 15, 2025)

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