

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, NORTHERN DIVISION

Marco Corona Lopez v. Kevin Raycraft et al.

No. 2:26-cv-29 (W.D. Mich. Mar. 4, 2026) · No. 2:26-cv-29 · Decided March 4, 2026

SUMMARY

The United States District Court for the Western District of Michigan denied Marco Corona Lopez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that, based on the then-current status of the termination and revocation of Venezuela’s Temporary Protected Status designation, Lopez had not shown that he currently held TPS or held it when detained, and therefore could not establish that his detention violated 8 U.S.C. § 1254a(d)(4).

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Northern Division
WRITING FOR THE COURT	Paul L. Maloney
JURISDICTION	United States District Court for the Western District of Michigan, Northern Division
DECIDED	March 4, 2026
DOCKET	2:26-cv-29
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, claiming that his detention was unlawful because he had Temporary Protected Status. The district court denied the petition.
STANDARD OF REVIEW	The court reviewed the § 2241 petition to determine whether Petitioner was in custody in violation of the Constitution or laws of the United States. The opinion does not identify a separate deferential standard of review.
PRECEDENTIAL VALUE	Unreported federal district court opinion; binding only as to the parties and not precedential outside the case.
PARTIES	Marco Corona Lopez v. Kevin Raycraft et al.

TOPICS

temporary protected status

immigration detention

immigration

civil procedure

PRACTICE AREAS

Immigration

Habeas corpus

Immigration detention

Temporary Protected Status

QUESTIONS PRESENTED

1. Whether Petitioner was entitled to release under 28 U.S.C. § 2241 because 8 U.S.C. § 1254a(d)(4) prohibits detention of a noncitizen who has TPS on the basis of immigration status.
2. Whether Petitioner established that he currently possessed TPS or possessed TPS when he was taken into ICE custody.

HOLDINGS

1. A noncitizen may not obtain release under § 1254a(d)(4) based solely on TPS unless the noncitizen establishes that he had TPS at the relevant time. Because Petitioner failed to show that he currently had TPS or had TPS when detained, his § 2241 petition was denied.
2. The court denied the § 2241 petition because Petitioner failed to demonstrate that his detention violated federal law based on his asserted prior TPS.

KEY QUOTATIONS

“shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.” (Section IV)

“Therefore, at this time, the Court will deny Petitioner’s § 2241 petition, which is premised solely on his prior TPS.” (Section IV)

FACTUAL BACKGROUND

Marco Corona Lopez, a Venezuelan national, had been in ICE custody since October 23, 2025. He asserted that he had been granted and repeatedly renewed TPS under the 2023 TPS designation for Venezuela. He argued that 8 U.S.C. § 1254a(d)(4) barred his detention on the basis of immigration status and sought immediate release. The court found that the 2023 TPS extension had been vacated and TPS for Venezuela had been terminated, subject to ongoing litigation, and concluded that Petitioner had not shown that he currently held TPS or held TPS when detained.

PROCEDURAL HISTORY

Petitioner was one of two petitioners in an earlier § 2241 petition; the court severed the claims on February 13, 2026. In the earlier action, the court conditionally granted habeas relief and ordered a bond hearing under 8 U.S.C. § 1226(a), after which an immigration judge denied bond. Petitioner then filed this separate action challenging his continued detention solely on the basis of his asserted TPS. Respondents opposed the petition, and the court denied it.

DISPOSITION

CASES CITED

- National TPS Alliance v. Noem, 150 F.4th 1000, 1010 (9th Cir. 2025)
- National TPS Alliance v. Noem, 166 F.4th 739, 751 (9th Cir. 2026)
- Noem v. National TPS Alliance, 146 S. Ct. 23, 24 (2025)
- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Corona Lopez v. Raycraft, No. 2:26-cv-4 (W.D. Mich. Jan. 28, 2026)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN NORTHERN DIVISION _____ MARCO CORONA LOPEZ, Petitioner, Case No. 2:26-cv-29 v. Honorable Paul L. Maloney KEVIN RAYCRAFT et al., Respondents. _____/ OPINION Petitioner, a United States Immigration and Customs Enforcement (ICE) detainee currently detained at the Chippewa County Correctional Facility located in Sault Sainte Marie, Michigan, initiated this action by filing a counseled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.1 (Pet., ECF No. 1.)

For the following reasons, the Court will deny Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. I. Procedural History In Petitioner's § 2241 petition, Petitioner challenges the lawfulness of his current detention based on his Temporary Protected Status (TPS)² and asks the Court to, inter alia, accept 1 Petitioner was one of two petitioners named in the § 2241 petition.

In an order entered on February 13, 2026, the Court severed the claims of the petitioners into two separate actions. (Order, ECF No. 6.) Petitioner's claims proceed in the present action. 2 Under 8 U.S.C. § 1254a, the Secretary for the Department of Homeland Security may designate a foreign state for TPS when nationals of that state cannot return there safely due to armed conflict, natural disaster, or other "extraordinary and temporary conditions," unless the Secretary "finds that permitting the [noncitizens] to remain temporarily in the United States is contrary to the national interest of the United States." jurisdiction over this action and issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 ordering Respondents to release Petitioner.

(Pet., ECF No. 1, PageID.12; Br., ECF No. 2.) In an order entered on February 19, 2026, the Court directed Respondents to show cause, within three business days, why the writ of habeas corpus and other relief requested by Petitioner should not be granted. (Order, ECF No. 7.) Respondents

filed their response on February 24, 2026, (ECF No. 8), and Petitioner filed his reply on February 27, 2026, (ECF No. 9).

II. Relevant Factual Background Petitioner is a native and citizen of Venezuela. (Pet., ECF No. 1, PageID.4.) Petitioner has been in ICE custody since October 23, 2025. (Id.) Petitioner was granted TPS pursuant to the 2023 TPS Designation for Venezuela. (Id., PageID.5.) Petitioner “has consistently renewed TPS since this initial registration,” including filing a renewal application pursuant to the January 17, 2025, extension.³ (Id.)

Nat’l TPS All. v. Noem, 150 F.4th 1000, 1010 (9th Cir. 2025) (quoting 8 U.S.C. § 1254a(b)(1)(C)). “Such a designation permits certain nationals of the foreign state, who have continuously resided in the United States since the effective date of the designation, to register for employment authorization and protection from deportation for the duration of the TPS period.” Id. (quoting 8 U.S.C. § 1254a(a)(1), (b)(2)).

Additionally, there are other restrictions, including, for example, that applicants for TPS “must not have been ‘convicted of any felony or 2 or more misdemeanors committed in the United States.’” Id. (quoting 8 U.S.C. § 1254a(c)(2)(B)(i)). Further, “TPS does not provide beneficiaries with a pathway to permanent resident status, nor does it include any right to petition for visas on behalf of family members in the United States or abroad.” Id. ³ With respect to TPS for Venezuela, “[o]n January 17, 2025, Secretary Mayorkas extended the 2023 [TPS] Designation by eighteen months, through October 2, 2026.” Nat’l TPS All. v. Noem, 166 F.4th 739, 751 (9th Cir.

2026) (footnote and citation omitted). “The extension was set to become effective on April 3, 2025,” the day after the 2023 TPS Designation was due to expire. Id. (citation omitted). “On January 24, 2025, DHS began drafting the decision to vacate the TPS extension” for Venezuela. Id. Thereafter, on January 26, 2025, “DHS began drafting a termination of Venezuela’s TPS.” Id. On January 28, 2025, Secretary Noem signed off on the decision to vacate the January 17, 2025, extension of TPS for Venezuela, meaning that the 2023 TPS Designation for Venezuela effectively expired on April 2, 2025.

(Id.) Subsequently, on February 1, 2025, “Secretary Noem signed off on the termination [of TPS]” for Venezuela. Id. (citation omitted). Secretary Noem did not terminate the 2021 TPS Designation for Venezuela, however, the 2021 TPS Designation “had only been extended to September 10, 2025.” Id. (citation omitted).

On January 7, 2026, Petitioner filed a § 2241 petition challenging his initial detention without a bond hearing in *Corona Lopez v. Raycraft* (*Corona Lopez I*), No. 2:26-cv-4 (W.D. Mich.). In *Corona Lopez I*, the Court conditionally granted Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, ordering Respondents to provide Petitioner with a bond hearing

under 8 U.S.C. § 1226(a) within five business days of the date of the Court's Opinion and Judgment or, in the alternative, immediately release Petitioner from custody.

Op. & Jud., Corona Lopez I, (W.D. Mich. Jan. 28, 2026), (ECF Nos. 8, 9). On February 4, 2026, Petitioner received a bond hearing pursuant to § 1226(a). Ex. to Status Report, Corona Lopez I, (W.D. Mich. Feb. 5, 2026), (ECF No. 10-1). At the conclusion of the hearing, the Immigration Judge denied Petitioner's request for bond. Id. On February 10, 2026, Petitioner filed the instant habeas action challenging the lawfulness of his current detention based solely on his TPS.

(Pet., ECF No. 1.) III. Habeas Corpus Legal Standard The Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the power to issue writs of habeas corpus to persons "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241.

This includes challenges by non-citizens in immigration- related matters. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1367 (2025). IV. Discussion In the present § 2241 petition, Petitioner contends that Respondents have unlawfully detained Petitioner despite Petitioner's TPS. (See Pet., ECF No. 1, PageID.11.)

Based on this, Petitioner seeks immediate release, alleging a violation of 8 U.S.C. § 1254a(d)(4), which provides that if a noncitizen has TPS, then the noncitizen "shall not be detained by the Attorney General on the basis of the alien's immigration status in the United States." 8 U.S.C. § 1254a(d)(4). Respondents argue that Petitioner's § 2241 petition should be denied because he does not currently hold TPS.

(See Resp., ECF No. 8, PageID.34.)⁴ Here, Petitioner states that he was granted TPS pursuant to the 2023 TPS Designation for Venezuela. (Pet., ECF No. 1, PageID.5.) As set forth above, Secretary Noem vacated the extension of the 2023 TPS Designation for Venezuela and then signed off on the termination of TPS for Venezuela. See *supra* note 3.

The validity of Secretary Noem's actions regarding TPS for Venezuela is currently being litigated. In October 2025, the United States Supreme Court allowed the termination of TPS for Venezuela to take effect pending the Government's appeal and "disposition of a petition for a writ of certiorari, if such writ is timely sought." *Noem v. Nat'l TPS All.*, 146 S. Ct.

23, 24 (2025). On January 28, 2026, in *National TPS Alliance v. Noem*, 166 F.4th 739 (9th Cir. 2026), the United States Court of Appeals for the Ninth Circuit affirmed the United States District Court for the Northern District of California's finding that Secretary Noem exceeded her statutory authority by revoking TPS protections for Venezuelans and Haitians.

At this time, based on the procedural history of *National TPS Alliance v. Noem*, this non-binding case does not affect the Court's analysis in this habeas action. Cf. *Nat'l TPS All.*, 146 S. Ct. at 24 (allowing the termination of TPS for Venezuelan nationals to take effect pending the Government's appeal).

Under these circumstances, Petitioner has failed to show that he currently has TPS or that he had TPS when he was taken into ICE custody. Therefore, at this time, the Court will deny Petitioner's § 2241 petition, which is premised solely on his prior TPS. 4 Because the Court will deny Petitioner's § 2241 petition for the reasons set forth herein, the Court does not address the other arguments raised in Respondents' response.

V. Conclusion For the reasons discussed above, the Court will enter a judgment denying Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) Dated: March 4, 2026 /s/ Paul L. Maloney Paul L. Maloney United States District Judge