UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SCOTT DEBRUYN,

Plaintiff,

vs.

RACHAEL EUBANKS, in her official capacity as Treasurer of the State of Michigan,

and

DANA NESSEL, in her official capacity as Attorney General of the State of Michigan

Defendants.

Case No. 25-cv-14068

Hon. Matthew F. Leitman
U.S. District Judge

Hon. Patricia T. Morris
U.S. Magistrate Judge

EMERGENCY RELIEF REQUESTED BEFORE JANUARY 5, 2026

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65, Plaintiff Scott DeBruyn hereby moves the Court to issue a Preliminary Injunction *before January 5* enjoining Defendants from seeking or securing a court order to alienate, appropriate, garnish, redirect, or take Mr. DeBruyn's pension benefits or the proceeds thereof, or in any way to treat Mr. DeBruyn's pension benefits or the proceeds thereof as an "asset" under the SCFRA.

Because this motion requires disposition before January 5 or Mr. DeBruyn will suffer irreparable harm to his federal rights, Plaintiff requests that the Court exercise its powers under Local Rule 65.1 to set a heavily expedited schedule for briefing and hearing on this motion. If necessary to the Court's speedy resolution of his motion, Plaintiff waives his right to a hearing and/or a reply.

Because of the emergent nature of the relief requested in this motion, Plaintiff has not sought concurrence in the motion from Defendants.

Mr. DeBruyn respectfully requests that the Court waive the security requirement under Rule 65(c).

In support of this motion, Plaintiff relies upon the enclosed brief.

Dated: December 17, 2025

Respectfully submitted,

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PLAINTIFF'S BRIEF IN SUPPORT OF HIS MOTION FOR PRELIMINARY INJUNCTION

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Introduction

Scott DeBruyn worked twenty years to earn a monthly pension payment of $376.34. Under the Employee Retirement Income Security Act of 1974 (ERISA), Mr. DeBruyn's monthly pension is protected by Congress from being "assigned or alienated." 29 U.S.C. § 1056(d)(1). Mr. DeBruyn is incarcerated, and being incarcerated comes with many costs, requiring Mr. DeBruyn to pay above-market rates for everything from phone calls to bar soap and ramen to cold medicine. Mr. DeBruyn's pension allows him to cover these costs. He would not be able to afford his basic needs on only his prison salary, which is approximately $30 per month.

The Supreme Court has held that the protection against assignment or alienation under ERISA is absolute, applying even where the decision to protect pension benefits "prevents others from securing relief" to which they would otherwise be entitled. *Guidry v. Sheet Metal Workers Nat. Pension Fund*, 493 U.S. 365, 376 (1990). Controlling federal precedent holds that this anti-alienation protection preempts Defendants' precise conduct here: Defendants cannot apply the Michigan State Correctional Facility Reimbursement Act (SCFRA) to "divert funds of the prisoners against their wishes before they are paid to the prisoners," *DaimlerChrysler Corp. v. Cox*, 447 F.3d 967, 974 (6th Cir. 2006), or to "compel the re-assignment of [Mr. DeBruyn]'s pension plan benefits . . . to [his] prison account," *State Treasurer v. Bedwell*, 2006 WL 2125460 at *5 (E.D. Mich. July 27, 2006).

Defendants have nonetheless served Mr. DeBruyn with notice of their intent to do precisely what these precedents forbid, in violation of ERISA. Despite the Sixth Circuit's clear instructions—repeatedly endorsed by this Court—Defendants have been able to thwart *DaimlerChrysler* and alienate pensions by racing to state court before most individuals can vindicate their rights in federal court.

Typically, incarcerated people in Mr. DeBruyn's position have been unable, for procedural reasons, to secure a federal forum to defend their clearly established federal right to receive and to direct the receipt of their pension. Incarcerated pensioners can neither obtain review after a state court has issued an order alienating their pension benefits nor remove their SCFRA hearing to federal court. *See, e.g.*, *State Treasurer v. Gonzalez*, 2015 WL 13049117 (E.D. Mich. Oct. 9, 2015); *Robbennolt v. Washington*, 626 F. App'x 155 (6th Cir. 2015); *State Treasurer v. Lacasse*, 2013 WL 3879800 (E.D. Mich. July 26, 2013); *Strobel v. Dillon*, 2011 WL 5547105 (E.D. Mich. Nov. 14, 2011); *State Treasurer v. Pennington*, 2011 WL 3440761 (E.D. Mich. Aug. 5, 2011); *Edgin v. Cobb*, 2009 WL 691347 (E.D. Mich. Mar. 11, 2009); *Abbott v. Michigan*, 474 F.3d 324 (6th Cir. 2007); *Gale v. Gen. Motors*, 2007 WL 2875251 (E.D. Mich. Sept. 28, 2007); *State Treasurer v. Bedwell*, 2006 WL 2125460 (E.D. Mich. July 27, 2006); *Walters v. Cox*, 342 F. Supp. 2d 670 (E.D. Mich. 2004); *Michigan Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731 (E.D. Mich. 2002).

Even as federal courts dismiss these claims on procedural grounds, they have repeatedly acknowledged the merits of pensioners' claims that Michigan's SCFRA process violates their rights. *See, e.g.*, *Gale*, 2007 WL 2875251 at * 4 ("In this case, the state court rendered a decision, although incorrectly, finding that Plaintiff[']s pension checks could be redirected to his prisoner account."); *Bedwell*, 2006 WL 2125460 at *5 ("Nevertheless, the validity of Defendant's defense to Plaintiff's SCFRA claim under federal law does not permit removal of this case to federal court."); *Walters*, 342 F. Supp. 2d at 675 ("The Eaton County Circuit Court Order was clearly in direct contravention of the anti-alienation provision of ERISA and was therefore subject to ERISA's explicit preemption provision.").

In fact, this Court has written:

> The key question that remains open in this area is how a prisoner subject to a SCFRA proceeding can challenge that proceeding in federal court under *DaimlerChrysler*. . . . All that can be said conclusively is that neither a post-SCFRA federal challenge nor a removed state SCFRA action is the answer.

Gonzalez, 2015 WL 13049117 at *9. The answer to the Court's question is what Mr. DeBruyn does here: The only mechanism available to an individual in Mr. DeBruyn's circumstances is to present his federal claims to a federal court *before* a final order is issued in that SCFRA proceeding. Mr. DeBruyn has no other procedural path to access a federal court. Mr. DeBruyn's federal right to his pension will be protected if—and only if—this Court grants Mr. DeBruyn's request for preliminary injunctive relief maintaining the status quo until he has an opportunity to raise his federal claims in federal court.

Mr. DeBruyn is entitled to that injunction three times over. First, Mr. DeBruyn is entitled to an injunction "to enjoin any act or practice which violates any provision" of ERISA. 29 U.S.C. § 1132(a)(3). Second, Mr. DeBruyn is entitled to an injunction under this Court's inherent *ex parte Young* power to enforce the Supremacy Clause because Defendants plan to enforce a preempted state law against him. *See McNeilus Truck & Mfg., Inc. v. Ohio ex rel. Montgomery*, 226 F.3d 429, 437 (6th Cir. 2000). And finally, Mr. DeBruyn is entitled to an injunction under 42 U.S.C. § 1983 because Defendants seek imminently to take his property without any possibility of just compensation, in violation of the Takings Clause of the Fifth Amendment. Mr. DeBruyn is, therefore, likely to succeed on the merits of at least one of his claims. Moreover, he will suffer irreparable harm in the absence of preliminary relief, and the other factors weigh in favor of an injunction.

This Court will lose its jurisdiction on January 5, 2026 if this Court does not enjoin Defendants' actions before the hearing scheduled for that date. And unless the Court grants the injunction, Mr. DeBruyn will be alienated from his pension, deprived of his property without any possibility of just compensation, stripped of his Congressionally created remedies, and divested of his access to this Court.

Legal Standard

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (citations omitted). Mr. DeBruyn easily meets all four factors of the *Winter* test.

I. Mr. DeBruyn is likely to succeed on the merits of his claims.

A. ERISA protects Mr. DeBruyn's pension from alienation by Defendants.

Any "participant, beneficiary, or fiduciary" may bring a civil action under ERISA "to enjoin any act or practice which violates this subchapter or the terms of the plan." 29 U.S.C. § 1132(a)(3). Congress has established that "benefits provided under [an ERISA] plan may not be assigned or alienated." 29 U.S.C. § 1056(d)(1). ERISA's prohibition against alienation and assignation is unambiguous and "unqualified," and it "reflects a considered congressional policy choice." *Guidry v. Sheet Metal Workers Nat. Pension Fund*, 493 U.S. 365, 376 (1990). ERISA, therefore, protects Mr. DeBruyn's pension benefits from being alienated even in satisfaction of a debt, and it provides him a path to injunctive relief against anyone who seeks to alienate

Notwithstanding the prohibition on alienating pension payments, Defendants regularly apply the SCFRA to alienate incarcerated people's pensions as "assets" reachable under that statute. As part of this process, Defendants secure a court order prospectively granting them a 90 percent interest in all future pension payments. *DaimlerChrysler*, 447 F.3d at 974. They also secure a court order divesting pensioners like Mr. DeBruyn of the right to control their pension payments, requiring instead that incarcerated people send their pension payments directly to their prison each month. *Id.* at 969. Defendants also seek to coerce incarcerated people into cooperating with their otherwise unlawful orders through the parole eligibility and prison disciplinary systems. *See* Mich. Comp. Laws § 800.403(a); *DaimlerChrysler*, 447 F.3d 967 at 969.

1. *Clear precedent protects Mr. DeBruyn's as-yet-unpaid pension benefits from being attached or redirected.*

The Sixth Circuit first had an opportunity to assess a part of this scheme in *DaimlerChrysler*, where it held that ERISA's obligation to protect pension payments preempts the SCFRA "at least up to the point of payment." *Id.* at 974 (citation and quotation omitted). The *DaimlerChrysler* holding only applied to the state's attempts, at that time, to coerce pension administrators into alienating incarcerated people's pensions on the state's behalf. *Id.* at 974–75. The incarcerated people whose pensions had been alienated were not before the Court as parties. *Id.* at 976. The

Court therefore declined to discuss "the question of whether state officials can compel prisoners to send their address changes to the Pension Plan." *Id.*

But the clear logic of the *DaimlerChrysler* decision applies with equal force to Defendants' practices when they act directly on pensioners, like Mr. DeBruyn, to accomplish what the state otherwise has no right to do—secure a prospective interest in pension payments while alienating the pensioners themselves from those benefits. The problem with the state's scheme, in *DaimlerChrysler*, was that it "divert[ed] funds of the prisoners against their wishes" and "allowed state officials [to] procure a judgment entitling the state to 90% of the money . . . while the plan still has control of the funds." *Id.* at 974–75. Defendants here, too, have declared their intent to procure a judgment prospectively entitling them to 90 percent of Mr. DeBruyn's pension checks before those checks leave his plan's control each month and to order him to divert the funds to his prison address against his wishes.

This Court has held explicitly what *DaimlerChrysler* held implicitly: Defendants' actions are just as much an illegal alienation when applied directly to pensioners, without the pension administrator acting as an intermediary. *See, e.g.*, *Gale v. State of Michigan and General Motors,* 556 F. Supp. 2d 689, 707 (E.D. Mich. 2008) ("[T]he specific orders in this case were actions initiated by the Attorney General under SCFRA for the specific purpose of obtaining an allocation to the State of up to 90% of the inmates' pension benefits. The state court then ordered the inmate to instruct his Pension Plan to pay benefits into his prison accounts, under the control of the State, to satisfy the state court's award. . . . From start to finish, then, the proceedings under SCFRA were directed in substance toward a court-ordered redirection of the inmate's pension benefits by the pension plan to the state. That result is prohibited by ERISA's anti-alienation provision."); *State Treasurer v. Bedwell*, No. 05-CV-74195-DT, 2006 WL 2125460 (E.D. Mich. July 27, 2006) ("This Court has held that to the extent the [State Treasurer] seeks to compel [the re-assignment of pension plan benefits to the pensioner's prison account], SCFRA is preempted by ERISA under 28 U.S.C. § 1144 and violates ERISA's anti-alienation provision under 29 U.S.C. § 1056(d)(1)."); *see also Robbennolt v. Washington*, 626 F. App'x 155, 157 (6th Cir. 2015) ("Robbennolt may well be correct that ERISA's anti-alienation provision . . . should prohibit Michigan from obtaining state-court orders forcing prisoners to receive pension benefits at their prison addresses.").

The weight of this precedent lies heavy against Defendants' intention to secure (1) a prospective entitlement to a portion of Mr. DeBruyn's as-yet-unpaid pension payments, in any form whatsoever, and (2) a court order requiring Mr. DeBruyn to send his pension payments directly to Saginaw Correctional Facility.

2. *The plain text of the statute protects the non-intermingled pension benefits in Mr. DeBruyn's checking account.*

Defendants also seek to attach, as an asset under the SCFRA, the credit union account where Mr. DeBruyn's pension payments have been directly deposited during his past six years of incarceration. While there is no similarly clear precedent barring Defendants from alienating him from these pension payments, the plain text of the statute compels the same treatment of these funds as prospective pension payments.

In *DaimlerChrysler*, the Sixth Circuit drew a distinction between alienating pension benefits before they are paid, by ordering a pensioner or pension administrator to redirect the payments to a prison, and encumbering "already-paid funds." 447 F.3d at 976. But that distinction came from the Court's precedent "find[ing] the Tenth Circuit's reasoning persuasive" in *Guidry v. Sheet Metal Workers Nat. Pension Fund*, 39 F.3d 1078, 1082–83 (10th Cir. 1994) (en banc decision after remand from the U.S. Supreme Court). *Cent. States, Se. & Sw. Areas Pension Fund v. Howell*, 227 F.3d 672, 678 (6th Cir. 2000). The Tenth Circuit's reasoning, in turn, was based on its finding that the anti-alienation provision of ERISA was ambiguous and that courts should thus "give deference to reasonable agency regulations." *Guidry*, 39 F.3d at 1082. Neither *Guidry* nor the Sixth Circuit's adoption of it in *Cent. States* remains good law in the wake of *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024). This Court must interpret ERISA's anti-alienation provision for itself.

The plain text of that provision requires that "benefits provided under the plan may not be assigned or alienated." 29 U.S.C. § 1056(d)(1). The text does not limit this requirement to the moment of disbursal, nor would such a limitation comport with the broad manner in which the U.S. Supreme Court has traditionally read the provision. Indeed, while few courts have had an opportunity to expressly interpret ERISA's anti-alienation provision since *Loper Bright*, at least one has expressed the view that allowing "the Government [to] forfeit[] the [pension] assets 'after' they have been disbursed" would "undermine" or be "at odds with the Supreme Court's broad reading" of the anti-alienation provision. *Wong*, 2024 WL 693790 at *3.

At least here, where the contents of Mr. DeBruyn's credit union account can be wholly traced to his ERISA-protected pension payments, any alienation of the contents of that account would also constitute alienation of "benefits provided under [an ERISA] plan." 29 U.S.C. § 1056(d)(1).

B. The Supremacy Clause protects Mr. DeBruyn from enforcement of a preempted state law.

For substantially the same reasons, Mr. DeBruyn is likely to succeed in his claim that this Court should enjoin Defendants, using its inherent power to enforce the Supremacy Clause, from treating ERISA-protected pensions as "assets" under the SCFRA and from otherwise enforcing SCFRA in ways that are preempted by ERISA. "When a court addresses a claim made under *Ex parte Young* it should simply ask whether a complainant alleges an ongoing violation of federal law and seeks relief properly characterized as prospective." *Westside Mothers v. Haveman*, 289 F.3d 852, 861 (6th Cir. 2002) (citation and quotation omitted). As discussed above, Defendants are engaged in an ongoing violation of ERISA, and Mr. DeBruyn seeks only prospective, injunctive relief against that violation.

C. The Fifth Amendment protects Mr. DeBruyn from having his pension taken without any possibility of just compensation.

The Takings Clause of the Fifth Amendment prohibits the taking of private property for public use without just compensation. *Cedar Point Nursery v. Hassid*, 594 U.S. 139, 147 (2021). The two-pronged test requires a showing that (1) a cognizable property interest (2) is being taken. *Barber v. Charter Township of Springfield, Michigan*, 31 F.4th 382, 387–89 (6th Cir. 2022). When, as here, a plaintiff seeks injunctive relief, there is a third prong: Mr. DeBruyn must show that there is no "way to obtain compensation after the fact" for the State's taking of his property. *Knick v. Twp. of Scott, Pennsylvania*, 588 U.S. 180, 185 (2019).

Mr. DeBruyn is likely to succeed on all three prongs.

1. Mr. DeBruyn has a cognizable property interest in his vested pension payments.

The Fifth Amendment protects all traditional property interests from taking, *Horne v. Dep't of Agriculture*, 576 U.S. 350, 358-60 (2015), including "money itself," *Kitt v. United States*, 277 F.3d 1330, 1337 (Fed. Cir.), *on reh'g in part*, 288 F.3d 1355 (Fed. Cir. 2002). Vested interests that arise from contract in ERISA-protected pensions are constitutionally protected property. *King v. United States*, 151

F.4th 1348, 1359 (Fed. Cir. 2025); compare *Duncan v. Muzyn*, 833 F.3d 567, 583 (6th Cir. 2016) (finding no cognizable property interest in a pension's cost-of-living adjustments because they were not vested benefits).

ERISA-protected plans can adhere to several vesting schedules, but under any of them, an employee who has completed a minimum term of service and accrued a pension benefit has a vested and nonforfeitable right to that benefit. *See generally Alessi v. Raybestos-Manhattan, Inc.*, 451 U.S. 504, 510 n.6 (1981). Mr. DeBruyn has a vested contractual right in his monthly pension payments for the remainder of his life, and the Constitution protects that property interest.

2. Defendants' decision to take Mr. DeBruyn pension payments constitutes a taking.

Absent an injunction, Defendants will take Mr. DeBruyn's property on January 5. He need not wait for them to do so to have a valid takings claim. In recent years, the Supreme Court has recognized—twice—that a government is liable for a taking where law or regulation creates an impending risk of a taking. In *Knick v. Twp. of Scott, Pennsylvania*, a township ordinance required the plaintiff to keep her property open to the public during daylight hours because her land contained a family cemetery. 588 U.S. 180, 187 (2019). Even though the township disclaimed enforcement of the ordinance against her, the Supreme Court concluded that Knick had a valid takings claim. *Id.* at 189. And in *Cedar Point Nursery v. Hassid*, the Court found the state had "taken" land even where no trespass had yet occurred, simply by promulgating a regulation that created a *right* for the government to trespass. 594 U.S. 139, 144 (2021). In both cases, the Court permitted the property owners' motions for preliminary injunctive relief to move forward. *Cedar Point Nursery*, 594 U.S. at 2070; *Knick*, 588 U.S. at 186.

The Sixth Circuit has summarized these new developments, writing that takings claims can proceed "if the government has reached a final decision that will enable a future physical taking." *Barber v. Charter Twp. of Springfield*, 31 F.4th 382, 388-89 (6th Cir. 2022). The Sixth Circuit also described the "finality requirement [as] relatively modest." *Id.* at 388 (citation omitted).

Defendants have reached a final decision that will enable the future physical taking of Mr. DeBruyn's pension. Now that Defendants have filed a complaint, the state court "shall issue an order" to take Mr. DeBruyn's property. Mich. Comp. Laws § 800.404(3). The state court has no discretion in the matter, and binding state precedent directs its course. *E.g., State Treasurer v. Sprague*, 284 Mich. App. 235, 240–42 (2009). In any case, the modest finality requirement does not ask about all the possible things the state *could* do but about what it likely *will* do. *See Barber*, 31 F.4th at 392 n.8.

Finally, a requirement that Mr. DeBruyn wait until his state court hearing before raising a takings claim would be at cross-purposes with the Supreme Court's recent takings decisions. In *Knick*, the Court overturned the old rule that property owners must first attempt to secure just compensation in state court, reasoning that the rule had "relegate[d] the Takings Clause to the status of a poor relation" by "hand[ing] authority over federal takings claims to state courts." 588 U.S. at 189 (citations and quotations omitted). Similarly, here, a finding that Mr. DeBruyn's property has not been "taken" until a state court has acted on that taking would hand authority over his claim to the state court and nullify his rights.

3. Defendants will not compensate Mr. DeBruyn in any way for taking his property.

A takings claim "arises at the time of the taking, regardless of post-taking remedies that may be available to the property owner." *Knick*, 588 U.S. at 190. The lack of just compensation is therefore not an element of a takings claim, *per se*. But the availability of post-taking remedies is relevant to the question of whether injunctive relief is appropriate. Put simply, where a property owner can and will be justly compensated, the government has a right to take property and cannot be enjoined. But this presumption against takings injunctions applies only "[a]s long as just compensation remedies are available." *Knick*, 588 U.S. at 205.

No just compensation remedy is available to Mr. DeBruyn. There is no possibility of Mr. DeBruyn being paid for the value of his taken pension payments. Nor is it true that he will receive "compensation" or consideration in the form of debt forgiveness. Under the SCFRA, Mr. DeBruyn does not "owe" anything until Defendants secure a judgment against a particular asset of his. No matter how high the costs the state claims for incarcerating him, he can only be made to pay 90 percent of the value of the assets he possesses or comes to possess "until [he] has finally been discharged on the sentence," and only if the combined value of those assets is at least "10% of the estimated cost of care of the prisoner for 2 years." Mich. Comp. Laws § 800.404(8); 800.403.

In other words, were it not for Defendants' taking of his pension and wrongly identifying it as an "asset" under the statute, Mr. DeBruyn would owe $0 under the SCFRA. Needless to say, Defendants cannot justly compensate Mr. DeBruyn for taking his property with "forgiveness" on a debt that, but for the unlawful taking of his property, he would not have owed at all.

II. Absent an injunction, Mr. DeBruyn will suffer irreparable harm.

Mr. DeBruyn does not allege that the loss of his pension, in and of itself, is an irreparable injury. Rather, Mr. DeBruyn requests urgent preliminary injunctive relief from this Court to preserve his *rights*—his federal ERISA rights, his right not to be subject to enforcement under a preempted state law, and his right not to have his property taken without just compensation. If this Court does not grant Mr. DeBruyn's request for preliminary injunctive relief and Defendants are permitted to secure a final state court order depriving him of his pension, his injury to each of these rights will be permanent and irreparable. This Court will immediately lose its jurisdiction to offer him a remedy, and the remedies to which he is entitled will not be available to him in state court. A preliminary injunction is necessary to avoid an irreparable change in "the relative positions of the parties" before "a trial on the merits can be held." *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981); *see also Airlines Reporting Corp. v. Barry*, 825 F.2d 1220, 1227 (8th Cir. 1987) ("The authority of a trial court to issue a preliminary injunction to ensure the preservation of an adequate remedy is well established.") (collecting cases).

III. The balance of equities and public interest counsel in favor of granting an injunction.

Mr. DeBruyn also satisfies the *Winter* test's third and fourth factors. These factors, harm to the opposing party and the public interest, "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009).

"[I]t is always in the public interest to prevent the violation of a party's constitutional rights," *Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998) (citation omitted), or "civil rights," *Dodds v. U.S. Dep't of Educ.*, 845 F.3d 217, 222 (6th Cir. 2016). Similarly, courts routinely find that the public interest favors enforcing rights and entitlements under ERISA even in light of potential financial loss to others. *Helwig v. Kelsey-Hayes Co.*, 857 F. Supp. 1168, 1181 (E.D. Mich., 1994); *Fox v. Massey-Ferguson, Inc.*, 172 F.R.D. 653, 680–81 (E.D. Mich., 1995).

At worst, if the Court grants a preliminary injunction to Mr. DeBruyn now but finds that he loses on the merits later, Defendants will have suffered a delay in their efforts to secure approximately $360 per month for the state's coffers. If the Court denies Mr. DeBruyn a preliminary injunction, he will lose his pension benefits for the next 10 to 24 years[1] and all the federal rights and remedies designed to protect that pension. These factors clearly weigh in Mr. DeBuyn's favor.

Conclusion

This Court will be deprived of its jurisdiction to secure Mr. Debruyn's federal rights on January 5, 2026, if it does not preliminarily enjoin Defendants from seizing his pension. If this Court retains its jurisdiction, Mr. DeBruyn is likely to succeed on the merits of his claims. Because of this, and because Mr. DeBruyn meets all the other *Winter* factors, Plaintiff respectfully requests the Court to issue a preliminary injunction as soon as practicable, and no later than January 4, 2026.

Respectfully submitted,

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[1] Mr. DeBruyn's earliest possible discharge date is October 16, 2035, and his maximum discharge date is April 16, 2049. Any order that Defendants receive granting them the right to alienate Mr. DeBruyn's pension will apply for the entirety of that period. Mich. Comp. Laws § 800.404(8).

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*Application for admission to the Eastern District of Michigan pending
**Application for admission to the Eastern District of Michigan forthcoming

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Dated: December 17, 2025