

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

J.G.G., *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case No: 1:25-cv-00766-JEB

EMERGENCY MOTION FOR IMMEDIATE RULING ON TRO MOTION
IN LIGHT OF AEA REMOVALS

Plaintiffs respectfully request that the Court expedite its decision on the pending Motion for Temporary Restraining Order, Dkt. 85, and immediately issue the requested TRO requiring 30 days' notice before removing a class member under the Alien Enemies Act ("AEA") from the Bluebonnet facility in the N.D. of Texa. s Late last night and early today, **Plaintiffs learned that the government has begun giving notices of removal to class members, in English only, which do not say how much time individuals have to contest their removal or even how to do so. A copy of the notice is attached. And officers last night told class members that they will be removed within 24 hours, which expires as early as this afternoon. Upon information and belief, individuals have already been loaded on to buses. See Brown Decl., Ex. A; Brane Decl., Ex. B. A U.S. government official has also acknowledged that removals are imminent. Laura Romero & Luis Martinez, *U.S. planning imminent military deportation flight under Alien Enemies***

Act: Sources, ABC News, Apr. 18, 2025.¹ The government has refused to give any information about these notices and removals to class counsel despite multiple requests. And as far as Plaintiffs know, the government has not even given this notice to class members' immigration attorneys. Without this Court's immediate intervention, dozens or hundreds of class members may be removed to CECOT within hours—all without any real opportunity to seek judicial review, in defiance of due process and the Supreme Court's order.

As Plaintiffs explained in their motion, adequate notice is a prerequisite to seeking habeas review—without it, most class members will be unable to seek any review of their summary removal to a potential life sentence in CECOT. Such a claim for notice need not—and typically cannot—be brought in habeas. This action is one of Plaintiffs' only chances to secure the judicial review that the Supreme Court held the government must provide, but that the government is now seeking to jettison. Plaintiffs therefore request that the Court immediately issue the TRO to ensure that class members are given at least 30 days to find counsel and file habeas petitions. Alternatively, the Court can grant a shorter period than 30 days while it considers Plaintiffs' motion on Monday, April 21.

The district court in the Northern District of Texas, where Bluebonnet is located, has refused to act on Petitioners' emergency motion for a TRO or hold a status conference. *See* Emergency Mot. for TRO (ECF No. 30), *A.A.R.P. v. Trump*, No. 1:25-cv-00059 (N.D. Tex. Apr. 18, 2025); Mot. for Emergency Status Conference, *A.A.R.P. v. Trump*, No. 1:25-cv-00059 (N.D. Tex. Apr. 18, 2025).²

¹ Available at: <https://abcnews.go.com/US/attorneys-venezuelans-warn-clients-imminent-risk-deportation-aea/story?id=120950962>

² Petitioners' counsel are simultaneously filing an emergency motion for an injunction pending appeal and a temporary administrative injunction in the Fifth Circuit. Petitioners will advise this Court immediately if the Fifth Circuits acts on the motion.

CONCLUSION

The Court should immediately issue the temporary restraining order requiring the government to give each class member and class counsel 30 days' notice, in both English and Spanish, before taking any action to remove a class member from the United States.

Dated: April 18, 2025

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Respectfully submitted,

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KARENE BROWN ATTORNEY AFFIRMATION:

ATTORNEY OF RECORD FOR F.G.M.

I, Karene Brown, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge and belief:

1. My name is Karene Brown. I am a Staff Attorney at The Legal Aid Society within the New York Immigrant Family Unity Project (“NYIFUP”). I represent F.G.M. in his removal proceeding. I first entered my appearance in his immigration case on April 29, 2024.
2. On the evening of April 17, 2025, F.G.M. called me while detained at Bluebonnet Detention Center. F.G.M. has a pending asylum application and no final removal order.
3. F.G.M. said that ICE accused him of being Tren de Aragua gang member as well as provided documentation labeling him as such. ICE told F.G.M. to sign some papers that were written in English but F.G.M., who speaks only Spanish, refused. ICE informed F.G.M. that these papers were coming from the President, and that he will be deported even if he did not sign it.
4. An English-speaking Venezuelan man then came on the phones and read the notice that ICE provided to F.G.M. In the notice, it classified F.G.M. as a TdA gang member. It stated that he is an Alien Enemy, he was determined to be over 14 years old, and that he must be removed from the US. The English-speaking Venezuelan said that ICE had informed them that they will be deported either today or tomorrow to Venezuela.
5. F.G.M. said that he observed many Venezuelans signed the documents provided by ICE.

I, Karene Brown, affirm under penalty of perjury, that the foregoing is true and correct.

April 17, 2025
New York, NY

_____/s/_____
Karene Brown

DECLARATION OF MICHELLE BRANÉ

EXECUTIVE DIRECTOR OF TOGETHER AND FREE

1. I am Michelle Brané, Executive Director of Together and Free. Together and Free is a nonprofit organization that provides emergency and ongoing support services to asylum seeking families impacted by federal immigration policies.
2. I have more than 25 years of experience working on immigration and human rights issues. Prior to my work at Together and Free, I served for three years as the Executive Director for the Department of Homeland Security's Family Reunification Task Force, and then as DHS's Ombudsman for Immigration Detention. Before that, I was the Director of the Migrant Rights and Justice program at the Women's Refugee Commission for almost 15 years, where I worked on projects related to immigration custody, family detention and separation, and access to asylum at the U.S. border. I hold a JD from Georgetown University.
3. Together and Free has been hearing from family members of individuals in immigration detention at Bluebonnet Detention Center in Anson, TX, who fear being removed to El Salvador because officers have distributed notices of designation as Alien Enemies to individuals and told them they will be removed.
4. On April 17 one of our partners received a call from the wife of a man being detained at Bluebonnet. The detainee told his wife that Venezuelans at Bluebonnet are receiving notices accusing them of being in Tren de Aragua and saying they will be deported. He sent her a tiktok with various detainees saying they were being accused of being enemies of the state and Tren de Aragua members, and that they were being asked to sign papers and were being removed but they did not know where. Several said that whether they

signed or not, they would be removed.

https://www.tiktok.com/@aviicrespo0/video/7494430422365965573?_r=1&_t=ZM-8vcgOxvfBnK

5. On April 17 at 10:36 I spoke to the sister of Luis Yoender Mercado. She informed me that she spoke to him this afternoon. Luis is detained at Bluebonnet. He has a master Calendar hearing scheduled on April 23, 2025. He told his sister that several people had received notices and were told by officers that they were being sent to El Salvador.
6. I also received messages on a listserv from several contacts indicating that people at Bluebonnet were receiving notices that they would be removed. The message says, "We just heard that it looks like more removals are being planned. We got this message from a member: "Hi, ICE moved a large group of Venezuelans to Bluebonnet earlier this week and some of them have alerted counsel that they received a notice minutes ago saying they would be removed under the AEA. The notice was in English and had a box for people to indicate they want to contest the designation. People should check on their Venezuelan clients if they've been moved to Bluebonnet and tell them to mark "I contest" in the notice."

Executed on 17th of April, 2025, in University Park, Maryland.

Michelle Brané

Michelle Brané