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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Adrian Arturo Vilorio Aviles,

Petitioner,

v.

Donald J. Trump, Pamela J. Bondi, Kristi
Noem, Madison Sheahan, Marco Rubio,
Jason Knight, Christopher Chestnut,

Respondents.

Case No. 2:25-cv-00611-GMN-DJA

**Federal Respondents' Response to
Court's Order Granting Temporary
Restraining Order**

Federal Respondents respectfully submit this response to the Court's Order Granting Temporary Restraining Order (ECF No. 7) to address whether Petitioner Adrian Arturo Vilorio Aviles ("Aviles" or "Petitioner") has been designated as an enemy alien subject to removal under the Alien Enemies Act and, if so, what due process Petitioner has been afforded in accordance with the U.S. Supreme Court's decision in *Trump v. J. G. G.*, No. 24A931, 2025 WL 1024097, at *2 (U.S. Apr. 7, 2025), as the Court requested.

As a preliminary matter, Federal Respondents acknowledge the Court's Order Granting Temporary Restraining Order (ECF No. 7) ("the Court's Order"). Upon information and belief, Aviles is not currently subject to removal under the AEA. Federal Respondents acknowledge, however, that if Aviles were to at any point become subject to removal under the Alien Enemies Act (AEA), his removal cannot continue while the Temporary Restraining Order is in place.

I. Discussion

Since receiving notice of the Court's Order, undersigned counsel has diligently engaged in a factual inquiry to meaningfully respond to the Court's requests. Undersigned counsel has conferred with the Department of Homeland Security's Office of the Principal Advisor (OPLA). Despite undersigned counsel's best efforts, some questions remain unresolved, given the short time that has elapsed since the Court issued the Order, and thus undersigned counsel's fact-finding is ongoing.

At this time, undersigned counsel has the following preliminary responses to the Court's requests.

A. Whether Petitioner has been designated as an enemy alien subject to removal under the Alien Enemies Act

Upon information and belief, Aviles is not currently subject to removal under the AEA. Aviles is currently subject to removal proceedings under 8 U.S.C. § 1229a (Section 240 of the INA), which provides an administrative framework for removal and guarantees due process.

B. What due process Petitioner has been afforded in accordance with the U.S. Supreme Court's decision in *Trump v. J. G. G.*, No. 24A931, 2025 WL 1024097, at *2 (U.S. Apr. 7, 2025)

Because Aviles is not subject to removal under the AEA, the due process requirements set forth in *Trump v. J. G. G.*, No. 24A931, 2025 WL 1024097, at *2 (U.S. Apr. 7, 2025) do not apply in this case. Even so, Aviles has been, and continues to be, afforded due process. As delineated above, Aviles is currently in removal proceedings under 8 U.S.C. § 1229a (Section 240 of the INA). Aviles had a Master hearing scheduled for today, April 16, 2025 in front of an Immigration Judge in Chaparral, New Mexico. Further, he was afforded, on April 9, 2025, a bond redetermination hearing earlier in April.

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1 At this time, Federal Respondents intend to continue affording due process to Aviles under
2 the framework that 8 U.S.C. § 1229a sets forth.

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4 Respectfully submitted this 16th day of April, 2025.

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6 SIGAL CHATTAH
United States Attorney

7 /s/ Christian R. Ruiz
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16 *Additional attorneys on the next page*

17 **UNITED STATES DISTRICT COURT**
18
19 **DISTRICT OF NEVADA**

20 ADRIAN ARTURO VILORIA AVILES

21 Plaintiff-Petitioner,

22 v.

23 DONALD J. TRUMP, *et. al.*,

24 Defendants-Respondents.
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**STIPULATED BRIEFING SCHEDULE
AND PROPOSED SCHEDULING
ORDER**