

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

Y.A.P.A.,

Petitioner–Plaintiff,

v.

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

Respondents–Defendants.

Case No. 4:25-cv-00144

**EMERGENCY APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER¹

¹ Petitioners' counsel provided notice of the TRO to Bowen Shoemaker and Roger Grantham, attorneys with the U.S. Attorney's Office for the Middle District of Georgia, before filing. Petitioner's counsel will email Ms. Shoemaker and Mr. Grantham a PDF copy of this Motion and the documents in support of this Motion as soon they are filed.

Petitioner-Plaintiff Y.A.P.A. (“Petitioner”) is in imminent danger of being removed from the United States—(with 24 hours or less notice) —and this Court could potentially permanently lose jurisdiction. Accordingly, Petitioner respectfully requests a temporary injunction for Petitioner to preserve the status quo, (1) enjoining any removal outside the country pursuant to the Alien Enemies Act (“AEA”), (2) enjoining any transfer out of the Middle District of Georgia, and (3) requiring notice to Petitioner, as well as undersigned counsel, of any designation of Petitioner as an Alien Enemy under the Proclamation, with at least 30 days’ notice prior to any removal of Petitioner under the Proclamation.

The request for a temporary restraining order against Respondents-Defendants (“Respondents”) is made pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act. Petitioner is a civil immigration detainee who is at substantial risk of immediate, summary removal from the United States pursuant to the use of the AEA, 50 U.S.C. § 21 *et seq.* against a *non*-state actor for the first time in the country’s history.

As set forth in the accompanying Memorandum of Law, Respondents’ invocation and application of the AEA patently violates the plain text of the statute and exceeds the limited authority granted to the President by Congress. Respondents’ invocation and application of the AEA also violates the Immigration and Nationality Act, statutes providing protection for people seeking humanitarian relief, and due process. In the absence of a temporary restraining order, Petitioner will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Petitioner is removed to the custody of another country, the government’s position is that this Court will lose jurisdiction permanently.

In support of this Motion, Petitioner relies upon the accompanying memorandum in support of a Temporary Restraining Order and declaration. A proposed order is attached for the Court’s

convenience. Petitioner respectfully requests that this Court grant this emergency application and issue a temporary restraining order as soon as possible.

Dated: April 30, 2025

Respectfully submitted,

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*Pro hac vice application forthcoming