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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 DARWIN ANTONIO AREVALO
12 MILLAN, on his own behalf and on behalf
13 of all others similarly situated

14 *Petitioner-Plaintiff,*

15 vs.

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

19 *Respondents-Defendants.*

Case No.: 5:25-cv-01207

**PETITIONER-PLAINTIFF'S
EMERGENCY APPLICATION FOR
A TEMPORARY RESTRAINING
ORDER**

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21 **EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING**
22 **ORDER**
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1 Petitioner-Plaintiff (“Petitioner”) and the proposed class are in imminent
2 danger of being removed from the United States—(with 24 hours or less
3 notice)—and this court could potentially permanently lose jurisdiction. Upon
4 information and belief, the government recently transferred several Venezuelan
5 men from detention centers all over the United States to the Southern and
6 Northern Districts in Texas, and since lost important cases in those Districts
7 resulting in orders blocking summary removal. Even so, in violation of orders in
8 those cases several individuals were removed, disappeared, or subjected to
9 extraordinary rendition to the controversial super-max, black site prison known
10 as CECOT in El Salvador. Also based on information and belief, several
11 Venezuelan men are located in the Central District of California and Venezuelan
12 men like Petitioner may be transferred here from around the country such that
13 Petitioners are detained, removed, disappeared, or to face extraordinary
14 rendition in violation of the orders now existing in the Southern and Northern
15 Districts of Texas among others. Petitioners were already put “in transfer” with
16 the excuse of COVID-19 into a different building in Adelanto ICE Processing
17 Center and may be moved without notice according to the pretext of COVID-19
18 outbreak.

19 Accordingly, Petitioner respectfully requests a temporary injunction for
20 Petitioner and the putative class to preserve the status quo, enjoining (1) any
21 removal outside the country pursuant to the Alien Enemies Act (“AEA”), (2) any
22 transfer out of the Central District of California, (3) notice to Petitioner and the
23 putative class, as well as undersigned counsel, of any designation as an Alien
24 Enemy under the Proclamation, with at least 30 days’ notice prior to any
25 removal or transfer under the Proclamation, (4) notice to undersigned counsel of
26 the transfer of any individual designated as Alien Enemy under the
27 Proclamation into the Central District of California, and (5) any destruction or
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1 **spoliation of evidence or property of Petitioner seized by and in the custody of**
2 **ICE.**

3 The request for a temporary restraining order against Respondents-Defendants
4 (“Respondents”) is made pursuant to Rule 65 of the Federal Rules of Civil Procedure,
5 and the All Writs Act. Petitioners and the proposed class are military detainees held
6 in a facially “civil” immigration detention facility at risk of immediate, summary
7 removal, disappearance, or extraordinary rendition from the United States pursuant to
8 the use of the AEA, 50 U.S.C. § 21 *et seq.* against non-state actor during a time of
9 peace for the first time in the country’s history.

10 As set forth in the accompanying Memorandum of Law, Respondents’
11 invocation and application of the AEA patently violates the plain text of the statute
12 and exceeds the limited authority granted to the President by Congress. Respondents’
13 invocation and application of the AEA also violates the Immigration and Nationality
14 Act, statutes providing protection for people seeking humanitarian relief, the
15 Administrative Procedures Act, due process, equal protection, several rights protected
16 by the First, Fourth, Fifth, Sixth, Eighth, Ninth, and Fourteenth Amendments,
17 republican federalism, the separation of powers, and several treaty stipulations
18 triggered by the AEA that directly implicate U.S. citizens’ reciprocal rights and
19 protections in Venezuela, which are also self-executing in their own right. In the
20 absence of a temporary restraining order, Petitioners and the class will suffer
21 irreparable injury, and the balance of hardships and the public interest favor relief.
22 Critically, moreover, if Petitioners and the class are removed, disappeared, or faced
23 extraordinary rendition to the custody of another country, the government’s position
24 is that this Court will lose jurisdiction permanently.

25 In support of this Motion, Petitioner relies upon the accompanying
26 memorandum in support of a Temporary Restraining Order, motion and
27 memorandum for class certification, and declarations in support of both motions. A
28 proposed order is attached for the Court’s convenience. Petitioners respectfully

1 request that this Court grant this emergency application and issue a temporary
2 restraining order as soon as possible for Petitioner and the class.

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4 Respectfully Submitted on May 17, 2025

5 /s/ Joshua J. Schroeder

6 Joshua J. Schroeder
7 SchroederLaw
8 Attorney for Darwin Antonio
9 Arevalo Millan
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