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7 Attorney for Darwin Antonio Arevalo Millan

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-JWH-PD

**EMERGENCY CONFERENCE TO
CLARIFY CLASS, FACTS, AND
MOVING FORWARD WITH
APPLICATION FOR TRO AS
MOTION FOR PRELIMINARY
INJUNCTION**

20 **EMERGENCY CONFERENCE TO CLARIFY CLASS, FACTS, AND**
21 **MOVING FORWARD WITH APPLICATION FOR TRO AS MOTION FOR**
22 **PRELIMINARY INJUNCTION**

23 I, Joshua J. Schroeder, declare under the penalty of perjury that the following is
24 true and accurate:

25 On May 27 and May 28, of 2025 undersigned counsel reached out to the
26 Government for an emergency conference regarding clarification of the class, the
27 facts, and moving forward with the Application for the TRO as a Motion for
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EMERGENCY CONFERENCE TO CLARIFY CLASS, FACTS, AND MOVING FORWARD WITH APPLICATION
FOR TRO AS MOTION FOR PRELIMINARY INJUNCTION

1 Preliminary Injunction. In response, on May 27, 2025 by email counselor for the
2 Government indicated that the Government does not object to moving forward with
3 the Application for TRO as a Motion for Preliminary Injunction as indicated is usual
4 by Local Rule 65-1. Therefore, we request, if it is not already doing so, that the
5 Court move forward with the moving papers as a Motion for Preliminary Injunction.
6 The Local Rules do not appear to provide for a separate motion or application to
7 grant the order to show cause, which was lodged by Petitioner-Plaintiff pursuant to
8 Local Rule 65-1, or to require an applicant to otherwise request their motion to show
9 cause to be granted. In abundance of caution we request the Court grant Petitioner-
10 Plaintiff's lodged order to show cause accordingly or to indicate that is moving
11 forward with the Application for TRO as a Motion for Preliminary Injunction
12 pursuant to Local Rule 65-1.

13 This morning on May 28, 2025 I reached out to Counselor Ross by email and
14 phone and left a detailed voicemail message asking him whether he had anything to
15 add regarding his position of no objection to moving forward. As of filing this paper,
16 I have no reason to believe that the Government changed its position not to object to
17 moving forward with the forthcoming hearings as hearings to decide whether to grant
18 a preliminary injunction. However, undersigned counsel remains available to confer
19 on an emergency basis should counselor for the Government have anything to add.

20 On May 27, 2025, counsel for Petitioner-Plaintiff shared the following
21 clarification of the facts in the pleadings and moving papers with counselor for the
22 Government by email from me to Counselor Michael D. Ross:

23 As of Friday last week, I have possession of my client's two phones
24 which contain more evidence regarding his social media presence after
25 leaving Venezuela. All I had prior was his old Facebook account that is
26 still public, but not active.

26 I also have more information about the tattoos, especially the crown
27 tattoo, which emulates Kobe Bryant's but my client informed me it is for
28 "King James" - what fans call LeBron James. I am told LeBron is my

1 client's all time, life-long favorite basketball star whose number has
2 almost always been 23. My client always chose that number for this
3 reason, when he could choose his number, which is corroborated by the
4 group picture including my client with the Delfines de Anaco.

5 As to his apparel, I am told that almost all of his clothes are Nike brand,
6 and the socks he was wearing with the 23 were Jordan brand (and might
7 have been intended by the brand to refer to Jordan), but in my client's
8 heart it was a reference to LeBron. This is my understanding from
9 speaking to my client, I have not seen the socks yet.

10 Finally, he has several references to his family, and especially his two
11 children, on his tattoos -- including a clock marking the exact time in
12 which his son was born, his mother's name, and a basketball tattoo with
13 his daughter's birthdate. He has five stars that symbolize his family.

14 I proceeded with the information I had when filing, and I will update
15 things to reflect these facts and more. I just wanted you to know that I
16 learned this on Friday, and this is the very first moment I could put this
17 into words. I know you have to file something at noon so I wanted to
18 just give these facts to you that I will share with the court soon. I do not
19 perceive any of the facts I learned from the phones or my client to
20 materially change the claims or the filings as to the law. But I can
21 confirm that his more recent social media account contains anti-Maduro
22 speech. I suspect I will find more as I continue searching.

23 Finally, as pertains to my request to protect evidence, I still think that
24 ICE has possession of my client's apparel that he was wearing when he
25 was arrested. The procedure for getting property released to counsel
26 from ICE is very particular, and I think purposely so, and the excuse for
27 not giving me all the property of my client (which I requested) was that
28 my client only released his phones. I do not think my client understands
that he has to be extremely specific about the property he releases to me
through internal ICE forms, or maybe he was asked to be extremely
specific by ICE. I am apparently not allowed to help him fill out the
property release form, which is done internally by detainees. There were
also several delays in releasing the property to me that I do not think
were personal, but are probably structural aspects of ICE detention -- or
at least ICE detention at Adelanto.

1 I wanted you to be aware of all of this as we proceed into the arguments
2 regarding the emergency motions. I am willing to draft and circulate a
3 joint filing to bring the Court's attention to these facts. Otherwise, please
4 let me know if you object to a filing from us updating the Court about
the forgoing facts.

5 The foregoing is a true and accurate copy of the content of an email sent to
6 Counselor Ross at 8:47 AM on May 27, 2025. Since sending this message, I have not
7 received any objections or comment from Counselor Ross about the foregoing facts.
8 This morning on May 28, 2025 I reached out to Counselor Ross by email and phone
9 and left a detailed voicemail message asking him to respond again if he wishes. As
10 of filing this paper, I have not received a response to these facts sent by email, but
11 undersigned counsel is available to confer on an emergency basis.

12 Finally, on May 27, 2025, a counselor representing the petitioner in Gutierrez
13 Contreras v Warden, CV 25-965-SSS, reached out and requested that his client be
14 excluded from the Arevalo Millan proposed class. He indicated that weeks prior he
15 filed a writ a habeas corpus for his client and received a preliminary injunction
16 already. His case does not appear to be a class action, but he reasonably asked me to
17 carve out any prior litigants who already moved for and received similar relief in their
18 cases. Petitioner-Plaintiff does not find issue with excluding Mr. Gutierrez Contreras
19 and similarly situated individuals in the Central District of California who already
20 have similar or the same injunctive protection as the Arevalo Millan class is
21 requesting. Therefore, in the interest of judicial economy, we request that the
22 Arevalo Millan class proposal be modified to exclude individuals who already have a
23 preliminary injunction in their respective cases protecting against removal pursuant to
24 Proclamation 10903 or functional equivalent as of this Court's order granting class
25 certification and we request specific language excluding the particular petitioner in
26 Gutierrez Contreras v Warden, CV 25-965-SSS per his counsel's request.
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1 On May 28, 2025, I also reached out to Counselor Ross by email and phone
2 and left a detailed voicemail message asking him to respond with any objection to
3 this carve out. As of filing this paper I have not received a response. Undersigned
4 counsel is available for emergency conference about all the foregoing clarification of
5 class, facts, and moving forward with the Application for TRO as a Preliminary
6 Injunction.

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8 Respectfully Submitted on May 28, 2025

9 /s/ Joshua J. Schroeder
10 Joshua J. Schroeder
11 SchroederLaw
12 Attorney for Darwin Antonio
13 Arevalo Millan
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