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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 EX PARTE
APPLICATION FOR WRIT OF
MANDAMUS, ISSUANCE OF WRIT
OF HABEAS CORPUS WITH
DECLARATORY RELIEF, AND
PERMANENT INJUNCTION**

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21 **EMERGENCY EX PARTE APPLICATION FOR WRIT OF MANDAMUS,**
22 **ISSUANCE OF WRIT OF HABEAS CORPUS WITH DECLARATORY**
23 **RELIEF, AND PERMANENT INJUNCTION**
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COMES NOW Petitioner-Plaintiff Darwin Antonio Arevalo Millan (“Petitioner” or “Mr. Arevalo”) to move this Court pursuant to the Habeas Corpus Statute 28 U.S.C. § 2254, All Writs Act, 28 U.S.C. § 1651, and the equitable power of the Court to issue habeas corpus, mandamus, and an injunction according to new developments in his case. This application is supported by the papers already filed in this case including the original petition and grant of preliminary injunction and certification of class. It is also supported by the attached memorandum of points and authorities, attorney declarations, and exhibit of the Immigration Judge’s oral ruling granting asylum. Exhs. A, B, C. This motion is also supported by the oral argument transcript where the Government urged this Court that it was not violating the Posse Comitatus Act by maintaining private detention facilities in the Central District of California. Exh. D (excerpted). Since then, the Executive has nationalized the California National Guard and deployed Marines to Los Angeles within the Central District of California to enforce immigration detentions and removals. We are aware that the Adelanto ICE Processing Center where Mr. Arevalo is located is bursting to capacity with the Government’s military enforced ICE invasion of Los Angeles over the due objections of the Mayor of Los Angeles and Governor of California, and in violation of the Posse Comitatus Act. Yesterday, U.S. Senator Alex Padilla of California was arrested by Respondents for questioning the military backed ICE raids occurring in California.

Counsel for Respondents were called and emailed on June 13, 2025 asking for the status of Mr. Arevalo, and counsel for Mr. Arevalo received an acknowledgement of receipt by email. Mr. Arevalo remains in custody five days after receiving a grant of asylum, we have received no communication from the Government regarding Mr. Arevalo’s release, and we are aware of several developments directly threatening Mr. Arevalo’s class including a leaked memorandum directing Immigration Judges to

1 dismiss defensive asylum cases to expedite removals without due process. We,
2 therefore, apply for *ex parte* relief pursuant to Mr. Arevalo's new designation as a
3 refugee and a duly made decision of an Immigration Judge *not* to issue an order of
4 removal in Mr. Arevalo's case.

5 Pursuant to his asylum determination, Mr. Arevalo moves this Court on his
6 own behalf to: (1) issue habeas corpus, mandamus, and a permanent injunction
7 releasing him pending legitimate action of the Government; (2) declare that the
8 Government does not have a process for designating members of Tren de Aragua
9 ("TdA") that complies with due process; (3) declare Petitioner legally *not* a member
10 of TdA or any other class of terrorist, enemy alien, enemy of the state, invader, or
11 enemy combatant under the USA PATRIOT Act, the Alien Enemies Act,
12 Proclamation 10903, and related proclamations, orders, notices, and implementation
13 as a result of his asylum status; (4) declare that no other Executive Order,
14 Proclamation, Notice, or other Executive document or action justifies continued
15 detention of Mr. Arevalo; (5) declare that Mr. Arevalo was targeted under
16 Proclamation 10903 and that either under the Alien Enemies Act ("AEA") or
17 pursuant to the self-executing provisions of the Treaty of Peace between the United
18 States and Venezuela that the Treaty is broken or triggered and that Mr. Arevalo and
19 all others similarly situated members of his class may now claim the benefits of that
20 treaty as self-executing rights including the right to remain in the United States
21 indefinitely thereunder; and (6) that Petitioner's tattoos, apparel, and social media
22 posts without further evidence from Respondents to the contrary, does not indicate
23 membership in TdA and is an unconstitutional prior restraint on speech damaging to
24 U.S. brands and celebrities and chilling Petitioner's speech and expression in
25 violation of the First Amendment.

26 Mr. Arevalo moves the Court on behalf of himself and his entire class to: (1)
27 order that Petitioner and members of his class be granted an individual evidentiary
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1 hearing within 30-days of notice filed by Petitioner or member of Petitioner's class,
2 each individually, in the Court to prove that they are not members of TdA or any
3 other class of terrorist, enemy alien, enemy of the state, invader, or enemy combatant
4 and to argue legal and constitutional prohibitions and benefits pursuant to treaty
5 stipulations in relation to the USA PATRIOT Act, the Alien Enemies Act, and
6 Proclamation 10903 and related proclamations, orders, and notices; (2) declare the
7 Peace Treaty between the United States and Venezuela is triggered or violated and
8 that class members, as well as Mr. Arevalo, should be granted favorable terms
9 according to the treaty including lawful presence for their lifetimes in the United
10 States from which they can adjust status eventually; (3) grant an issuance of writ of
11 habeas corpus to release the *Arevalo Millan* Class pending legitimate government
12 action should they receive asylum or similar humanitarian relief named in Mr.
13 Arevalo's Petition including withholding of removal and Convention Against Torture
14 ("CAT") protection, and to enforce bond determinations of EOIR to release
15 immigrants pending immigration review; (4) order the issuance of mandamus and
16 permanent injunction in support of the writ of habeas corpus to carry out its function
17 under *Boumediene v. Bush* and *Rasul v. Bush* to protect the class; (5) issue a
18 permanent injunction granting all the forgoing requests for relief Mr. Arevalo made
19 on his own behalf that also protects similarly situated immigrants and U.S. citizens
20 mistakenly held in ICE custody as immigrants after humanitarian relief is granted or
21 error in custody shown by demonstrating legal status including U.S. citizenship on a
22 nationwide, circuit wide, district wide, and class wide basis with severability terms
23 should a higher court reverse the injunction pursuant to the pending decision in *CASA*
24 *v. Trump*;¹ and (6) Mr. Arevalo requests that the permanent injunction extend the
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27 ¹ To the extent possible, Mr. Arevalo requests a modification or extension of his class
28 to include similarly situated asylum seekers granted humanitarian relief, correction of
error in detention arising from lawful status, or a grant of bond duly made by EOIR

1 original terms of the preliminary injunction for those alleged to be TdA or some other
2 class of enemy alien, enemy combatant, terrorist, invader, or enemy of the state to
3 require notice and an opportunity to be heard before they are removed, disappeared,
4 or subject to extraordinary rendition under Alien Enemies Act proclamations, orders,
5 notices or related Executive documents or actions. A nominal bond of \$1 is
6 requested for the same reasons given in the motion for preliminary injunction and
7 related papers.

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10 Respectfully Submitted on June 14, 2025

11 /s/ Joshua J. Schroeder
12 Joshua J. Schroeder
13 SchroederLaw
14 Attorney for Darwin Antonio
15 Arevalo Millan
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28 from any country of origin who remains detained without reason or due process to
justify the permanent injunction should bases other than class be precluded.

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CORPUS, AND PERMANENT INJUNCTION