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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DARWIN ANTONIO AREVALO MILLAN, on his own behalf and on behalf of all others similarly situated

Petitioner-Plaintiff,

vs.

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

Respondents-Defendants.

Case No.: 5:25-cv-01207

PETITIONER-PLAINTIFF'S REPLY IN SUPPORT OF EMERGENCY *EX PARTE* APPLICATION FOR WRIT OF MANDAMUS, ISSUANCE OF WRIT OF HABEAS CORPUS WITH DECLARATORY RELIEF, AND PERMANENT INJUNCTION

PETITIONERS-PLAINTIFFS' REPLY IN SUPPORT OF EMERGENCY *EX PARTE* APPLICATION FOR WRIT OF MANDAMUS, ISSUANCE OF WRIT OF HABEAS CORPUS WITH DECLARATORY RELIEF, AND PERMANENT INJUNCTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Constitutional Provisions

INTRODUCTION

Respondents claim that this matter arises under the INA, without disclaiming the President's unbounded, plenary power to designate Darwin Antonio Arevalo Millan ("Petitioner") as a member of Tren de Aragua ("TdA") or other class of enemy combatant, enemy of the state, terrorist, enemy alien, or invader. ECF No. 37, at 2, 4 (claiming this Petition and request for relief is "baseless" while expressly reserving the power to detain Petitioner on "national-security grounds"). Notably, the INA is amended by the USA PATRIOT Act to allow the President to do just this, so the Respondents' concession that this is an INA case does not exclude it from also being a TdA case or a Proclamation 10903 case as alleged. ECF No. 30, Mem. Pts. & Auth. at 7 n.1, 13. At the hearing for preliminary injunction, the Respondent could not assure the Court that it would not or did not designate Petitioner as TdA, and the Respondent did not change its position here. *Id.* at 10.

Here, Respondents concede several things including: (I) that Petitioner is only in custody under *Jennings* and other precedents involving laws requiring detention pursuant to an IJ's decision, which has been rendered; (II) that there is a need for the preliminary injunction pending the Court's decision in this matter such that the IJ's decision may have been obstructed otherwise; (III) that Petitioner's continued detention is an issue of criminal and military law, *not* civil law; (IV) that the Executive Office for Immigration Review's ("EOIR") ruling is not final or controlling upon the detention of Petitioner; (V) that the INA allows Respondents to potentially hold Petitioner indefinitely while they attempt to figure out a legal basis to justify Petitioner's detention without first giving Petitioner notice and an opportunity to be heard despite EOIR's grant of asylum to Petitioner under the INA; and (VI) that the Respondents did not give Petitioner notice of the reason why he is being detained and that they continue to rely upon making filings in this Court to give notice to his lawyers about the potential legal theories they have about why he is detained.

Counsel for Petitioner still has not received communication from Respondents about the status of Petitioner other than the receipt of emails sent to them asking for Petitioner's status including reasons why he is still held beyond an asylum grant in EOIR. Tellingly, Respondents do not appear to dispute or contest Petitioner's application of the ordinary standards of review for habeas corpus, writ of mandamus, or permanent injunctions, which should now be granted.

Respondents' affirmative arguments depend upon *Jennings v. Rodriguez*, *Garland v. Aleman Gonzalez*, and *Zadvydas v. Davis*, but fail to address the firm restrictions put on these cases in *Johnson v. Arteaga-Martinez* and *Biden v. Texas*, which control Respondents' position. ECF No. 37, at 3–4, 9–10; Joshua J. Schroeder, *Why Cost/Benefit Balancing Tests Don't Exist: How to Dispel a Delusion That Delays Justice for Immigrants*, 125 W. VA. L. REV. 183, 200–01 (2022) (Schroeder, *Why*) (noting how these cases caused Justice Alito, author of *Jennings*, to lose his position that pursuant to *Jennings* "immigrants can be ordered deported to Mexico by the courts pending their asylum applications without due process and against the will of the sitting president"). To be clear, even if *Jennings* applied, that case was limited to its facts and not only may, but must be distinguished here, because the Supreme Court is "'a court of review, not first view.'" Johnson v. Arteaga-Martinez, 596 U.S. 573, 583 (2022) ("The courts below did not reach Arteaga-Martinez's constitutional claims because they agreed with him that the statute required a bond hearing."). As no bond hearing will issue here now that Petitioner is already declared a refugee by EOIR, *Arteaga-Martinez* is distinguished and this Court is empowered to decide the constitutional issues under the law here. *Id.*

ARGUMENT

Zadvydas, *Jennings*, and *Aleman Gonzalez* are ad hoc balancing test cases like *Hamdi*—which in this context is already proven to be a mistake if this Court applies it. Schroeder, *Why*, *supra*, at 200–01. If these cases are wielded here, the Respondents

will undoubtedly use the opportunity given by a cost/benefit balancing test to abuse the rights of Petitioner and his class by deporting him, stripping him of his asylum status, and putting him on a no fly list. *Id.* at 194. There is no need to guess at this result, which was blisteringly foretold in Justice Scalia's wise *Hamdi* dissent, and made clear in the Respondents' frivolous legal arguments here. *Id.*; ECF No. 30, Mem. Pts. & Auth. at 8–9. After learning this hard lesson, a majority of the Court already repudiated such balancing tests in *Boumediene v. Bush*, prescribing a critical factor test noted in the application for relief here. ECF No. 30, Mem. Pts. & Auth. at 12–13.

I. Boumediene v. Bush *Controls, Not* Jennings *or* Aleman Gonzalez

It is telling that the Respondents do not address *Boumediene*, *Rasul*, or *Eisentrager*. *See generally* ECF No. 37. They do not argue either way about *Boumediene*, and rather ask this Court to interpret Petitioner's requests for relief as barred by the INA under cases that request immigration relief. *Id.* at 2. Here, Petitioner requests this Court to assert *Boumediene* to vindicate the INA by abstaining from upsetting a ruling from EOIR, and Petitioner requests like relief for members of his class. ECF No. 30, Mem. Pts. & Auth. at 12–13.

This situation, where the Executive claims power under the INA to violate the INA, did not exist in the cases Respondents cite, firmly distinguishing them here under *Arteaga-Martinez* that mandates such cases be decided, where appropriate, in District Courts. *Arteaga-Martinez*, 596 U.S. at 583. In *Jennings*, *Zadvydas*, and *Aleman Gonzalez*, the President did not appear to allege that he could or would attempt to detain refugees who won their asylum in EOIR pursuant to its claimed authority to attempt to disprove itself. Garland v. Aleman Gonzalez, 596 U.S. 543, 546 (2022) (involving aliens detained "pending removal from this country" pursuant to 8 U.S.C. § 1231, which Respondents do not claim as a legal basis here); Jennings v. Rodriguez, 583 U.S. 281, 296 (2018) (noting that § 1225(b) applies to aliens

seeking entry into the United States pending a removal proceeding, which already occurred here: "Once those proceedings end, detention under § 1225(b) must end as well."); Zadvydas v. Davis, 533 U.S. 678, 683 (2001) ("While removal proceedings are in progress, most aliens may be released on bond or paroled."). Here, if these cases are interpreted to allow Respondents to detain people after EOIR already determined immigrants undoubtedly admissible, then Respondent will have all-power to do whatever they want, even contradicting themselves against the law on a whim. Trump v. United States, 603 U.S. 593, 686–87 (2024) (Jackson, J., dissenting). They can make promises and execute laws duly under the INA, and then violate those laws under the INA simultaneously in an exceedingly chaotic way. ECF No. 37, at 4 (reserving power under § 1231 to detain Petitioner for criminal and national security concerns even after attaining an asylum grant and without notice or an opportunity to be heard).

In *Biden v. Texas*, moreover, Justice Alito bitterly dissented because *Jennings* was not extended as the be-all-end-all precedent in future cases that raise distinctive constitutional issues. Biden v. Texas, 597 U.S. 785, 817 (2022) (Alito, J., dissenting) (appearing to argue that *Jennings* should be extended to require the physical exclusion of asylum seekers from entry to the United States pending their duly lodged asylum claims). Here, several such constitutional issues exist that require this Court to distinguish *Jennings* and its progeny. *Arteaga-Martinez*, 596 U.S. at 583. Indeed, *Jennings* depended upon a federal government that did not contradict itself in the administration of INA, and that Government is no longer present here. *Jennings*, 583 U.S. at 296. Here, the Respondents cite *Jennings* to keep Petitioner detained pursuant to an IJ decision that is already rendered, in a state where even *Jennings* maintains that detention "must end." *Id.*

II. First Concession: Detention is Pursuant to Rendered IJ Decision

The INA, as noted by Respondents, requires Petitioner to be released from custody, because EOIR decided that he is "clearly and beyond a doubt entitled to be admitted" by granting asylum. 8 U.S.C. § 1225(b)(2)(A). Even if he was not, Petitioner would not be subject to detention under 8 U.S.C. § 1225(b)(2)(A), because that provision prescribes detention during the review that already concluded on June 9, 2025 with a favorable result for Petitioner that he is "clearly and beyond a doubt entitled to be admitted." *Id.* Under the Respondent's citation of the law, Petitioner is due release immediately. ECF No. 37, at 5 ("Petitioner remains detained under 8 U.S.C. 1225(b)(2)(A)."); *Jennings*, 583 U.S. at 296 (noting that after EOIR renders a decision granting asylum, detention under § 1225(b) "must end").

Nevertheless, Respondents claim that the decision of EOIR is not final and therefore not a decision that ends § 1225(b) detention. ECF No. 37, at 7. To support their novel theory to the contrary, Respondents cite the dicta of BIA decision *Matter of E-Y-F-G-*, 29 I&N Dec. 103, 104 (BIA 2025), which does not have to do with an asylum grant. *Id.* That decision had to do with a bond grant, in which case the defensive review of an asylum claim or other humanitarian relief would usually follow. *Id.* The non-finality of this kind acts as a mandatory stay of removal that extends to the end of an appeal of an EOIR decision *to protect immigrants from being removed* prior to appellate processes being completed. *Id.*

Here, the issue of being "clearly and beyond a doubt entitled to be admitted" is a matter of the *quality* of decision rendered by an immigration officer, not an issue of finality for appeals as required in ordinary civil and criminal law in U.S. Courts. 28 U.S.C. § 1291; *cf.* Jackson v. Virginia, 443 U.S. 307, 327 (1979) (Stevens, J., concurring in the judgment) (attempting to avoid "adversely affect[ing] the quality of justice administered by federal judges"). The *quality* of decision in an IJ grant of asylum is a determination that an immigrant is "clearly and beyond doubt entitled to

be admitted" and therefore detention is not facilitated pursuant to 8 U.S.C. § 1225(b)(2)(A). *Jennings*, 583 U.S. at 296. There is nothing in this law requiring finality to trigger release from detention, and for good reason. *See id.* at 301 (noting legal authorization of detention pending a "final determination of credible fear of persecution," which does not apply here after asylum is granted).

To offer a point of comparison, if federal courts required complete and utter finality of all appeals prior to releasing a person acquitted of all crimes by a jury, innocent people could remain in jails for years while their appeals wend their ways up and down the appeals system. *But see* 28 U.S.C. § 1291. The decisions of IJs in EOIR would be even slower, approaching an indefinite term of detention, especially as the Respondents have the power to refer appeals to themselves, i.e., precluding review in Article III Courts. *See* Jani v. Garland, 110 F.4th 30, 41–42 (1st Cir. 2024). Similarly, bail and bond hearings requiring release pending trial or EOIR process respectively could be delayed indefinitely pending the final decision of the trial itself and appeals, completely negating the reasons for bail hearings.

We are aware that Respondents strategized ordering IJs to dismiss defensive removal proceedings to expedite removal without hearings on questionable bases. *Cf.* Julia Ainsley, *Trump Admin Tells Immigration Judges to Dismiss Cases in Tactic to Speed Up Arrests*, NBC NEWS (June 11, 2025), https://www.nbcnews.com/politics/national-security/trump-admin-tells-immigration-judges-dismiss-cases-tactic-speed-arrest-rcna212138. We are also aware that the Executive is shuffling immigrants across the country from detention facility to detention facility making it difficult to successfully file habeas corpus as Petitioner did here pursuant to the anti-forum shopping decision in *Rumsfeld v. Padilla*, which appears to be facilitating Respondents' ability to forum shop or even to skirt review. *Cf.* Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004) (attempting to avoid the problem

of "rampant forum shopping"). The opportunity here to waylay the chaotic behavior of the Respondents by asserting the laws may not easily come again or at all.

III. Second Concession: The Preliminary Injunction Is and Was Necessary

Respondents concede that the preliminary injunction is required to protect Petitioner from being removed, disappeared, or subjected to extraordinary rendition despite his asylum grant. ECF No. 37, at 11. This means that that but-for initiating this habeas corpus claim, Respondent may have already been removed, disappeared, or subjected to extraordinary rendition *despite* his present refugee status. *See id.* He may have been subjected to a dismissal of his removal proceeding to shunt him into expedited removal proceedings specifically with the purpose of avoiding any decision granting asylum before he is removed. Ainsley, *supra*. The upshot of this is that Respondents are necessitating Petitioner and like individuals to file these claims in order to have their asylum claims duly heard in EOIR as is required by statute and treaty law, i.e., Respondents are opening the flood gates, not Petitioner. Garland v. Aleman Gonzalez, 596 U.S. 543, 571 (2022) (Sotomayor, J., dissenting).

The anxieties apparently addressed by Justice Alito in *Jennings* and *Aleman Gonzalez* about immigrants flooding federal courts with habeas corpus writs like this Petition candidly militate the opposite reaction here. *Id.* If this Court is actually concerned with the flood gates opening in federal courts to review asylum claims and other immigration specific remedies, it should swiftly issue the requested relief here. *Cf. id.* It should issue the requested relief on the broadest possible basis in order to keep immigrants out of federal litigation, if that is, indeed, what the Court is actually concerned about, pursuant to *Jennings* and *Aleman Gonzalez*. *Id.*

IV. Third Concession: This is a Criminal and/or Military Matter

Without providing notice or certain designation of Petitioner, Respondents specifically reserved legal justification to detain Petitioner "based on certain criminal or national-security grounds." 8 U.S.C. § 1231(a)(2). They also mentioned "fraud,

misrepresentation, or lack of valid documentation to enter the United States" as reasons to investigate Petitioner for crimes related to his grant of asylum. 8 U.S.C. § 1225(b)(1)(A)(i). They do not explain anywhere why Petitioner needs to remain detained while they investigate him, and they verge on undermining the entire institution by implicitly accusing counselors and judges in crimes of fraud and abuse of EOIR, under the cloud of which we cannot be reasonably expected to advocate zealously for our clients or to defend their interests pursuant to the constitution and the law. *See generally* ECF No. 37. This concession appears to require this Court to extend Sixth Amendment and other constitutional rights to Petitioner that he is presently denied under a fiction that INA is civil law rather than criminal or military, as Petitioner is a civilian and not an enemy alien. United States *ex rel.* Toth v. Quarles, 350 U.S. 11, 23 (1955) ("We hold that Congress cannot subject civilians like Toth to trial by court-martial. They, like other civilians, are entitled to have the benefit of safeguards afforded those tried in the regular courts authorized by Article III of the Constitution."); Gideon v. Wainwright, 372 U.S. 335, 344 (1963); Joshua J. Schroeder, *Singing the Force of the Imagination: How to Wonder About the Emotional-Reportage in Immigration Advocacy*, 21 UC LAW SF RACE & ECON. JUST. L.J. 1, 11 (2024) (noting how sometimes toddlers are "ordered to appear in Immigration Court alone" as reason to vindicate "the basic due process right to counsel announced in *Gideon v. Wainwright*").

V. Fourth Concession: EOIR's Ruling is Not Final or Controlling

The processes of EOIR and BIA and the way they are spoken of are upside-down and backwards from the way ordinary litigation occurs in Article III Courts. In ordinary courts, a decision must be final before it is appealed. 28 U.S.C. § 1291. Not so in EOIR, where orders of removal are spoken of as non-final until appeals are concluded so that the Government does not remove people while their appeals are pending. *See* Jani v. Garland, 110 F.4th 30, 41–42 (1st Cir. 2024). However, this way

of speaking about EOIR appeals is purely administrative—apparently to direct non-judicial Executive officials *not* to remove people until all appeals are over—i.e., the non-finality of EOIR decisions actually operates as a mandatory 30-day stay on removal that is mandatorily extended if an appeal is filed. *Cf. id.* None of this matters here, especially because there is no danger that Petitioner will be prematurely removed pursuant to an asylum grant pending the Government's prospective appeal.

Moreover, Respondents appear to be attempting to confuse the Court on this issue so that the Court dismisses this habeas corpus writ according to the usual requirement of finality in appeals and habeas corpus review of most criminal decisions. 28 U.S.C. § 1291. Here, the IJ's decision is final for purposes of appeals, because if it became "final" in the sense the Respondents argue it would not be appealable. *Id.* It is literally the opposite of how things work in ordinary civil courts.

Respondents attempt to use this discrepancy in the law to confuse this Court into destroying its own jurisdiction over Petitioner's claims should carry consequences. Their reservation of appeal should be declared waived upon appearing to deny its appealability as a final decision here in an attempt to convince this court to deny review of Petitioner's habeas corpus writ. ECF No. 37 at 7. The Respondents' use of a form of legal non-finality, which actually works as a mandatory stay of removal, as a basis for keeping Petitioner detained after he was declared a refugee and thereby continuing to keep him in immediate jeopardy of removal is a draconian violation of the INA. *See Jennings*, 583 U.S. at 296.

Moreover, Respondents appear to concede that decisions from EOIR are not controlling upon detention or any other action of the Executive Branch. ECF No. 37, at 7. They appear to be claiming that INA grants them the power to violate INA by ignoring asylum grants at will. *Id.* Petitioner and thousands of others caught in this or similar situations across this country are wondering if there is a judge in the land to give legal rights, privileges, and remedies effectuality, or whether asylum is an empty

word in America despite supreme and controlling statutory and treaty language to the contrary. ECF No. 1, at 2 (noting Petitioner's pending asylum claim).

VI. Fifth Concession: The INA Empowers the President to Violate the INA and the Take Care Clause

Respondents say that they are detaining Petitioner pursuant to the INA only, even though they disagree with the decision of EOIR under the INA and admit they are acting in contravention of that decision. ECF No. 37, at 4. Respondents' position appears to be that INA grants Respondents the power to violate the INA. If this unitary power to violate the statute is granted pursuant to the statute the Respondents claim a statutory plenary power to violate, then the statute will be revealed as a self-contradiction and its immigration benefits potentially meaningless. *Id.* It should come to no surprise, that Respondents appear to be advocated an end to birthright citizenship that is also mandated by the INA according to former Professor of Law John C. Eastman who believes the INA to be candidly unconstitutional pursuant to *Elk v. Wilkins* and *The Slaughterhouse Cases* despite *United States v. Wong Kim Ark* and *Chew Heong v. United States*. 8 U.S.C. § 1401(a), *constitutionality questioned by* Application for a Partial Stay of the Injunction Issued by the United States District Court for the District of Maryland, at 7, Trump v. CASA, No. 24A (2025); *see* ECF No. 30, Mem. Pts. & Auth. at 14; ECF No. 1, at 61 (citing John C. Eastman, *Born in the U.S.A.? Rethinking Birthright Citizenship in the Wake of 9/11*, 42 U. RICHMOND L. REV. 955, 956–57, 961, 963 (2008)).

If the Court disagrees with petitioner and finds that the INA does in fact violate the INA by giving the President power to extend and reject the benefits of asylum or even citizenship at will, regardless of the decisions of his own officers in EOIR it will be a recipe for chaos. ECF No. 1, at 61 (citing Margaret Stock & Nahal Kazemi, *The Non-Controversy Over Birthright Citizenship: Defending the Original Understanding*

of Jus Soli Citizenship, 24 CHAPMAN L. REV. 1, 2, 14 (2021) (noting how such a state of affairs could render the legal status of *millions* of Americans uncertain)).

Under *Boumediene*, Respondents arguments here appears to indicate a functional suspension of the writ is afoot. Boumediene v. Bush, 523 U.S. 723, 786 (2008) (protecting the writ of habeas corpus's "function as an effective and proper remedy"). Respondents' proposed application of statute law would allow indefinite detention of immigrants even if they are legally and duly residing in the United States according to the President himself whose officers in EOIR do his bidding. ECF No. 37, at 7 ("Petitioner remains detained under that authority [8 U.S.C. § 1225(b)(2)(A)] after the Immigration Judge's June 9, 2025 decision."). Such an interpretation of the law should be rejected outright if there is any way to interpret the statute otherwise so that it complies with the Take Care Clause and the Suspension Clause, but if the Court cannot do so, it should overrule the statute pursuant to the Suspension Clause and the Take Care Clause among other provisions asserted in the Petition. Crowell v. Benson, 285 U.S. 22, 62 (1932); U.S. CONST. Art. I, § 9, cl. 2; *id.* at Art. II, § 3. Indeed, Respondents appear to request an interpretation of the INA that requires the INA to be stricken under the Suspension Clause. ECF No. 37, at 7 (representing that INA requires refugees to remain in potentially indefinite custody after EOIR grants asylum status).

VII. Sixth Concession: Respondents Did Not Give Petitioner Notice or An Opportunity to Be Heard

Respondents now request that this Court allow them to automatically put refugees into indefinite detention after EOIR grants asylum pursuant to ad hoc cost/benefit balancing tests of *Jennings* and *Zadvydas* that trace back to eugenic origins. ECF No. 1, at 59–60. Petitioner anticipated such an argument in favor of ad hoc balancing with reference to *Hamdi*. *Id.* However, our only notice that the Respondents are keeping Petitioner in detention pursuant to this strategy is the

Respondents' opposition, which is not a substitution for notice or an opportunity to be heard. ECF No. 1, at 3 ("Darwin was not served any warrant, I-200, or any other paperwork informing him about why he was arrested or how long he would be held."); *see generally* ECF No. 37.

Counsel for Petitioner is extremely well published on the legal topics addressed in ECF No. 37, and he already published research on the issue of cost/benefit balancing cases in immigrant cases in the West Virginia Law Review, cited above, St. Mary's Law Journal, New Mexico Law Review, Hastings Constitutional Law Quarterly among several other respected publications. Schroeder, *Why*, *supra*, at 200–01; Joshua J. Schroeder, *The Dark Side of Due Process: Part I, A Hard Look at Penumbral Rights and Cost/Benefit Balancing Tests*, 53 ST. MARY'S L.J. 323, 334 (2022); Joshua J. Schroeder, *The Imagination Unbound: On the New Anti-Rights Trajectory of the U.S. Supreme Court*, 50 HASTINGS CONST. L.Q. 187, 205 (2023) (noting the role of "*ad hoc* cost-benefit balancing like *Janus*" in the interruption of "the ordinary development of common law rights through *stare decisis*"); Joshua J. Schroeder, *Rethinking Rights in a Disappearing Penumbra: How to Expand Upon Reproductive Rights in Court After Dobbs*, 54 N.M. L. REV. 15, 57–58 (2024).[1] Counsel was prepared to respond to an actually noticed legal action on the bases now claimed by Respondents for detaining Petitioner, but without proper notice of why Petitioner is detained counsel was forced to blindly litigate here without notice. ECF No. 1, at 3.

Meanwhile, counsel for Petitioner still has not received communication from Respondents about the status of Petitioner other than the receipt of emails sent to them asking for Petitioner's status including reasons why he is still held beyond an asylum grant in EOIR. ECF No. 30, Mem. Pts. & Auth. at 7. We are informed that

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[1] A current list of counsel's several publications is available here: SchroederLaw Website, https://www.jschroederlaw.com/publications (last accessed June 19, 2025 at 8:57 AM).

immigration counsel Joshua Goldenstein also has not been given notice of the basis for Petitioner's continued detention. ECF No. 30, Att'y Decl. Goldenstein. We are informed that many immigration attorneys are reporting that their clients remain in custody after the 90-day review process without explanation regardless of favorable decisions in EOIR. *Id.* (noting Attorney Goldenstein's "understanding of the present policy of the Government is that the Government is directed to maximize detention for immigrants, with no discretion whatsoever for considering grants of humanitarian relief"). It appears that Respondents are putting their counselors into ethically questionable positions while attempting to use them to make an example of immigrants who duly assert their rights in EOIR and federal court by attempting to transform the review of both tribunals into a travesty. *See id.* However, the final decision regarding whether this dubious strategy will work remains in the hands of this Court. Marbury v. Madison, 5 U.S. 137, 177 (1803).

CONCLUSION

Relief should be granted to Petitioner and Petitioner's class as requested in his ex parte application.

Respectfully Submitted on June 19, 2025

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Darwin Antonio Arevalo Millan, certifies that this brief contains 4,270 words, and complies with the word limit of L.R. 11-6.1.

DATED: June 19, 2025

By: /s/ Joshua J. Schroeder
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