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

10
11 DARWIN ANTONIO AREVALO) Case No.: 5:25-cv-01207-JWH-PD
12 MILLAN, on his own behalf and on behalf)
13 of all others similarly situated) **NOTICE OF FACTS IN**
14 *Petitioner-Plaintiff,*) **PREPARATION FOR SCHEDULED**
15 **vs.**) **STATUS CONFERENCE ON**
16 DONALD J. TRUMP, in his official) **SEPTEMBER 19, 2025**
17 capacity as President of the United States,)
18 *et al.,*)
19 *Respondents-Defendants.*)

20 **NOTICE OF FACTS IN PREPARATION FOR SCHEDULED STATUS**
21 **CONFERENCE ON SEPTEMBER 19, 2025**

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

24 Today I received a declaration with exhibits from my colleague Attorney
25 Joshua Haim Goldenstein that explains his current position. As referred to in the
26 Goldenstein Declaration, I can confirm that my position remains the same as it was at
27 the outset of filing Mr. Arevalo Millan's petition for writ of habeas corpus in this
28 Court. As Attorney Goldenstein's declaration notes, we maintain necessary

1 disagreements that are relevant to acknowledge here. My consistent position, which
2 appears to have been validated by Mr. Arevalo Millan's new draft declaration made
3 for his bond hearing in Immigration Court (attached to this filing with English
4 translation) and the events as explained in the Goldenstein Declaration, remains:

5 Immigration detention and removal is, or at least is tantamount to, a military
6 operation that masquerades as "civil" to avoid the limits of the Constitution. The
7 "civil" nature of immigration court is primarily taught to immigration attorneys to
8 justify the lack of Sixth Amendment right to effective assistance of counsel. Attorney
9 Goldenstein, therefore, refers to Mr. Arevalo Millan's detention as "civil detention,"
10 to distinguish it from punishment oriented criminal detention, but that is not
11 technically correct in federal habeas corpus review. Goldenstein Decl. at ¶29. In
12 habeas corpus filings "civil" includes criminal courts, where common law due
13 process is respected, as opposed to military courts or other highly questionable
14 administrative Star Chamber where due process may not be presumed.

15 I continue to believe that representations made by DHS cannot be trusted, and I
16 think that, without more, representations made by DHS are likely false or are
17 potentially only partly true. *See* Goldenstein Decl. at ¶25. I suspect that DHS is
18 operating on a policy of removing immigrants by any means necessary and without
19 regard to legal ethics, which may include by committing fraud, larceny by trick, or
20 what appears to be other crimes involved with destroying the legal status of
21 immigrants through misrepresentations or trafficking people into foreign countries
22 without lawful permission. Arevalo Millan Decl. This apparent policy appears to
23 include carrying out removals and detentions by violating orders from Immigration
24 Court made by employees of DOJ.

25 If DHS is involved in improper and potentially illegal conduct, it would be
26 extremely unclear who is carrying out schemes to entice immigrants to destroy their
27 rights and who is operating under orders they genuinely believe to be true about third
28 country removal. It is entirely possible that many of the Government employees

involved genuinely believed that Mexico, or other safe third country options, are a legitimate option for removal when they are actually not viable. As Hannah Arendt noted in her influential essay *Lying in Politics*, misrepresentations and fraud can be passed through officials without their knowledge about the misrepresentations or intent to deceive others or the Court. HANNAH ARENDT, *CRISES OF THE REPUBLIC* 31 (1972). As noted by Arendt, this problem consists in the reality that the best liars actually believe their own lies, which means that even the originators of such schemes may genuinely believe in their own virtue and righteousness. *Id.* at 34 (noting how liars tend to “end by believing [their] own lies”)

Given the statements of facts by Attorney Goldenstein here, it appears that DOJ and DHS do not have the same positions on the law. I believe that Attorney Goldenstein would be willing to explain, in more depth, the legal positions represented to him by different officials in DHS, which themselves may appear to conflict. There appears to be a real, potentially far reaching, state of legal and factual disagreement within the Respondent-Defendants that seems to give rise to questions about whether one attorney employed by DOJ can represent other parties to this suit who seem to disagree with DOJ. As noted in my emergency motions, especially regarding how the Respondent-Defendants are keeping Mr. Arevalo Millan detained while they appeal themselves to themselves, the structure of Immigration Court appears to lend itself to these problems and my position was and continues to be that this Court can and should adjudicate whether the structural defects of Immigration Court are fatal to using its process as a justification for prolonged detention pursuant to the Due Process Clause requiring notice of the Government’s position and reasons which we cannot know if the Government cannot agree with itself.

Now that I am made aware of Mr. Arevalo Millan and Attorney Goldenstein’s respective changes of position, I believe that this Court may now adjudicate the use of misrepresentations made to immigrants and to the Courts about third party country removal and chain refoulement. Goldenstein Decl. at ¶37. “Refoulement” is French

1 for “return” and is the word used in relevant treaties including the Convention
2 Against Torture prohibiting the return of immigrants to countries where they are
3 likely to be tortured or killed. Convention against Torture and Other Cruel, Inhuman
4 or Degrading Treatment or Punishment, art. 3, 10 December 1984, 1465 UNTS 85.
5 “Chain refoulement” is the illegal practice of circumventing international rights
6 against torture by sending a person to a third party country under an agreement that
7 the third party country would then return the person back to a country where they are
8 likely to be tortured or killed. *Id.*; see Liz Dye & Andrew Torrez, *Ep 166 —*
9 *Refoulement Most Foul*, LAW & CHAOS (Sept. 16, 2025),
10 <https://www.lawandchaospod.com/p/ep-166-refoulement-most-foul>. Apparently, the
11 Court in *D.A. v. Noem* already had the experience of DHS misusing its process to
12 chain refool immigrants back to countries where Immigration Court (an arm of DOJ)
13 ordered DHS to withhold removal from. ECF No. 32-3, at 14, 23, *D.A. v. Noem*,
14 1:25-cv-03135-TSC (D.D.C. 2015) (Exh. C) (noting that at least one person in this
15 litigation alleges they were chain refoled from Ghana to Gambia, and it appears that
16 the United States may have an agreement with Ghana to illegally chain refool people
17 to their countries of origin).

18 I believe that the experience of Mr. Arevalo Millan, who presently does not
19 have an Order of Removal or an Order Withholding Removal, is clearly materially
20 distinct from the class litigating in *D.V.D.* The way that third party country chain
21 refoulement appears to arise from the developing facts here is not materially the same
22 and does not arise from the same nucleus of operative fact as *D.A.* or *D.V.D.* Here, it
23 appears that a person with an asylum grant was put under the duress of prolonged
24 detention and furthermore induced, primarily outside of the presence of counsel, to
25 trade out his asylum grant for safe passage to a third party country where he believed
26 the United States had secured permission to accept him that the United States now
27 appears not to have secured. Goldenstein Decl. at ¶30; Arevalo Millan Decl. It
28 appears that the Government’s alleged misrepresentations about viable third country

1 removal options in order to entice immigrants to withdraw, undermine, or destroy
2 their rights and legal status in the United States is ripe for review, is *ultra vires* the
3 Immigration and Nationality Act, and appears to violate federal law and treaties. We
4 are willing to amend our complaint to reflect allegations of this nature especially as
5 they appear to materially affect the issues in this case.

6 Due to these confusing facts and circumstances, we welcome clarification
7 about what the Court requires to adjudicate these concerns through Mr. Arevalo
8 Millan's petition for habeas corpus. We also request that based upon the facts and
9 circumstances revealed in this notice and attached declarations and other documents,
10 that the Court consider granting habeas corpus by releasing Mr. Arevalo Millan
11 pending legitimate government action to re-detain him. Furthermore, we request that
12 the Court consider granting further relief under the inherent flexibility of habeas
13 corpus to direct or order the Government parties to maintain or reinstate Mr. Arevalo
14 Millan's grant of asylum without further appeal process despite the joint motion to
15 remand DHS's BIA appeal and to clarify (1) what representations they made to Mr.
16 Arevalo Millan, (2) whether those representations had a basis in fact, and (3) why
17 they would make misrepresentations of the nature considered here. To make these
18 orders, the Court may rely upon equitable and common law doctrines of unclean
19 hands, estoppel, and assuming Mr. Arevalo Millan had a property right in the asylum
20 grant he received for purposes of due process that he intended to trade to DHS for his
21 release, which may be adjudicated as a contract or binding agreement, that in the
22 United States generally a thief cannot pass good title, among other things. *See*
23 *Republic of Austria v. Altmann*, 541 U.S. 677, 682–83 (2004) (implicitly noting that
24 in America looted artworks are properly returned to their rightful owners).

25 We are also willing renew or file a new emergency motion, to further brief the
26 Court on these developing facts and circumstances, and to file the proper motions
27 after meeting and conferring with counsel for Respondents-Defendants. We welcome
28 the Court's guidance about what it expects and requires in these circumstances that

1 appear to me to be unprecedented, especially in order to review and adjudicate the
2 seeming destruction of Mr. Arevalo Millan's asylum status through
3 misrepresentations about the viability of Mexico, or other third party country, as a
4 lawful third country removal option. Due to genuine belief in the Government's
5 representations made to Mr. Arevalo Millan and Attorney Goldenstein respectively,
6 we ask that the Court not allow the developments in Mr. Arevalo Millan's
7 immigration status, positions, and filings to negatively affect his filing for writ of
8 habeas corpus as Mr. Arevalo Millan appears to have reasonably trusted in
9 representations that were apparently made to him by DHS.

10 My position as counselor for Mr. Arevalo Millan remains generally the same as
11 it was when we filed the writ, though I will modify my arguments to meet the present
12 circumstances. It appears that Attorney Goldenstein will, and I believe must,
13 maintain material differences of opinion with me to effectively represent Mr. Arevalo
14 Millan in Immigration Court. However, I also believe that we are now in a position
15 to move forward here upon the general positions I still maintain regarding
16 Immigration Court generally and Mr. Arevalo Millan's treatment specifically.

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18 Respectfully Submitted on September 17, 2025

19 /s/ Joshua J. Schroeder

20 Joshua J. Schroeder
21 SchroederLaw
22 Attorney for Darwin Antonio
23 Arevalo Millan
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