

1 Joshua J. Schroeder (304992)  
2 SchroederLaw  
3 PO Box 82  
4 Los Angeles, CA 90078  
5 (510) 542-9698  
6 [josh@jschroederlaw.com](mailto:josh@jschroederlaw.com)

7 Attorney for Nou Xiong next friend of V.L. and V.L.

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF TEXAS**

10  
11 NOU XIONG next friend for V.L.; V.L.,  
12 on his own behalf and on behalf of all  
13 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.: 4:25-cv-558

**PETITIONER-PLAINTIFF'S  
RENEWED EMERGENCY  
APPLICATION FO TEMPORARY  
RESTRAINING ORDER**

20 **PETITIONERS-PLAINTIFFS' RENEWED EMERGENCY APPLICATION**  
21 **FOR TERMPOARY RESTRAINING ORDER**

22 Petitioner-Plaintiff ("Petitioner") and the proposed class seek emergency relief  
23 in light of developing and alarming circumstances: since the Court's order denying a  
24 TRO this afternoon, Petitioner has been separated from the plane carrying the class  
25 apparently because of this Court's order and is now in Guam, likely held at a U.S.  
26 military base and potentially in military custody. He is, and never was, an enemy of  
27  
28

1 the state or enemy combatant, but due to Respondents' actions he is being treated as  
2 one. Moreover, it appears that the plane that he was carried to Guam with other  
3 members of the class is now on its way to Mainland Southeast Asia, potentially Laos  
4 or Vietnam, without protection.

6 The Proclamation 10903 invokes the AEA, but is carried out through the INA  
7 as amended by the USA PATRIOT ACT. Tren de Aragua and other immigrant  
8 groups were designated terrorist enemy combatants by and through the INA.

10 Respectfully, the Court's order appears to believe that INA and AEA are mutually  
11 exclusive, but they are not.

13 Moreover, the exceptional operation of the INA to remove immigrants through  
14 executive review without basic constitutional rights, including the right to counsel  
15 under the Sixth Amendment, is premised upon the purported *civil* nature of  
16 immigration proceedings. This entire system is thus premised upon the assumption  
17 that a chief executive would never transform immigration enforcement into a military  
18 matter. But the Trump Administration has clearly treated immigrants generally as  
19 enemies in a war or in many simultaneously existing wars, not only by invoking the  
20 AEA, but declaring an invasion of immigrants generally and giving no notice or an  
21 opportunity to be heard regarding how and where immigrants are removed to, or if  
22 they are killed, or removed into the ocean.

26 Under these circumstances, the assumptions based on the civil nature of the  
27 INA processes no longer exist. As a result, every person subject to INA processes are

1 due notice and an opportunity to challenge the actions of the executive under military  
2 powers. Without this protection, an ordinary Order of Removal as is alleged to exist  
3 here, though it was not served on Petitioner's counsel and no notice was given to  
4 explain how the removal—even if it was allegedly done under a civil law during an  
5 alleged military invasion—complies with U.S. treaty obligations that preclude torture  
6 and removal to a place where torture and death are likely to occur.  
7

8  
9 Finally, this Court issued an order protecting V.L. that the Government  
10 violated. This alone requires the Court to assert its jurisdiction, at the very least, to  
11 amend its own role in V.L.'s circumstances. He has asserted his rights under the U.S.  
12 Constitution, rights that U.S. citizens will depend upon if such military consequences  
13 befall them, and now he may face a harsher consequence for doing so—prolonged  
14 detention in a military prison in Guam. The attempt to assert rights in this Court  
15 should not be met with such consequences, and allowing these consequences by  
16 denying Petitioner's TRO will have a chilling effect on anyone in the future  
17 contemplating the assertion of their rights if the Court does not enforce its own order  
18 when it is violated in such a way that appears to purposely cause worse consequences  
19 for the Petitioner.  
20

21 DATED: May 26, 2025  
22  
23

24  
25 /s/ Joshua J. Schroeder  
26 Joshua J. Schroeder  
27 SchroederLaw  
28 Attorney for Nou Xiong next  
friend of V.L., and V.L.