

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

D.V.D., *et al.*,

Individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

U.S. Department of Homeland Security, *et al.*,

Defendants.

No. 1:25-cv-10676-BEM

DEFENDANTS’ RESPONSE TO THE COURT’S APRIL 10, 2025 ORDER

On April 10, 2025, this Court ordered “Plaintiffs to provide names and alien numbers to the Defendants” and for Defendants to respond to Plaintiffs’ allegations regarding compliance with the Temporary Restraining Order. ECF No. 62. Plaintiffs have provided Defendants with the names and alien numbers of six aliens. On April 11, 2025, Plaintiffs notified Defendants of four aliens. On April 16, 2025, and again on April 21, 2025, Plaintiffs gave notice of an additional alien. Pursuant to this Court’s order Defendants report as follows:

1. [REDACTED], a convicted domestic abuser, was removed to Mexico on March 28, 2025 at 8:10 AM before this Court issued its Temporary Restraining Order (ECF No. 34) in the afternoon of March 28, 2025. Declaration of Tracy J. Huettl, Exhibit A, at ¶¶ 34, 35. Prior to his removal, Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE ERO) “asked him if he was afraid of being returned to Mexico. At this time, he stated he was not afraid of returning to Mexico.” *Id.* at ¶ 33.

2. [REDACTED], an admitted human smuggler, was removed to Mexico on March 25, 2025, before this Court issued its Temporary Restraining Order (ECF No. 34), on March 28, 2025. *Id.* at ¶¶ 38, 41.
3. [REDACTED], a registered sex offender, was removed to El Salvador on March 31, 2025 “by the Department of Defense on a flight with no DHS personnel onboard.” *Id.* at ¶¶ 47, 51. DHS did not direct the Department of Defense to remove [REDACTED]. *Id.* at ¶ 51. The Department of Defense is not a defendant in this action.
4. [REDACTED], an identified Tren de Aragua (TdA) gang member, was removed to El Salvador on March 31, 2025, “by the Department of Defense on a flight with no DHS personnel onboard.” *Id.* at ¶¶ 22, 27. DHS did not direct the Department of Defense to remove [REDACTED]. *Id.* at ¶ 27. The Department of Defense is not a defendant in this action.
5. [REDACTED], an identified TdA chief, was removed to El Salvador on March 31, 2025, “by the Department of Defense on a flight where no DHS personnel onboard.” *Id.* at ¶¶ 16, 18. DHS did not direct the Department of Defense to remove [REDACTED]. *Id.* at ¶ 18. The Department of Defense is not a defendant in this action.
6. [REDACTED], an admitted TdA gang member, was removed to El Salvador on March 31, 2025, “by the Department of Defense on a flight where no DHS personnel onboard.” *Id.* at ¶¶ 10, 12. DHS did not direct the Department of Defense to remove [REDACTED]. *Id.* at ¶ 12. The Department of Defense is not a defendant in this action.

Accordingly, based on the attached declaration, DHS did not violate the Court's Temporary Restraining Order (ECF No. 34).

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

DREW C. ENSIGN
Deputy Assistant Attorney General

ELIANIS N. PEREZ
Assistant Director

MATTHEW P. SEAMON
Senior Litigation Counsel

/s/Mary L. Larakers
MARY L. LARAKERS
Senior Litigation Counsel
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 353-4419
(202) 305-7000 (facsimile)
mary.l.larakers@usdoj.gov

CERTIFICATE OF SERVICE

I, Mary Larakers, Senior Litigation Counsel, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: April 23, 2025

/s/ Mary L. Larakers
Mary L. Larakers
Senior Litigation Counsel

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

D.V.D, <i>et al.</i>	:	
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	CIVIL NO.: 2:25-cv-10676-BEM
	:	
U.S. Department of Homeland	:	
Security, <i>et al.</i>	:	
	:	
<i>Defendants.</i>	:	
	:	

DECLARATION OF TRACY J. HUETTL

I, Tracy J. Huettl, declare the following under 28 U.S.C. § 1746, and state that under penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as the Unit Chief for Field Operations, Domestic Operations, Southwest Region, where I provided executive management and direction to offices in seven states. I have served in this capacity since August 2021.
2. As an operational program of ICE, ERO is responsible for the planning, management, and direction of broad programs relating to identification, apprehension, detention, and removal of aliens who are removable from the United States under the immigration laws. The ERO Field Operations unit is based in Washington, D.C., and is responsible for providing guidance and coordination to ERO's national field offices and headquarters on managing enforcement and removal programs. As Unit Chief for Field Operations –

Southwest, I oversee, direct, and coordinate all enforcement and removal field operations throughout the Nation's seven southwestern field offices to enhance national security and public safety while ensuring such activities further the policies of DHS and ICE. ERO's mission is to protect the homeland through the arrest and removal of aliens who undermine the safety of our communities and the integrity of our immigration laws.

3. I joined ERO in July 2006 as an immigration enforcement agent (IEA) in Phoenix, AZ. I have served in various roles including Deportation Officer, Detention and Deportation Officer, Special Assistant to the ICE Deputy Chief of Staff, Acting Deputy Chief of Staff for Assistant Director of Enforcement, Supervisory Detention and Deportation Officer, Unit Chief, and Acting Deputy Assistant Director.
4. I provide this declaration based on information provided to me in my official capacity, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.
5. I am aware of the above-captioned litigation. While preparing this declaration, I reviewed information contained in the official records and databases maintained by ICE regarding the immigration and custody status of [REDACTED], [REDACTED]
[REDACTED]
[REDACTED] I am therefore familiar with the facts and circumstances regarding their immigration proceedings and state as follows:

- [REDACTED]
6. [REDACTED] is a 25-year-old, native and citizen of Venezuela.

7. On May 14, 2024, [REDACTED] was encountered by U.S. Border Patrol following an illegal entry and placed in Expedited Removal. Following this, [REDACTED] was charged with and pled guilty to 8 USC § 1325(a)(1), Improper Entry by Alien, and sentenced to seven (7) days of time served.
8. Following additional administrative proceedings, DHS was issued a Notice to Appear was issued on June 27, 2024.
9. On July 8, 2024, [REDACTED] was ordered removed by an Immigration Judge in the El Paso Service Processing Center Immigration Court; both parties waived appeal, making him subject to a final order of removal.
10. On or about December 12, 2024, ICE's Homeland Security Investigations Office of Intelligence confirmed [REDACTED] is a Tren de Aragua (TdA) gang member. He admitted to TdA gang membership and to recruiting prostitutes for the organization.
11. On or about March 29, 2025, [REDACTED] was transferred by ICE to Camp VI at the U.S. Naval Station Guantanamo Bay (NSGB) in Guantanamo Bay, Cuba.
12. My understanding is that on or about March 31, 2025, [REDACTED] was removed to El Salvador by the Department of Defense (DOD) on a flight where no DHS personnel were onboard. DHS did not direct DOD to remove him.

[REDACTED]

13. [REDACTED] a 24-year-old, native and citizen of Venezuela.
14. [REDACTED] was encountered by U.S. Border Patrol on January 27, 2022, and issued a Notice to Appear on January 27, 2022. He was released from ICE custody on an Order of Release on Recognizance on March 14, 2022. He was briefly in ICE Custody in the Dallas Field Office on January 30, 2024, following a criminal arrest in Texas before being

released.

15. On October 22, 2024, [REDACTED] was ordered removed in absentia by an Immigration Judge at the Dallas Immigration Court. He was detained again by ICE in Dallas, Texas, on March 12, 2025.
 16. [REDACTED] was previously charged with Discharge of a “Firearm in Certain Municipalities” on January 28, 2024, in Carrollton, Texas and “Theft of Property” on July 29, 2024, in Irving, Texas. He was identified as a TdA chief on February 25, 2025.
 17. On or about March 29, 2025, [REDACTED] was transferred to Camp VI at the NSGB in Guantanamo Bay, Cuba.
 18. It is my understanding that on or about March 31, 2025, [REDACTED] was removed to El Salvador by the DOD on a flight where no DHS personnel were onboard. DHS did not direct DOD to remove him.
- [REDACTED]
19. [REDACTED] is a 27-year-old native and citizen of Venezuela.
 20. [REDACTED] was encountered by U.S. Border Patrol on March 30, 2024.
 21. He was issued a Notice to Appear on March 31, 2024, and released on an Order of Release on Recognizance on the same date.
 22. On August 1, 2024, [REDACTED] was arrested for possession and use of drug-related objects in Gwinnett County, Georgia. On November 26, 2024, [REDACTED] was identified as a TdA gang member.
 23. On January 15, 2025, he was ordered removed to Venezuela in absentia by an Immigration Judge.
 24. On February 11, 2025, he was arrested for Petit Larceny, Criminal Possession – 5th

degree, and Criminal Possession Anti Security in New York, NY. On March 11, 2025, he was arrested for driving without a license by Georgia State Patrol.

25. Following a criminal arrest in Georgia, he was arrested by ERO and placed in ICE custody on March 13, 2025.

26. On or about March 30, 2025, [REDACTED] was transferred to Camp VI at the NSGB in Guantanamo Bay, Cuba.

27. It is my understanding that on or about March 31, 2025, [REDACTED] was removed to El Salvador by the DOD on a flight with no DHS personnel onboard. DHS did not direct DOD to remove him.

[REDACTED]

28. [REDACTED] is a 32-year-old native and citizen of Venezuela.

29. [REDACTED] was encountered by U.S. Border Patrol on August 13, 2022.

30. He was issued a Notice to Appear and released on an Order of Release on Recognizance on August 14, 2022.

31. On January 8, 2024, he was ordered removed to Venezuela but was granted withholding of removal by an Immigration Judge in the Florence Immigration Court.

32. Following an appeal to the Board of Immigration Appeals and subsequent remand to the Immigration Judge, on September 4, 2024, he was ordered removed to Venezuela by an Immigration Judge in the Florence Immigration Court. However, he was not amenable to removal at that time.

33. On September 28, 2024, he was released on an order of supervision. He was subsequently detained on March 27, 2025. On or about March 27, 2025, prior to [REDACTED] being removed to Mexico on March 28, 2025, ERO asked him if he was afraid of being

returned to Mexico. At this time, he stated he was not afraid of returning to Mexico.

34. Based on his criminal history, [REDACTED] was charged with the following crimes on December 28, 2022: aggravated assault domestic violence – impeding breathing; two counts of disordering conduct – fighting; theft-control property; two counts of assault – intent/reckless/injure; aggravated assault – victim bound/restricted; custodial interference-deny parent access; child/vul adult abuse-intent; dangerous drug-possessing/use; drug paraphernalia-possession/use. On April 4, 2023, he was found guilty of drug paraphernalia– possession/use and aggravated domestic assault – impeding breathing.

35. On or about March 28, 2025, at 8:10 AM local time, before the district court issued the Temporary Restraining Order (TRO), [REDACTED] was removed to Mexico.

[REDACTED]

36. [REDACTED] is a 40-year-old, native and citizen of Venezuela.

37. On or about August 13, 2022, [REDACTED] was encountered by Border Patrol agents near San Luis, Arizona, after he had unlawfully entered the United States. [REDACTED] was served with a Notice to Appear. He was released on an Order of Release on Recognizance on August 14, 2022.

38. On July 16, 2024, Border Patrol agents interviewed [REDACTED] where [REDACTED] admitted to transporting undocumented aliens because he needed money. [REDACTED] was arrested by Border Patrol agents and charged with human smuggling.

39. On or about July 18, 2024, [REDACTED] was granted a bond by the federal district court judge in Phoenix, Arizona and he was released from U.S. Marshal's custody.

40. On or about July 22, 2024, [REDACTED] was arrested by ERO Phoenix and placed in

ICE custody.

41. On December 18, 2024, an Immigration Judge ordered [REDACTED] removal to Venezuela, both parties waived appeal, and he became subject to a final order of removal.

42. On or about March 25, 2025, before the district court issued the TRO, [REDACTED] was removed to Mexico.

[REDACTED]

43. [REDACTED] is a 23-year-old, native and citizen of Venezuela.

44. On or about August 29, 2023, [REDACTED] was encountered by Border Patrol agents near Eagle Pass, Texas, after he had unlawfully entered the United States. He was served with a Notice to Appear. He was released on an Order of Release on Recognizance due to lack of bed space on or about August 29, 2023.

45. On November 30, 2024, he was ordered removed to Venezuela in absentia by an Immigration Judge in the New York City Immigration Court.

46. On August 31, 2024, the Nassau County Police Department arrested [REDACTED] on charges of Assault: 2nd: Degree Intent to Cause Physical Injury; Menacing-2nd: weapon; Criminal Possession Weapon-4th: Intent to Use; Assault 3rd Degree: Reckless Causing Physical Injury. On September 3, 2024, the Nassau County Police Department arrested on a charge of [REDACTED] on Rape – 2nd Degree. On January 17, 2025, the Nassau County Superior Court convicted [REDACTED] of Assault 3rd Degree: Recklessly Cause Physical Injury in violation of section 120.00(2) of the New York Penal Law; and Forcible Touching - Touch Sexual/Intimate Parts of Another Person in violation of section 130.52(1) of the New York Penal Law.

47. [REDACTED] is a level 1 registered sex offender with The New York State Sex

Offender Registry.

48. On February 20, 2025, [REDACTED] was identified as a TdA gang member.

49. On or about February 20, 2025, [REDACTED] was encountered by ICE officers at the Nassau County Police Department headquarters. ICE Officers positively identified and arrested him without incident.

50. On or about March 29, 2025, [REDACTED] was transferred to Camp VI at the NSGB in Guantanamo Bay, Cuba.

51. It is my understanding that on or about March 31, 2025, [REDACTED] was removed to El Salvador by the DOD on a flight with no DHS personnel onboard. DHS did not direct DOD to remove him.

I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, as of the time of signature.

Executed this 23rd day of April 2025.

TRACY J
HUETTL

Digitally signed by TRACY
J HUETTL
Date: 2025.04.23 17:44:58
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Tracy J. Huettl
Unit Chief for Field Operations
Southwest Operations
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security