

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

J.A.V., et al.,

Petitioners–Plaintiffs,

v.

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

Respondents–Defendants.

Case No. 1:25-cv-0072

**EMERGENCY APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER¹

¹ Pursuant to LR7.1(D), Petitioners’ counsel attempted to confer with counsel for Respondents prior to filing by e-mailing the local U.S. Attorneys’ office at 4:25 p.m. CT and seeking their position. Petitioners’ counsel was not able to obtain a response prior to filing.

Petitioners-Plaintiffs (“Petitioners”) and the proposed class are in imminent danger of being removed from the United States—and this Court could potentially permanently lose jurisdiction. Petitioners also request 30-day notice of any intent to remove Petitioners and the opportunity to contest an alien enemy designation, as well as advance notice of transfer of Petitioners out of this District.

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act, Petitioners-Plaintiffs and the proposed class hereby apply for a temporary restraining order against Respondents-Defendants (“Respondents”). Petitioners are civil immigration detainees who are at substantial risk of immediate, summary removal from the United States pursuant to use of the Alien Enemies Act (“AEA”), 50 U.S.C. § 21 *et seq.* against a *non*-state actor for the first time in the country’s history.

As set forth in the accompanying Memorandum of Law, Respondents’ invocation and application of the AEA patently violates the plain text of the statute and exceeds the limited authority granted to the Executive Branch by Congress. Respondents’ invocation and application of the AEA also violates the Immigration and Nationality Act, statutes providing protection for people seeking humanitarian relief, and due process. In the absence of a temporary restraining order, Petitioners will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Petitioners are removed to the custody of another country, the government’s position is that this Court will lose jurisdiction permanently.

In support of this Motion, Petitioners rely upon the accompanying memorandum in support of a Temporary Restraining Order, declarations, and motion and memorandum for class certification. A proposed order is attached for the Court’s convenience. Petitioners respectfully request that this Court grant this emergency application and issue a temporary restraining order as soon as possible.

Dated: April 9, 2025

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Respectfully submitted,

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Attorneys for Petitioners-Plaintiffs
**Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I certify that on April 9, 2025, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system which sends notice of electronic filing to all counsel of record.

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