

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

A.S.R., individually and on behalf of all others
similarly situated,

Petitioner–Plaintiff,

v.

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

Respondents–Defendants.

Case No. _____

**EMERGENCY APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER¹

¹ Petitioner’s counsel will email a PDF copy of this Motion and the documents in support of this Motion to Lee Karl, Adam Fischer, and Michael Colville, all of whom are attorneys with the U.S. Attorney’s Office for the Western District of Pennsylvania.

Petitioner-Plaintiff (“Petitioner”) and the proposed class are in imminent danger of being removed from the United States—(with 24 hours or less notice)—and this Court could potentially permanently lose jurisdiction. Petitioner and the class are also in imminent danger of being transferred outside of the Western District of Pennsylvania en route to removal. Accordingly, Petitioner respectfully requests a temporary injunction for Petitioner and the putative class to preserve the status quo, enjoining (1) any removal outside the country pursuant to the Alien Enemies Act (“AEA”), (2) any transfer out of the Western District of Pennsylvania, (3) notice to Petitioner and the putative class, as well as undersigned counsel, of any designation as an Alien Enemy under the Proclamation, with at least 30 days’ notice prior to any removal under the Proclamation, and (4) notice to undersigned counsel of the transfer of any individual designated an Alien Enemy under the Proclamation into the Western District of Pennsylvania.

The request for a temporary restraining order against Respondents-Defendants (“Respondents”) is made pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act. Petitioner and the proposed class are civil immigration detainees who are at substantial risk of immediate, summary removal from the United States pursuant to the use of the 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 President 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, Petitioner and the class will suffer irreparable injury, and the balance of hardships and the public

interest favor relief. Critically, moreover, if Petitioner and the class 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, Petitioner relies upon the accompanying memorandum in support of a Temporary Restraining Order, motion and memorandum for class certification, and declarations in support of both motions. A proposed order is attached for the Court's convenience. Petitioner respectfully requests that this Court grant this emergency application and issue a temporary restraining order as soon as possible for Petitioner and the class.

Dated: April 15, 2025

Respectfully submitted,

Lee Gelernt (NY 2502532)*
Daniel Galindo (CA 292854)*
Ashley Gorski (NY 4874228)*
Patrick Toomey (4983979)*
Sidra Mahfooz (NY 5782693)*
Omar Jadwat (NY 4118170)*
Hina Shamsi (NY 2995579)*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
T: (212) 549-2660
F: (212) 519-7871
E: lgelernt@aclu.org
E: dgalindo@aclu.org
E: agorski@aclu.org
E: ptoomey@aclu.org
E: smahfooz@aclu.org
E: ojadwat@aclu.org
E: hshamsi@aclu.org

Noelle Smith (CA 344481)*
Oscar Sarabia Roman (CA 341385)*
My Khanh Ngo (CA 317817)*
Cody Wofsy (CA 294179)*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104
T: (415) 343-0770
F: (212) 519-7871
E: nsmith@aclu.org
E: osarabia@aclu.org
E: mngo@aclu.org
E: cwofsy@aclu.org

/s/ Vanessa L. Stine
Vanessa L. Stine (PA 319569)
Witold J. Walczak (PA 62976)
Keith Armstrong (PA 334758)*
AMERICAN CIVIL LIBERTIES UNION
OF PENNSYLVANIA

P.O. Box 60173
Philadelphia, PA 19102
T: 215-592-1513
F: 267-573-3054
E: vstine@aclupa.org
E: karmstrong@aclupa.org

P.O. Box 23058
Pittsburgh, PA 15222
T: 412-681-7864
F: 267-573-3054
E: vwalczak@aclupa.org

Attorneys for Petitioner-Plaintiff
**Pro hac vice applications forthcoming*

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Respondents–Defendants.

CIVIL ACTION NO. _____

[PROPOSED] TEMPORARY RESTRAINING ORDER

Upon consideration of Petitioner-Plaintiff’s Motion for a Temporary Restraining Order:

Having determined that Petitioner-Plaintiff (“Petitioner”) and the proposed class are likely to succeed on the merits of their claims that the Proclamation violates the Alien Enemies Act (“AEA”), 50 U.S.C. § 21 *et seq.*; that the AEA does not authorize Respondents-Defendants (“Respondents”) to summarily remove them from the United States; that Respondents’ actions implementing removals under the AEA violate due process, the Immigration and Nationality Act, and statutes providing protection for those seeking humanitarian relief; that in the absence of injunctive relief Petitioner and the proposed class will suffer irreparable injury in the form of unlawful removal that may be irreversible,; and that the balance of hardships and public interest favor temporary relief, it is, therefore,

ORDERED that Petitioner’s Motion for a Temporary Restraining Order is hereby **GRANTED** without notice, due to the extreme speed at which removal from this District may occur and the irreparable consequences of the Court’s potential loss of jurisdiction; that the proposed class is provisionally certified; and that Respondents (excluding the President with

respect to any injunctive relief), their agents, representatives, and all persons or entities acting in concert with them are hereby:

1. **ORDERED**, pending further order of this Court, not to remove Petitioner, or any members of the putative class, from the United States under the Presidential Proclamation entitled “Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua”;
2. **ORDERED**, pending further order of this Court, not to transfer Petitioner, or any members of the putative class, from the District;
3. **ORDERED**, pending further order of this Court, to provide Petitioner and members of the putative class, as well as provisional class counsel, with notice of any designation as an Alien Enemy under the Proclamation, and at least 30 days’ notice prior to any removal pursuant to the Proclamation;
4. **ORDERED**, pending further order of this Court, to provide provision class counsel with notice of the transfer of any individual designated an Alien Enemy under the Proclamation into the District.

It is further **ORDERED** that Petitioners shall not be required to furnish security for costs.

Entered on _____, of April 2025, at _____ a.m./p.m.

United States District Court Judge