

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

J.G.G., *et al.*,

Plaintiffs–Petitioners,

v.

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

Defendants–Respondents.

Case No: 1-25-00766

EMERGENCY APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs and the proposed class are imminent danger of being removed tonight or early tomorrow morning under the Alien Enemies Act—and this Court permanently losing jurisdiction.

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act, Plaintiffs-Petitioners and the proposed class hereby apply for a temporary restraining order against Defendants-Respondents (“Defendants”). Plaintiffs 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, 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, Defendants’ invocation and application of the Alien Enemies Act patently violates the plain text of the statute and exceeds the limited authority granted to the Executive Branch by Congress. Defendants’ invocation and application of the Alien Enemies Act 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, Plaintiffs will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Plaintiffs are removed to the custody of another country, this Court will lose jurisdiction.

In support of this Motion, Plaintiffs 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. Plaintiffs respectfully request that this Court grant this emergency application and issue a temporary restraining order **tonight**.

Dated: March 15, 2025

Respectfully submitted,

Noelle Smith*
Oscar Sarabia Roman*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104
(415) 343-0770
nsmith@aclu.org
osarabia@aclu.org

Arthur B. Spitzer (D.C. Bar No. 235960)
Scott Michelman (D.C. Bar No. 1006945)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF THE DISTRICT OF
COLUMBIA
529 14th Street, NW, Suite 722
Washington, D.C. 20045
(202) 457-0800
aspitzer@acludc.org
smichelman@acludc.org

/s/ Lee Gelernt
Lee Gelernt (D.D.C. Bar No. NY0408)
Daniel Galindo (D.D.C. Bar No. NY035)
Ashley Gorski*
Omar C. Jadwat*
Hina Shamsi (D.D.C. Bar No. MI0071)
Patrick Toomey*
Sidra Mahfooz*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2660
lgelernt@aclu.org
dgalindo@aclu.org
agorski@aclu.org
ojadwat@aclu.org
hshamsi@aclu.org
ptoomey@aclu.org
smahfooz@aclu.org

Somil B. Trivedi (D.C. Bar No. 1617967)
Bradley Girard (D.C. Bar No. 1033743)
Michael Waldman (D.C. Bar No. 414646)
Sarah Rich*
Skye Perryman (D.C. Bar No. 984573)
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
Washington, DC 20043
Phone: (202) 448-9090
Fax: (202) 796-4426
strivedi@democracyforward.org
bgirard@democracyforward.org
mwaldman@democracyforward.org
srich@democracyforward.org
sperryman@democracyforward.org

Attorneys for Plaintiffs-Petitioners

**Pro bono representation certificates or
Pro hac vice motions forthcoming*