

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

A.S.R.,* on his own behalf and on behalf of others
similarly-situated,

Petitioner–Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; PAMELA BONDI,
Attorney General of the United States, in her
official capacity; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security, in her
official capacity; U.S. DEPARTMENT OF
HOMELAND SECURITY; TODD LYONS,
Acting Director of U.S. Immigration and Customs
Enforcement, in his official capacity; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; MARCO RUBIO, Secretary
of State, in his official capacity; U.S. STATE
DEPARTMENT; BRIAN MCSHANE, in his
official capacity as acting Philadelphia Field
Office Director for U.S. Immigration and Customs
Enforcement; LEONARD ODDO, in his official
capacity as the Facility Administrator of the
Moshannon Valley Processing Center;

Respondents–Defendants.

Case No. _____

**CLASS PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

* Motion for the Petitioner to proceed under pseudonym has been concurrently filed with this class petition and complaint.

INTRODUCTION

1. Petitioner-Plaintiff (“Petitioner”) is a Venezuelan man in immigration custody at risk of imminent removal under the President’s Proclamation invoking the Alien Enemies Act (“AEA”).

2. By its terms, the AEA applies only where the United States is in a “declared war” with a “foreign nation or government,” or a “foreign nation or government” has engaged in, or is threatening to engage in, an “invasion” or “predatory incursion” against the “territory of the United States.” 50 U.S.C. § 21.

3. The Proclamation at issue here invoking the AEA is entitled: “Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua.”¹ It authorizes the “immediate” removal, without notice or judicial review, of noncitizens over the age of fourteen who the government claims are members of the Venezuelan criminal gang Tren de Aragua (“TdA”), excluding lawful permanent residents. It also overrides all the procedural and substantive protection afforded by Congress for noncitizens in immigration proceedings, including protection against the removal to a place where they will face torture.

4. Although the AEA requires that its invocation be made “public,” the Proclamation is dated March 14, 2015, but was not made public until March 15. The government, however, attempted to remove individuals under the Proclamation before it was made public.

5. The AEA, enacted in 1798, provides the President with wartime authority and has been used only three times in our Nation’s history: the War of 1812, World War I and World War II.

6. It may not be used against a criminal gang or during peacetime.

¹ Available at <https://perma.cc/ZS8M-ZQHJ>.

7. Nonetheless, on March 15, the government removed at least 137 Venezuelan noncitizens under the Proclamation to one of the world’s most notorious prisons in El Salvador, where they may remain incommunicado for the rest of their lives according to the Salvadoran President.

8. These individuals were sent to this brutal prison without any court having had an opportunity to review the threshold questions of whether a criminal gang can be deemed a “foreign government or nation” within the meaning of the AEA, or whether criminal activity and migration can constitute a military “invasion or predatory incursion” of the “territory of the United States;” under the Act.

9. These individuals were also given no opportunity to contest their designation as members of the TdA gang and therefore did not even fall with the Proclamation. And more and more evidence is emerging that many (perhaps most) of these individuals lacked any ties to the gang and were mistakenly placed under the Proclamation.

10. That more individuals are not languishing in a Salvadoran prison is the result of a nationwide class Temporary Restraining Order issued by Judge Boasberg in the District of Columbia. *J.G.G. v. Trump*, No. 1:25-cv-766-JEB, 2025 WL 825115, at *1 (D.D.C. Mar. 15, 2025). The D.C. Circuit declined to stay the TRO, *J.G.G. v. Trump*, No. 25-5067, 2025 WL 914682, at *1 (D.C. Cir. Mar. 26, 2025), but the Supreme Court vacated the TRO, *Trump v. J.G.G.*, No. 24A931, 2025 WL 1024097, at *1 (U.S. Apr. 7, 2025). However, the Supreme Court made clear that review was available by habeas, that individuals subjected to the Proclamation are entitled to “due process” and must be given “notice . . . within a reasonable time and in such a manner as will allow them to actually seek habeas relief in the proper venue before such removal occurs.” *Id.* at *2.

11. Accordingly, given that Petitioner and the putative class are no longer protected by the TRO in D.C., they file this habeas action given the Supreme Court's ruling that habeas is the proper mechanism to challenge the Proclamation's application. Although Petitioner has not been given notice yet of his designation, the government has made clear that they believe he is a member of TdA and has further stated that they may give as little as 24 hours' notice, to those it designates, notwithstanding the Supreme Court's express statement that individuals must be given notice adequate to allow them to seek judicial review.

12. The Proclamation is unlawful for three principal reasons: the Proclamation (1) fails to satisfy the statutory predicates of the AEA because the TdA is not a "foreign government or nation" not is it involved in a military "invasion or predatory incursions" of the "territory of the United States;" (2) sweeps away the procedural and substantive protections Congress enacted for the protection of noncitizens subject to removal; and (3) provides no notice or opportunity for judicial review to show that an individual is not in fact a member of the TdA and therefore falls wholly outside of the Proclamation.

13. This Court's intervention is necessary so that Petitioner and the putative class are not unlawfully sent to a Salvadoran prison pursuant to the Proclamation, perhaps for the remainder of their lives.

14. Petitioner in this action does not seek release from detention or contest any aspect of his ongoing immigration proceedings.

JURISDICTION AND VENUE

15. This case arises under the Alien Enemies Act ("AEA"), 50 U.S.C. §§ 21-24; the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.* and its implementing regulations; the Convention Against Torture ("CAT"), *see* Foreign Affairs Reform and

Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified as Note to 8 U.S.C. § 1231); the All Writs Act, 28 U.S.C. § 1651; and the Fifth Amendment to the U.S. Constitution.

16. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 *et seq.* (habeas corpus); art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause); 28 U.S.C. § 1346 (United States as defendant); 28 U.S.C. § 1361 (mandamus); and 28 U.S.C. § 1651 (All Writs Act).

17. The Court may grant relief pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 2243; the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Court’s inherent equitable powers.

18. Venue is proper in this District under 28 U.S.C. § 2241; 28 U.S.C. § 1391(b); and, 28 U.S.C. § 1391(e)(1) because at the time of filing the Petitioner was detained in the Respondents’ custody within the Western District of Pennsylvania; a substantial part of the events and omissions giving rise to the claim occurred in this district; and Respondents are agencies of the United States or officers of the United States acting in their official capacity.

PARTIES

A. Petitioner-Plaintiff (“Petitioner”)

19. Petitioner A.S.R. is a Venezuelan national who is detained at Moshannon Valley Processing Center in Philipsburg, Pennsylvania. A.S.R. fled Venezuela after he was extorted by groups associated with the Maduro regime. He came to the United States in November 2023 with his wife, his child, and two stepchildren. He is currently in immigration removal proceedings and has sought asylum, withholding of removal, and protection under the Convention Against Torture. He is scheduled for a hearing on April 15, 2025, in Elizabeth Immigration Court. A.S.R. was arrested on February 26, 2025, when his neighbor reported that he is a member of Tren de

Aragua. A.S.R. vehemently denies these accusations. ICE also asked him about his tattoos.

A.S.R. has three tattoos—one of his mother’s name, another of his grandmother’s name, and the last one is the word “family.” None of these tattoos are related to Tren de Aragua. ICE also filed an I-213 which states that the government “receive[d] reliable intelligence from foreign officials that this subject is affiliated with the Tren de Aragua criminal organization.” A.S.R. is fearful that he will be classified as an alien enemy under the Aliens Enemy Act and summarily deported under the Proclamation to El Salvador.

B. Respondents-Defendants (“Respondents”)

20. Respondent Donald Trump is the President of the United States. He is sued in his official capacity. In that capacity, he issued the Proclamation under the Alien Enemies Act. Injunctive relief is not sought against the President.

21. Respondent Pamela J. Bondi is the U.S. Attorney General at the U.S. Department of Justice, which is a cabinet-level department of the United States government. She is sued in her official capacity.

22. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security, which is a cabinet-level department of the United States government. She is sued in her official capacity. In that capacity, Respondent Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103.

23. Respondent U.S. Department of Homeland Security (“DHS”) is a cabinet-level department of the United States federal government. Its components include Immigration and Customs Enforcement (“ICE”). Respondent DHS is a legal custodian of Petitioner.

24. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for ICE’s policies, practices, and procedures, including those relating to the detention

of immigrants during their removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his official capacity.

25. Respondent ICE is the subagency of DHS that is responsible for carrying out removal orders and overseeing immigration detention. Respondent ICE is a legal custodian of Petitioner.

26. Respondent Marco Rubio is the Secretary of State at the U.S. Department of State. He is sued in his official capacity.

27. Respondent U.S. Department of State, which is a cabinet-level department of the United States government.

28. Respondent Brian McShane is the acting director of ICE's Philadelphia Field Office, which is responsible for ICE activities in the Philadelphia Area of Responsibility, which encompasses Delaware, Pennsylvania, and West Virginia and its detention facilities, including Moshannon Valley Processing Center. Respondent McShane is an immediate legal custodian responsible for the arrest and detention of Petitioner. He is sued in his official capacity.

29. Respondent Leonard Oddo is the Facility Administrator of the Moshannon Valley Processing Center, which detains individuals suspected of civil immigration violations pursuant to a contract with ICE. Respondent Oddo is the immediate physical custodian responsible for the detention of Petitioner. He is sued in his official capacity.

BACKGROUND

The Alien Enemies Act

30. The AEA is a wartime authority enacted in 1798 that grants the President specific powers with respect to the regulation, detention, and deportation of enemy aliens.

31. The AEA, as codified today, provides that “[w]henever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory

incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies.” 50 U.S.C. § 21.

32. The AEA can thus be triggered in only two situations. The first is when a formal declared war exists with a foreign nation or government. The second is when a foreign nation or government perpetrates, attempts, or threatens an invasion or predatory incursion against the territory of the United States.

33. To trigger the AEA, the President must make a public proclamation of the declared war, or of the attempted or threatened invasion or predatory incursion. *Id.*

34. The AEA also provides that noncitizens must be permitted the full time to depart as stipulated by any treaty between the United States and the enemy nation, unless the noncitizen has engaged in “actual hostility” against the United States. If no such treaty exists, the President may declare a “reasonable time” for departure, “according to the dictates of humanity and national hospitality.” *Id.* § 22.

35. Under the AEA, noncitizens who “refuse or neglect to depart” are subject to removal. *Id.* § 21.

36. The Act has been used only three times in American history, all during actual or imminent wartime.

37. The AEA was first invoked several months into the War of 1812, but President Madison did not use the AEA to remove anyone from the United States during the war.

38. The AEA was invoked a second time during World War I by President Wilson. Upon information and belief, there were no removals effectuated pursuant to the AEA during World War I.

39. The AEA was used again during World War II, though it was never used as a widespread method of removal.

40. On December 7, 1941, after the Japanese invaded Hawaii in the attack on Pearl Harbor, President Roosevelt proclaimed that Japan had perpetrated an invasion upon the territory of the United States. The president issued regulations applicable to Japanese nationals living in the United States. The next day Congress declared war on Japan.

41. On the same day, President Roosevelt issued two separate proclamations stating that an invasion or predatory incursion was threatened upon the territory of the United States by Germany and Italy. The president incorporated the same regulations that were already in effect as to Japanese people for German and Italian people. Three days later Congress voted unanimously to declare war against Germany and Italy.

42. Congress declared war against Hungary, Romania, and Bulgaria on June 5, 1942. Just over a month later, President Roosevelt issued a proclamation recognizing that declaration of war and invoking the AEA against citizens of those countries.

43. Under these proclamations, the United States infamously interned noncitizens from Japan, Germany, Italy, Hungary, Romania, and Bulgaria (with U.S. citizens of Japanese descent subject to a separate order that did not rely on the AEA).

44. It was not until the end of hostilities that the President provided for the removal of alien enemies from the United States under the AEA. On July 14, 1945, President Truman issued a proclamation providing that alien enemies detained as a danger to public peace and

safety “shall be subject upon the order of the Attorney General to removal from the United States.” The Department of Justice subsequently issued regulations laying out the removal process. *See* 10 Fed. Reg. 12,189 (Sept. 28, 1945). The regulations required, *inter alia*, notice of the removal order to be served on the designated alien enemy and that the alien enemy had thirty (30) days thereafter to depart—during which time they could seek judicial review of the removal order. *Id.*

Systemic Overhaul of Immigration Law in 1952

45. Following the end of World War II, Congress consolidated U.S. immigration laws into a single text under the Immigration and Nationality Act of 1952 (“INA”).

46. The INA, and its subsequent amendments, provide for a comprehensive system of procedures that the government must follow before removing a noncitizen from the United States. The INA now provides the exclusive procedure by which the government may determine whether to remove an individual. 8 U.S.C. § 1229a(a)(3).

47. In addition to laying out the process by which the government determines whether to remove an individual, the INA also enshrines certain forms of humanitarian protection.

48. First, the INA provides that “[a]ny alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival . . .), irrespective of such alien’s status,” may apply for asylum. 8 U.S.C. § 1158(a)(1). To qualify for asylum, a noncitizen must show a “well-founded fear of persecution” on account of a protected ground, such as race, nationality, political opinion, or religion. 8 U.S.C. § 1101(a)(42)(A).

49. Second, save for certain limited exceptions, Congress has barred the removal of an individual to a country where it is more likely than not that he would face persecution on one of these protected grounds. 8 U.S.C. § 1231(b)(3). That protection implements this country’s

obligations under the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees. The relevant form of relief, known as “withholding of removal,” requires the applicant to satisfy a higher standard with respect to the likelihood of harm than asylum, but this form of relief is mandatory if the standard is met.

50. Third, the Convention Against Torture (“CAT”) prohibits the government from returning a noncitizen to a country where it is more likely than not that he would face torture. *See* 8 U.S.C. § 1231 note. That protection implements the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, div. G, Title XXII, § 2242. As with withholding of removal, CAT relief also requires the applicant to satisfy a higher standard with respect to the likelihood of harm than asylum and relief is mandatory if that standard is met. There is no exception to CAT relief.

President Trump’s Proclamation Invoking the AEA

51. On March 14, the President signed the AEA Proclamation at issue here. It provides that “all Venezuelan citizens 14 years of age or older who are members of TdA [Tren de Aragua], are within the United States, and are not actually naturalized or lawful permanent residents of the United States are liable to be apprehended, restrained, secured, and removed as Alien Enemies.” *See* Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua (Mar. 15, 2025).²

52. Although the AEA calls for a “public proclamation,” 50 U.S.C. § 21, the administration did not make the invocation public until around 3:53 p.m. EDT on March 15, despite making extensive preparations and attempts to remove class members under the Act.

² *Available at*: <https://perma.cc/ZS8M-ZQHJ>.

53. The Proclamation claims that the TdA gang is engaged in an invasion and predatory incursion into the United States, and that the gang should be considered a “foreign government.”

54. The Proclamation thus states that all Venezuelan citizens ages fourteen or older alleged to be members of TdA who are not U.S. citizens or lawful permanent residents are alien enemies.

55. The Proclamation provides no means or process for individuals to contest that they are members of the TdA and do not therefore fall within the terms of the Proclamation. Nor does it provide individuals with the statutory grace period in which they can both seek judicial review or arrange their affairs and leave voluntarily.

56. Instead, the Proclamation invokes the statutory exception to the “reasonable notice” requirement by claiming that the individuals subject to the Proclamation are “chargeable with actual hostility,” and pose “a public safety risk,” making them subject to immediate apprehension, restraint, and removal.

57. The government employs a standardized check list, the “Alien Enemy Validation Guide,” to determine who is an “alien enemy” subject to the Proclamation. An ICE officer completes the form, tallying points for different categories of alleged TdA membership characteristics.

58. The checklist’s methodology relies heavily on physical attributes like tattoos, hand gestures, symbols, logos, graffiti, and manner of dress. Experts who study the TdA have explained how none of these physical attributes are reliable ways of identifying members of the TdA.

59. Noncitizens subject to the Proclamation are not afforded the procedural or substantive protection under the INA, including under Convention Against Torture.

60. Multiple judges have already found that the Proclamation is likely unlawful. *See J.G.G.*, 2025 WL 914682, at *5–10 (Henderson, J., concurring) (AEA predicates of “invasion” or “predatory incursion” not met); *id.* at *13 (Millett, J., concurring) (“The Constitution’s demand of due process cannot be so easily thrown aside.”); *J.G.G. v. Trump*, No. CV 25-766 (JEB), 2025 WL 890401, at *2 (D.D.C. Mar. 24, 2025) (Boasberg, J.) (“before plaintiffs may be deported, they are entitled to individualized hearings to determine whether the Act applies to them at all”).

61. As a result of the Proclamation, countless Venezuelans—including Petitioner in this district—are at imminent risk of removal pursuant to the Proclamation without any hearing or meaningful review, regardless of the absence of any ties to TdA or the availability of claims for relief from and defenses to removal.

CLASS ALLEGATIONS

62. Petitioner brings this action under both Federal Rules of Civil Procedure 23(a) and 23(b)(2) and principles of habeas and equity on behalf of himself and a class of all other persons similarly situated.

63. Petitioner seeks to represent the following Proposed Class: All noncitizens in custody in the Western District of Pennsylvania who were, are, or will be subject to the March 2025 Presidential Proclamation entitled ‘Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren De Aragua’ and/or its implementation.

The proposed class satisfies the requirements of Rule 23(a)(1) because the class is so numerous that joinder of all members is impracticable. Hundreds of Venezuelans living in

Pennsylvania and the greater northeast U.S. region will potentially be subjected to summary removal under the Proclamation and its implementation by Respondents. Several weeks ago, the government identified nationwide 86 people in detention subject to the Proclamation and 172 more who are at liberty. *See supra*, Cerna Decl. ¶ 6. Based on the former number alone, Petitioners clear the bar, but there are likely to be more individuals entering the class as more of the 172 individuals are taken into ICE custody. The proposed class also includes numerous future noncitizens who will be subjected to the Proclamation, as the government has repeatedly stated that it intends to continue using the Proclamation absent court intervention. Moreover, the government has engaged in extensive enforcement actions in the Northeast region. Given ICE uses Moshannon Valley Processing Center as a detention hub for Northeast ICE detention, people detained in those sweeps often end up in this District. Indeed, four of the five named *J.G.G.* petitioners who were nearly removed to El Salvador under the Alien Enemies Act on March 15 had previously been detained at the Moshannon Valley Processing Center, while others currently detained indefinitely at CECOT were previously detained in this District. Further, because ICE continues to “track[] the TdA members who are amenable to removal proceedings,” *see supra*, Cerna Decl. ¶ 6, and more individuals will be designated under the Proclamation, “the class includes unknown, unnamed future members.” *Pederson v. La. State Univ.*, 213 F.3d 858, 868 n.11 (5th Cir. 2000); *see also Jack v. Am. Linen Supply Co.*, 498 F.2d 122, 124 (5th Cir. 1974) (discussing impracticability of joinder of unknown persons); *Phillips v. Joint Legislative Comm.*, 637 F.2d 1014, 1022 (5th Cir. 1981) (“joinder of unknown individuals is certainly impracticable”).

64. The class satisfies the commonality requirements of Rule 23(a)(2). The members of the class are subject to a common practice: summary removal under the Proclamation contrary to the AEA, the INA, and due process. The suit also raises threshold questions of law common to

members of the proposed class, including whether the Proclamation and its implementation satisfy the statutory requirements of the AEA; whether the Proclamation may lawfully override the protections afforded noncitizens under the INA; and whether the lack of due process violates the Fifth Amendment.

65. The proposed class satisfies the typicality requirements of Rule 23(a)(3), because the claims of the representative Petitioner are typical of the claims of the class. Each proposed class member, including the proposed class representatives, has experienced or faces the same principal injury (unlawful removal), based on the same government practice (the Proclamation and its implementation), which is unlawful as to the entire class because it violates the AEA, the INA, and due process.

66. The proposed class satisfies the adequacy requirements of Rule 23(a)(4). The representative Petitioner seeks the same relief as the other members of the class—among other things, an order declaring the Proclamation unlawful and an injunction preventing enforcement of the Proclamation. In defending his rights, Petitioner will defend the rights of all proposed class members fairly and adequately.

67. The proposed class is represented by experienced attorneys from the American Civil Liberties Union and the American Civil Liberties Union of Pennsylvania. Proposed Class Counsel have extensive experience litigating class action lawsuits and other complex systemic cases in federal court on behalf of noncitizens.

68. The proposed class also satisfies Rule 23(b)(2). Respondents have acted (or will act) on grounds generally applicable to the class by subjecting them to summary removal under the Proclamation rather than affording them the protection of immigration laws. Injunctive and declaratory relief is therefore appropriate with respect to the class as a whole.

69. The proposed class also satisfies the requirements for a class guided by Rule 23 but certified under equity habeas principles.

CAUSES OF ACTION³

FIRST CLAIM FOR RELIEF

***Ultra Vires, Violation of 50 U.S.C. § 21, et seq.*
(All Respondents)**

70. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

71. The AEA does not authorize the removal of noncitizens from the United States absent a “declared war” or a “perpetrated, attempted, or threatened” “invasion or predatory incursion” against the “territory of the United States” into the United States by a “foreign nation or government.” *See* 50 U.S.C. § 21.

72. The Proclamation and its implementation do not satisfy these statutory preconditions.

73. Additionally, the AEA permits removal only where noncitizens alleged to be “alien enemies” “refuse or neglect to depart” from the United States. 50 U.S.C. § 21. The AEA also requires the government to afford noncitizens alleged to be “alien enemies” sufficient time to settle their affairs and to depart the United States. *See* 50 U.S.C. § 22.

74. However, Petitioner and the class are being subject to forced removal without being afforded the privilege of voluntary departure, let alone any notice or an opportunity to respond to the designation of alien enemy.

³ Insofar as a cause of action seeks to enjoin Respondents, Petitioner does not seek such relief against the President.

75. The application of the AEA Process to Petitioner and the class is therefore *ultra vires*.

SECOND CLAIM FOR RELIEF

Violation of 8 U.S.C. § 1101, *et seq.* (All Respondents)

76. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

77. The INA provides that a removal proceeding before an immigration judge under 8 U.S.C. § 1229a is “the sole and exclusive procedure” by which the government may determine whether to remove an individual, “[u]nless otherwise specified” in the INA. 8 U.S.C. § 1229a(a)(3).

78. The INA’s “exclusive procedure” and statutory protections apply to any removal of a noncitizen from the United States, including removals authorized by the AEA.

79. The AEA Process creates an alternative removal mechanism outside of the immigration laws set forth by Congress in Title 8.

80. Because the AEA Process provides for the removal of Petitioner and the class without the procedures specified in the INA, it violates the INA.

THIRD CLAIM FOR RELIEF

Violation of 8 U.S.C. § 1158, Asylum (All Respondents)

81. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

82. The INA provides, with certain exceptions, that “[a]ny alien who is physically present in the United States or who arrives in the United States (whether or not at a designated

port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title.” 8 U.S.C. § 1158(a)(1).

83. Respondents' application of the AEA Process to Petitioner and the class prevents them from applying for asylum in accordance with 8 U.S.C. § 1158(a)(1) and is therefore contrary to law.

FOURTH CLAIM FOR RELIEF

Violation of 8 U.S.C. § 1231(b)(3), Withholding of Removal (All Respondents)

84. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

85. With certain limited exceptions, the “withholding of removal” statute, INA § 241(b)(3), *codified at* 8 U.S.C. § 1231(b)(3), bars the removal of noncitizens to a country where it is more likely than not that they would face persecution.

86. Respondents' AEA Process violates the withholding of removal statute because it does not provide adequate safeguards to ensure that Petitioner and the class are not returned to a country where it is more likely than not that they would face persecution. As a result, Respondents' actions against Petitioner and the class are contrary to law.

FIFTH CLAIM FOR RELIEF

Violation of the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), codified at 8 U.S.C. § 1231 note (All Respondents)

87. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

88. FARRA prohibits the government from returning a noncitizen to a country where it is more likely than not that he would face torture.

89. Respondents' AEA Process violates FARRA because it does not provide adequate safeguards to ensure that Petitioner and the class are not returned to a country where it is more likely than not that they would face torture. As a result, Respondents' actions against Petitioner and the class are contrary to law.

SIXTH CLAIM FOR RELIEF

***Ultra Vires*, Violation of 50 U.S.C. § 22 (All Respondents)**

90. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

91. The AEA requires that noncitizens whose removal is authorized by the AEA, unless "chargeable with actual hostility, or other crime against the public safety," be allowed the full time stipulated by treaty to depart or a reasonable time in which to settle their affairs before departing. *See* 50 U.S.C. § 22. The Proclamation on its face denies Petitioner and the class any time under Section 22 to settle their affairs, because it declares everyone subject to the Proclamation to be "chargeable with actual hostility" and to be a "danger to public safety."

92. The government cannot invoke that exception categorically, without individualized assessments. Each noncitizen must specifically be "chargeable with actual hostility" or a crime against public safety to lose eligibility for voluntary departure.

93. The AEA Process thus contravenes 50 U.S.C. § 22 and is *ultra vires*.

94. The application of the AEA Process to Petitioner and the class is contrary to law.

SEVENTH CLAIM FOR RELIEF

Violation of Due Process Under the Fifth Amendment

(All Respondents)

95. All of the foregoing allegations are repeated and realleged as if fully set forth herein.

96. The Due Process Clause of the Fifth Amendment provides in relevant part that: “No person shall be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.

97. In denying Petitioner and the class meaningful procedural protections to challenge their removal, the Proclamation violates due process.

EIGHTH CLAIM FOR RELIEF

**Violation of Habeas Corpus
(All Respondents)**

98. Detainees have the right to file petitions for habeas corpus to challenge the legality of their removal under the Proclamation.

99. The summary removal of Petitioner and the class under the Proclamation violates their right to habeas corpus. *See* 28 U.S.C. § 2241; U.S. Const. art. I, § 9, cl. 2 (Suspension Clause).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays this Court to:

- a. Assume jurisdiction over this matter;
- b. Certify this action on behalf of the proposed Petitioner Class, appoint the Petitioner as class representative, and appoint the undersigned counsel as class counsel;
- c. Grant a temporary restraining order to preserve the status quo pending further proceedings;

- d. Enjoin Respondents from removing Petitioner and the Petitioner Class out of the country under the Proclamation during the pendency of this litigation;
- e. Enjoin Respondents from transferring Petitioner and the Petitioner Class out of this district during the pendency of this litigation;
- f. Grant a writ of habeas corpus to Petitioner and the Petitioner Class that enjoins Respondents from transferring them to another district, or removing them out of the country pursuant to the Proclamation;
- g. Declare unlawful the Proclamation;
- h. Enjoin Respondents from applying the Proclamation to Petitioner and the Petitioner Class without providing 30-day notice and an opportunity to respond to the designation prior to the removal date;
- i. Award Petitioner's counsel reasonable attorneys' fees under the Equal Access to Justice Act, and any other applicable statute or regulation; and
- j. Grant such further relief as the Court deems just, equitable, and appropriate.

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

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

A.S.R.,* on his own behalf and on behalf
of others similarly-situated,

(b) County of Residence of First Listed Plaintiff Jefferson County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
ACLU of Pennsylvania, P.O. Box 60173, Philadelphia, PA 19102
American Civil Liberties Union Foundation, 125 Broad St, 18th
Floor, New York, NY 10004

DEFENDANTS

DONALD J. TRUMP; PAMELA BONDI; KRISTI NOEM;
U.S. DEPARTMENT OF HOMELAND SECURITY; TODD LYONS; U.S.
IMMIGRATION AND CUSTOMS ENFORCEMENT; MARCO RUBIO; U.S.
STATE DEPARTMENT; BRIAN MCSHANE; LEONARD ODDO

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
50 U.S.C. §21-24; 8 U.S.C. § 1101, et seq.; U.S. Const. amend. V

Brief description of cause:
Emergency habeas to enjoin alien removals under Alien Enemies Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
4/15/2025

SIGNATURE OF ATTORNEY OF RECORD
/s/ Vanessa Stine

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority for Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. The JS 44, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs/Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.) **ERIE CALENDAR** – If cause of action arose in the counties of *Crawford, Elk, Erie, Forest, McKean, Venango or Warren, OR any plaintiff or defendant resides in one of said counties. JOHNSTOWN CALENDAR* – If cause of action arose in the counties of *Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.*
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. **(1) UNITED STATES GOVERNMENT PLAINTIFF** - Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. **(2) UNITED STATES GOVERNMENT DEFENDANT** - When the plaintiff is suing the United States, its officers, or agencies, place an "X" in this box. **(3) FEDERAL QUESTION** - This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. **(4) DIVERSITY (OF CITIZENSHIP)** - This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes. **(1) ORIGINAL PROCEEDING** - Cases which originate in the United States district courts. **(2) REMOVED FROM STATE COURT** - Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. **(3) REMANDED FROM APPELLATE COURT** - Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date. **(4) REINSTATED OR REOPENED** - Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. **(5) TRANSFERRED FROM ANOTHER DISTRICT** - For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers. **(6) MULTIDISTRICT LITIGATION – TRANSFER** - Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. **(8) MULTIDISTRICT LITIGATION – DIRECT FILE** - Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service. Upon commencing a civil action that is eligible to be placed on the Johnstown or Erie docket pursuant to Local Civil Rule 3 and which is a Designated Civil Action, **the following statement must be included in the "Brief description of the cause" in Section VI.** (Cause of Action) of the Civil Cover Sheet (Form JS-44): **"This case seeks to bar or mandate governmental policies or state or federal actions of statewide or nationwide impact, by declaratory judgment and/or any form of injunctive relief."** If the action seeks to **(1)** bar or mandate statewide enforcement of a state law, including a rule, regulation, policy or order of the executive branch or a state agency, whether by declaratory judgment and/or any form of injunctive relief; or **(2)** seeks to bar or mandate nationwide enforcement of a federal law, including a rule, regulation, policy, or order of the executive branch or a federal agency, whether by declaratory judgment and/or any form of injunctive relief this language should be included pursuant to **Administrative Order 2024-09.**
- VII. Requested in Complaint. CLASS ACTION** - Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. **JURY DEMAND** - Check the appropriate box to indicate whether a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. **CIVIL** - Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit **HABEAS CORPUS & CIVIL RIGHTS** - All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

Date and Attorney Signature. Date and sign the civil cover sheet.

Exhibit A

DECLARATION OF BRENNAN GIAN-GRASSO
ATTORNEY FOR A.S.R.

I, Brennan Gian-Grasso, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge and belief:

1. I am a founding partner at Gian-Grasso & Tomczak Immigration Law Firm in Philadelphia, Pennsylvania. My practice focuses on removal defense in both detained and non-detained context. I represent A.S.R. in his immigration proceedings.
2. A.S.R. is currently detained at the Immigration and Customs Enforcement (“ICE”) Moshannon Valley Processing Center in Philipsburg, Pennsylvania, which is owned and operated by GEO Group, Inc.
3. A.S.R. is a citizen of Venezuela who was born in 1995. He entered the United States through Texas in November 2023 with his wife, his child, and two stepchildren. He was released and moved to New York City, then Philadelphia.
4. Prior to his detention, A.S.R. had lived in Philadelphia since December 2024, where he established himself as a respected member of the community. He regularly attended church and worked as a construction worker.
5. A.S.R. was not initially under the Intensive Supervision Appearance Program (“ISAP”). His wife was placed in the program at entry. She checked in without any issue from her entry through today. But on February 26, 2025, A.S.R. was asked to come in so he could be put on the program as well. A.S.R. had no issue with this and attended. He was arrested at this ISAP appointment. ICE officers told A.S.R. that his neighbor had reported that he is a member of Tren de Aragua. ICE officers also asked him about his tattoos. A.S.R. has 3 tattoos—one tattoo is his mother’s name, another his grandmother’s name, and the last one is the word “family.” None are related to Tren de Aragua. ICE also filed an I-213 accusing A.S.R. of being affiliated with Tren de Aragua.
6. Following his arrest by ICE, A.S.R. has been detained at Moshannon Valley Processing Center in Pennsylvania. A.S.R. is in pending immigration removal proceedings. A.S.R. fears returning to Venezuela and has sought asylum, withholding of removal, and protection under the Convention Against Torture. He owned a store in his hometown in Venezuela and was extorted by groups associated with the Maduro regime. He is scheduled for an immigration hearing on April 15, 2025 in Elizabeth Immigration Court.

7. A.S.R. vehemently denies any connection to Tren de Aragua. In preparation for A.S.R.'s immigration proceedings, I have spoken with his boss and a close friend who similarly vouch for his lack of connection to the gang.
8. A.S.R. has only encountered law enforcement once in the United States. While in a migrant shelter in New York, A.S.R. was involved in a family dispute on December 10, 2023. His stepson hit A.S.R.'s wife; A.S.R. responded by hitting his stepson in the nose. A.S.R. was arrested and released on the same day. At A.S.R.'s first court appearance, the case was transferred to family court, which assigned the case to family mediation. A.S.R. successfully completed the family mediation requirements, including mandatory family therapy sessions and anger management classes. Charges were dismissed and sealed by March 2024.
9. I have searched and have not found any criminal records for A.S.R. in the United States, beyond the dismissed charges in New York. I am unaware of any criminal history in Venezuela and A.S.R. adamantly denies that he has any criminal contacts there.
10. I am aware from news reports that on March 15, 2025, ICE transferred a group of Venezuelan men and flew them to the Terrorism Confinement Center ("CECOT") in El Salvador. Based on knowledge and belief, there were people in that group who were similarly situated to A.S.R. It appears to me that A.S.R. is at grave risk of ICE alleging that he is removable under the Alien Enemies Act as a member of Tren de Aragua.

I, Brennan Gian-Grasso, swear under penalty of perjury that the forgoing declaration is true and correct to the best of my knowledge and recollection.

____s/Brennan Gian-Grasso ____

Brennan Gian-Grasso

Executed this 14th day of April, 2025