

**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. 3:25-cv-113

**PETITIONER-PLAINTIFF’S
MOTION FOR CLASS
CERTIFICATION AND
APPOINTMENT OF CLASS
COUNSEL**

**PETITIONER-PLAINTIFF’S MOTION FOR CLASS CERTIFICATION
AND APPOINTMENT OF CLASS COUNSEL**

TO THE COURT, ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Petitioner-Plaintiff (“Petitioner”) hereby moves the Court
for an order certifying a class in this matter as follows:

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.

Petitioner further moves for an order appointing him as representatives of the class defined
above, and appointing Petitioner’s counsel as counsel for the class.

Petitioners further move for an order requiring the government to identify members of the
class and provide notice when a class member is transferred into the District.

This Motion is made pursuant to the Federal Rule of Civil Procedure 23(a) and 23(b)(2)
or, in the alternative, under principles of habeas jurisdiction and equity with Federal Rule of Civil
Procedure 23 as a guidepost. The Motion is based upon a supporting Memorandum of Law and
accompanying declaration, which is filed concurrently with this Motion.

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*

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2025, I provided copies by email of the foregoing motion, declaration, and accompanying memorandum and proposed order to the U.S. Attorney's Office, Western District of Pennsylvania to:

United States Attorney's Office
Western District of Pennsylvania
Lee Karl
Adam Fischer
Michael Colville
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
michael.colville@usdoj.gov
lee.karl@usdoj.gov
adam.fischer@usdoj.gov

Dated: April 15, 2025

/s/ Vanessa Stine
Vanessa Stine (PA 319569)
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

Attorney for Petitioner- Plaintiff

**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.

CIVIL ACTION NO. 3:25-cv-113

**[PROPOSED] ORDER GRANTING PETITIONER’S MOTION FOR
CLASS CERTIFICATION**

This matter came before the Court on the motion of the Petitioner for class certification. Having considered the motion, the memorandum in support, and the record in this case, and having otherwise been fully advised, the Court finds that there is good cause to GRANT Petitioner’s motion and hereby **ORDERS** as follows:

1. The requirements of Federal Rules of Civil Procedure 23(a) and 23(b)(2) are satisfied, including that:
 - a. The Class is so numerous that joinder of all members is impracticable;
 - b. There are multiple questions of law and fact common to the Class;
 - c. The claims and defenses of the representative parties are typical of the claims and defenses of the Class;
 - d. The representative parties will fairly and adequately protect the interests of the Class.

The party opposing the Class has acted or refused to act on grounds that apply generally to the Class, so that final injunctive relief or corresponding

declaratory relief is appropriate respecting the Class as a whole.

2. In the alternative, the Court can use Rule 23 as a guidepost to certify a class under principles of habeas jurisdiction and equity.
3. This case is certified as a class action for the following 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;
4. Petitioner A.S.R. is appointed as the Class Representative.
5. Petitioner’s counsel from the American Civil Liberties Union and the American Civil Liberties Union of Pennsylvania are hereby appointed as counsel for the Petitioner Class.

It is so **ORDERED**.

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

United States District Court Judge