

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-1163-CNS

D.B.U. *et al.*,

Petitioners-Plaintiffs,

v.

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

Respondents-Defendants.

EMERGENCY MOTION FOR CLARIFICATION

Petitioners-Plaintiffs (“Petitioners”) respectfully seek clarification as to the scope and the length of the Court’s Minute Order, issued on April 14, 2025, ordering that the Defendants shall not remove Petitioners from the District of Colorado or the United States until further order of the court or the Court of Appeals for the Tenth Circuit.

First, Petitioners seek clarification whether the Court’s order covers unnamed class members.¹ Petitioners seek emergency relief on behalf of a class of all noncitizens in custody in the District of Colorado who were, are, or will be subject to the March 2025 Presidential Proclamation titled “Invocation of the Alien Enemies Act Regarding the

¹ Pursuant to D.C.Colo.LCivR 7.1, Petitioners have sought Respondents’ position on this motion by communicating with the Chief of the Civil Division at the United States Attorneys’ Office for the District of Colorado, with whom they have been communicating since first filing this lawsuit on April 12, 2025. Counsel for Respondents indicates that Respondents oppose this motion.

Invasion of the United States by Tren De Aragua” and/or its implementation. The class is identical, save for the District, to the class protected by the Temporary Restraining Orders issued in *G.F.F. v. Trump* (No. 25-cv-2886, S.D.N.Y.) (enjoining Respondents from removing “all noncitizens in federal, state, or local custody in the Southern District of New York who are, were, or will be subject to the March 2025 Presidential Proclamation” from the Southern District of New York), attached as Exhibit A. *See also* *J.A.V. v. Trump* (No. 25-cv-72, S.D. Tex.) (enjoining Respondents from removing the named petitioners and “any person that Respondents have previously claimed is subject to removal under the Proclamation” from the Southern District of Texas), attached as Exhibit B.

Undersigned counsel has received credible reports that, as recently as this morning, Venezuelan men at the Denver Contract Detention Facility who had been accused of Tren de Aragua affiliation were roused from bed and told that they would be leaving the Detention Facility today. They repeatedly asked where they would be taken, and ICE officers refused to answer. They were subsequently informed that the flight they were supposed to be on had been cancelled today, and therefore, upon information and belief, they have not been removed from Colorado as of the time of this filing. Given the likelihood however that, without further clarity from the Court pending the hearing set for April 21, 2025, members of the proposed class will be systematically removed from the District and unlawfully removed under the Proclamation, Petitioners request an order clarifying that the Court’s prohibition on removal applies to the proposed class as well as named Petitioners.

Second, Petitioners seek clarification as to the length of the order. The order prohibits Defendants from removing Petitioners from the District of Colorado or the United States “unless or until this Court or the Court of appeals for the Tenth Circuit vacates this Order.” Because briefing and a hearing are forthcoming, Petitioners respectfully request that the current order last no longer than fourteen days, or by further order of the Court, to avoid any confusion about consistency with F.R.C.P. Rule 65(b)(2).

Dated: April 14, 2025

Respectfully submitted,

s/ Timothy R. Macdonald

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2025, I electronically filed the foregoing **EMERGENCY MOTION FOR CLARIFICATION** with the Clerk of the Court using the CM/ECF system, and that in accordance with Fed. R. Civ. P. 5, all counsel of record shall be served electronically through such filing.

/s/ Mia Bailey

Mia Bailey