

Exhibit 2 – Elliston Declaration

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

D.B.U. and R.M.M.

Petitioners-Plaintiffs,

v.

DONALD J. TRUMP, President of the United States, *et al.*

Respondents-Defendants

25-cv-01163-CNS

Declaration of Deputy Assistant Director
Matthew L. Elliston

DECLARATION OF MATTHEW L. ELLISTON

I, Matthew L. Elliston, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am the Deputy Assistant Director for Field Operations, Eastern Division, for Enforcement and Removal Operations, within U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS). In this position, I am the first-line supervisor for twelve ERO Field Office Directors.

2. I began my law enforcement career in 2008 as an Immigration Enforcement Agent in the ERO Los Angeles Field Office and have served as a Deportation Officer, Detention and Deportation Officer, Acting Supervisory Detention and Deportation Officer, Section Chief, Deputy Chief of Staff to the ICE Deputy Director and Deputy Chief of Staff of ERO. In particular, I have also served as Section Chief of the National Fugitive Operations Program (NFOP), where I managed the daily at-large operations and Special Response Team deployments throughout the nation.

3. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS ICE employees,

and information portals maintained and relied upon by DHS ICE in in the regular course of business.

4. I am aware of the above-captioned petition for habeas corpus.

5. On March 15, 2025, President Trump announced the Proclamation *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua* stating that, “Evidence irrefutably demonstrates that Tren De Aragua (TdA) has invaded the United States and continues to invade, attempt to invade, and threaten to invade the country; perpetrated irregular warfare within the country; and used drug trafficking as a weapon against our citizens” (the Proclamation) (<https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>). In the same Proclamation, President Trump announced that, pursuant to 50 U.S.C. § 21, “all Venezuelan citizens 14 years of age or older who are members of TdA, 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.”

6. I am aware that, in the case of *Trump, et al. v. J.G.G., et al.*, --- S.Ct. ----, 2025 WL 1024097 (U.S. Apr. 7, 2025), the Supreme Court of the United States stated that “detainees [held for removal under the Alien Enemies Act (AEA)] are entitled to notice and the opportunity to be heard.”

7. ICE has adopted processes for individuals detained under the AEA for removal.

8. These processes require that each individual be provided notice of the proceedings, in a language the alien understands. They allow time and opportunity to file a habeas petition.

I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, as of the time of signature.

Executed this 16th day of April 2025.



Digitally signed by
MATTHEW L ELLISTON
Date: 2025.04.16 16:32:54
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Matthew L. Elliston
Deputy Assistant Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security