

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

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J.G.G., <i>et al.</i> ,)	Civil Action No. 1:25-cv-00766
)	
Plaintiffs-Petitioners,)	
)	
v.)	
)	
DONALD J. TRUMP, in his official)	
capacity as President of the United States,)	
<i>et al.</i> ,)	
)	
Defendants-Respondents.)	
_____)	

NOTICE IN RESPONSE TO COURT ORDER

In yesterday’s 6:47 PM minute order, the Court ordered the Government to provide a sworn declaration on two points: the timing of the Proclamation and the fact that no individual removable under the Proclamation was removed from the United States after the Court’s order at 7:25 PM EDT on March 15, 2025. That declaration is attached. The declaration also addresses a third issue the Court inquired about: estimates as to the number of individuals subject to the Proclamation.

The Court also ordered the Government to address the form in which it can provide further details about flights that left the United States before 7:25 PM. The Government maintains that there is no justification to order the provision of additional information, and that doing so would be inappropriate, because even accepting Plaintiffs’ account of the facts, there was no violation of the Court’s written order (since the relevant flights left U.S. airspace, and so their occupants were “removed,” before the order issued), and the Court’s earlier oral statements were not independently enforceable as injunctions. The Government stands on those arguments. Moreover, given that the Government’s motion for a stay remains pending before the D.C. Circuit, the Government should not be required to disclose sensitive information bearing on national security and foreign relations

until that motion is resolved, especially given that this information is neither material nor time-sensitive. If, however, the Court nevertheless orders the Government to provide additional details, the Court should do so through an *in camera* and *ex parte* declaration, in order to protect sensitive information bearing on foreign relations.

Respectfully Submitted,

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

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

Petitioner,

v.

DONALD J. TRUMP, *et al.*,

Respondents.

No. 1:25-cv-766 (JEB)

Declaration Of Acting Field Office Director
Robert L. Cerna

DECLARATION OF ROBERT L. CERNA

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

1. I am an Acting Field Office Director Enforcement and Removal Operations (“ERO”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”).

2. As the (A)FOD of the Harlingen Field Office, I am responsible for, among other things, the detention and enforcement operations of more than 350 employees, assigned to six ERO Harlingen offices. ERO Harlingen encompasses fifteen South Texas counties and is responsible for six detention facilities with a combined total of 3,790 detention beds.

3. I am aware that the instant lawsuit has been filed regarding the removal of Venezuelan members of Tren de Aragua (“TdA”) pursuant to the Alien Enemies Act (“AEA”).

4. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

5. ICE understood the Proclamation *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua* to be effective only once it was posted to the White House website (<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/>), which was at or around 3:53 PM EDT on March 15, 2025. Based on the face of the Proclamation, it had been signed by the President on March 14, 2025.

6. On March 15, 2025, after the Proclamation was publicly posted and took effect, three planes carrying aliens departed the United States for El Salvador International Airport (SAL). Two of those planes departed U.S. territory and airspace before 7:25 PM EDT. The third plane departed after that time, but all individuals on that third plane had Title 8 final removal orders and thus were not removed solely on the basis of the Proclamation at issue. To avoid any doubt, no one on any flight departing the United States after 7:25 PM EDT on March 15, 2025, was removed solely on the basis of the Proclamation at issue. ICE carefully tracks the TdA members who are amenable to removal proceedings. At this time approximately 54 members of TdA are in detention and on the detained docket, approximately 172 are on the non-detained docket, and approximately 32 are in criminal custody with active detainers against them. Should they be transferred to ICE custody, they will likely be placed in removal proceedings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of March 2025.

Robert L. Cerna
Acting Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security