

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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G.F.F., <i>et al.</i> ,	:	
	:	
Petitioners,	:	<u>AMENDED TEMPORARY</u>
-against-	:	<u>RESTRAINING ORDER</u>
	:	
	:	25 Civ. 2886 (AKH)
DONALD J. TRUMP, <i>et al.</i> ,	:	
	:	
Respondents.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS, I have considered Petitioners’ motion for a temporary restraining order and heard arguments from both parties on April 9, 2025; and

WHEREAS, the Supreme Court, in its per curiam opinion of April 7, 2025, *Trump v. J.G.G., et al.*, No. 24A931, 2025 WL 1024097, vacated the March 15, 2025 temporary restraining order of the United States District Court for the District of Columbia, which enjoined the removal of a provisionally-certified class of “[a]ll noncitizen in U.S. custody who are subject to the President’s Proclamation titled ‘Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua,’” 90 Fed. Reg. 13033 (2025) (the “Presidential Proclamation”), since in a habeas case, venue is proper only in the district of confinement; held that an individual subject to detention and removal under the Alien Enemies Act (“AEA”), 50 U.S.C. § 21, *et seq.*, is entitled to judicial review; and ruled that detainees being held pursuant to the AEA are entitled to notice and an opportunity to be heard in such a manner as to allow them to seek habeas relief in the proper venue—the district of confinement—before such removal occurs; and

WHEREAS, I find that Petitioners are likely to succeed on the merits of their claims, that neither the AEA, nor the Presidential Proclamation, authorizes removal of detainees or other

persons similarly situated, without notice and hearing; that Petitioners and persons similarly situated will suffer irreparable injury in the absence of injunctive relief; and that the balance of hardships and the public interest favor temporary relief, it is, therefore:

ORDERED that Respondents, their agents, representatives, and all persons or entities acting in concert with them are hereby:

1. ORDERED, pending further order of this Court, not to remove Petitioners, including members of the certified class defined as “All noncitizens in federal, state, or local custody in the Southern District of New York 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, who have not been given notice following the Supreme Court's decision of April 7, 2025, *Trump v. J.G.G.*, No. 24A931, 2025 WL 1024097, and granted a hearing,” from the United States under the Presidential Proclamation, unless upon notice and hearing, and such notice shall be written in English and Spanish, the language of those sought to be expelled, and if needed, Spanish-to-English interpreters shall be provided for hearings; and
2. ORDERED, pending further order of this Court, not to transfer Petitioners, including members of the certified class defined as “All noncitizens in federal, state, or local custody in the Southern District of New York 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, who have not been given notice following the Supreme Court's decision of April 7, 2025, *Trump v. J.G.G.*, No. 24A931, 2025 WL 1024097, and granted a hearing,” from the Southern District of New York; and,
3. ORDERED that Petitioners shall not be required to furnish security for costs; and

4. ORDERED that Respondents shall file their brief in opposition to a preliminary injunction by April 15, 2025, and that Petitioners shall file their reply brief by April 17, 2025; and
5. ORDERED that the parties shall appear for a preliminary injunction hearing on April 22, 2025, at 2:30 p.m., in Courtroom 14D. By April 17, 2025, the parties shall submit, via email to HellersteinNYSDChambers@nysd.uscourts.gov, a joint list of the attorneys expected to appear on the record at this hearing; and
6. ORDERED that this temporary restraining order will expire at the conclusion of the preliminary injunction hearing, or by further order of the Court.

SO ORDERED.

Dated: April 11, 2025
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge

Time: 1:10 p.m.