

Supreme Court Extends Block on Deportation of Some Alleged Venezuelan Gang Members

Trump signed a proclamation in March to allow removal of alleged Tren de Aragua members under the Alien Enemies Act.

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The Supreme Court in Washington on April 3, 2025. Madalina Vasiliu/The Epoch Times



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The Supreme Court on May 16 agreed to block the government from deporting some alleged Venezuelan gang members under the Alien Enemies Act.

“The application for an injunction pending further proceedings is granted,” the court said in an unsigned [order](#).

Justices Samuel Alito and Clarence Thomas dissented.

The court also acknowledged it may have to schedule an oral argument in the case known as A.A.R.P. and W.M.M. v. Trump at some point in the future after the U.S. Court of Appeals for the Fifth Circuit revisits the case. A.A.R.P. and W.M.M. are the initials of two of the detainees.

“Additionally, [the detainees] suggested this Court treat the application as a petition for a writ of certiorari; doing so, the petition is granted,” the order said.

A writ of certiorari is a court order that allows the justices to move forward with hearing an appeal. When certiorari is granted, the Supreme Court typically holds an oral argument in the case.

On March 14, President Donald Trump signed a proclamation in which he officially declared that Tren de Aragua, a designated foreign terrorist organization associated with Venezuela, “is perpetrating, attempting, and threatening an invasion or predatory incursion against the territory of the United States.”

The president invoked the Alien Enemies Act of 1798 to authorize the “immediate apprehension, detention, and removal” of members of the group who are Venezuelan citizens 14 years of age or older and who are not U.S. citizens or lawful permanent residents of the United States.

The Supreme Court had on April 19 [issued](#) a temporary block preventing the Trump administration from deporting an unspecified number of Venezuelan men currently in immigration custody in Texas who are alleged to be members of a criminal gang.

In the new order, the Supreme Court sent the case back to the U.S. Court of Appeals for the Fifth Circuit, instructing it to address the detainees’ claims.

Although the Supreme Court directed the government not to remove the detainees under the authority of the Alien Enemies Act, the order states that the government “may remove the named plaintiffs or putative class members under other lawful authorities.”

The Supreme Court said in its order that the government did not give detainees enough time to challenge their proposed removal.

“Under these circumstances, notice roughly 24 hours before removal, devoid of information about how to exercise due process rights to contest that removal, surely does not pass muster.”

However, the nation’s highest court said the Fifth Circuit was better positioned to assess what process the detainees are entitled to, because the Supreme Court was “far removed from the circumstances on the ground.”

“We decide today only that the detainees are entitled to more notice than was given on April 18, and we grant temporary injunctive relief to preserve our jurisdiction while the question of what notice is due is adjudicated.

“We did not on April 19—and do not now—address the underlying merits of the parties’ claims regarding the legality of removals under the [Alien Enemies Act],” the Supreme Court said.

In his dissenting opinion, Alito wrote that the Supreme Court had no jurisdiction, or authority, to act in the case. Thomas joined the dissent.

“First and most important, we lack jurisdiction and therefore have no authority to issue any relief. Second, even if we had such authority, the applicants have not satisfied the requirements for the issuance of injunctive relief pending appellate review. Third, granting certiorari before any decision on the merits has been made by either the District Court or the Court of Appeals is unwarranted.”

Alito wrote that before the Supreme Court intervened on April 19 when the detainees claimed removal was imminent, the federal district court had not actually issued a ruling in the case.

Yet the Supreme Court deemed that court “to have constructively denied an injunction by failing to act within the space of a little over two hours on an application that required consideration of important and difficult questions and that was supported by factual submissions that ... were very weak,” he wrote.

In *J.G.G. v. Trump*, the Supreme Court on April 7 [granted](#) the president’s request to pause orders from Washington-based federal Judge James Boasberg. Boasberg had issued orders preventing the administration from using the Alien Enemies Act to deport suspected Tren de Aragua members. The Supreme Court determined that detainees must be given an opportunity to challenge their removal.

Justice Sonia Sotomayor authored a dissent that was joined by Justices Elena Kagan and Ketanji Brown Jackson. Justice Amy Coney Barrett partially joined Sotomayor's dissent.

Meanwhile, Trump criticized the new Supreme Court order in a [post](#) on Truth Social, saying the court "is not allowing me to do what I was elected to do."

"The Supreme Court has just ruled that the worst murderers, drug dealers, gang members, and even those who are mentally insane, who came into our Country illegally, are not allowed to be forced out without going through a long, protracted, and expensive Legal Process, one that will take, possibly, many years for each person, and one that will allow these people to commit many crimes before they even see the inside of a Courthouse."

"This is a bad and dangerous day for America!" Trump added.

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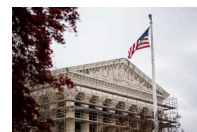
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