

**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. I began my career with the U.S. Government as a detention enforcement officer with the former Immigration and Naturalization Service in Laredo, TX. Over time I was promoted into ICE leadership positions, including Supervisory Detention and Deportation Officer for both the Harlingen and

San Antonio Field Offices and Assistant Field Office Director and Deputy Field Office Director for the Harlingen Field Office.

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. 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 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. Members of TdA pose an extraordinary threat to the American public. TdA members are involved in illicit activity to invoke fear and supremacy in neighborhoods and with the general population. This has been evident from investigations throughout the nation where TdA members coalesce to conduct their criminal acts. For example, TdA’s takeover of Denver apartment buildings stoked fear in the tenants when TdA committed burglaries, narcotics, and

weapons violations. Other inquiries into the actions of member of TdA have resulted in criminal investigations and prosecution of cases of human trafficking, to include trafficking of women from Venezuela; bank fraud; federal narcotics violations; extortion of human smuggling victims; and homicide, to name a few. This, along with the myriad state violations and investigations of groups of TdA members committing crimes throughout the nation are evidence of their criminal enterprise.

7. Agency personnel carefully vetted each individual alien to ensure they were in fact members of TdA. Officers and agents well versed in gang activity in general and TdA in particular reviewed the information gathered on each alien, identifying TdA members based upon the results of investigative techniques and information such as previous criminal convictions for TdA-related activities, other court records indicating membership in TdA, surveillance, law enforcement encounters, interviews with the TdA member, testimonies and statements from victims of the TdA member, evidence that the alien had committed crimes in coordination with known members of TdA, evidence that the alien had committed sophisticated financial transactions with known members of TdA, computer indices checks, and admission of TdA membership by the alien. ICE did not simply rely on social media posts, photographs of the alien displaying gang-related hand gestures, or tattoos alone.

8. It was critical to remove TdA members subject to the Proclamation quickly. These individuals were designated as foreign terrorists. Within Venezuela, TdA was able to grow its numbers from the steady prison population and build its criminal enterprise through the extortion of inmates. Keeping them in ICE custody where they could potentially continue to recruit new TdA members posed a grave risk to ICE personnel; other, nonviolent detainees; and the United

States as a whole. Holding hundreds of members of a designated Foreign Terrorist Organization, where there is an immediate mechanism to remove them, would be irresponsible.

9. While it is true that many of the TdA members removed under the AEA do not have criminal records in the United States, that is because they have only been in the United States for a short period of time. The lack of a criminal record does not indicate they pose a limited threat. In fact, based upon their association with TdA, the lack of specific information about each individual actually highlights the risk they pose. It demonstrates that they are terrorists with regard to whom we lack a complete profile.

10. However, even though many of these TdA members have been in the United States only a short time, some have still managed to commit extremely serious crimes. A review of ICE databases reveals that numerous individuals removed under the AEA have arrests and convictions in the United States for dangerous offenses, including an individual alleged to have committed murder; an individual with pending state charges for aggravated assault with weapon and who was identified by state authorities related to an armed home invasion and kidnapping; an individual with a state arrest for harassment, and indecent assault where he entered the room of a fourteen-year-old victim, tried to lift her shirt, grabbed her thigh, and rubbed his penis on her; an individual who was arrested for fourth-degree grand larceny and resisting arrest who was encountered in a home with other gang members, three automatic rifles, two handguns, and extended magazines; an individual convicted of conspiracy to harbor aliens, in violation of 8 U.S.C. § 1325(a)(1)(A)(v)(I) and (a)(1)(B)(i), involving his role in a stash house—including his job of taking and restricting access to the victims' cell phones—where officers and agents located sixteen individuals in the stash house, including a pregnant female and a fifteen-year-old unaccompanied child; an individual arrested for a misdemeanor sex offense and felony assault;

an individual with a state arrest for second-degree assault, intent to cause injury with weapon/instrument; an individual arrested for second-degree assault with intent to cause serious physical injury in a manner injure child less than seventeen, for which there is an order of protection in the case; an individual arrested at a TdA-run brothel and charged with evading arrest, promoting prostitution, possession of fentanyl, and possession of marijuana; an individual arrested for property damage, assault and simple assault; as well numerous other theft and larceny-related offenses.

11. Additionally, a review of ICE databases reveals that numerous individuals removed have arrests, pending charges, and convictions outside of the United States, including an individual who is under investigation by Venezuelan authorities for the crimes of aggravated homicide, qualified kidnapping, and illegal carrying of weapons of war and short arms with ammunition for organized gang in concealment and trafficking; an individual who is the subject of an active INTERPOL Blue Notice issued on or about January 2, 2025, and a Red Notice issued February 5, 2025, for the crime of kidnapping and rape in Chile; an individual who is the subject of an INTERPOL Red Notice issued by Chile for kidnapping for ransom and criminal conspiracy involving TdA; an individual who admitted he sold marijuana and crystal methamphetamine for the Colombian gang Las Paisas, assaulted someone with a knife for a cellphone while living in Venezuela, and has twice robbed people for money while living in Colombia; an individual who is the subject of an INTERPOL Red Notice for child abduction; an individual identified as a “high-ranking” member of the TdA by the Mobile Tactical Interdiction Unit in Guatemala City, Guatemala; an individual who is the subject of an INTERPOL Red Notice based on obstruction of justice, criminal conspiracy, and aggravated corruption based on the individual’s role as a police officer in modifying evidence to cover up a murder; an individual

who, according to Peruvian Newspapers, is associated with high-ranking TdA members and who fled Peru while under investigation for illegal possession of firearm and distributing narcotics; an individual who is the subject of an INTERPOL Blue Notice stating that he is under investigation in Venezuela for murder with aggravating circumstances against a victim whose corpse was found inside a suitcase on a dirt road; and an individual who is the subject of an warrant from Chile for carrying or holding a weapon subject to control.

12. According to a review of ICE databases, numerous individuals removed were arrested together as part of federal gang operations, including two individuals who were in a vehicle during a Federal Bureau of Investigations gun bust with known TdA members; four individuals who were arrested during the execution of an Homeland Security Investigations New York City operation; and four individuals who were encountered during the execution of an arrest warrant targeting TdA gang member, all of whom were in a residence with a firearm and attempted to flee out the back of the residence.

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

Executed this 17th day of March 2025.

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