

# ‘This is sending a message’: DOJ moves to sanction lawyer who took pro bono deportation case

Exclusive

The move comes after Trump directed the department to seek to sanction lawyers “who engage in frivolous, unreasonable, and vexatious litigation.”



Legal experts described [the sanctions motion against Schroeder](#), which hasn’t been previously reported, as highly unusual. DOJ brought the disciplinary action after Schroeder asked federal judges to stop the deportation of his client, Vang Lor. In emergency court papers seeking to block the deportation, Schroeder cited the administration’s aggressive effort to expel other foreigners under the Alien Enemies Act, and he argued that his own client might be unlawfully ensnared in that effort.

Schroeder succeeded for a couple of weeks, but the Trump administration is now arguing that he falsely claimed his client was facing deportation under that rarely invoked law — and that he persisted even after government lawyers explained the deportation was based on ordinary immigration law.

DOJ’s forceful counterpunch comes after [Trump signed a presidential memorandum](#) in March instructing Attorney General Pam Bondi “to seek sanctions against attorneys and law firms who engage in frivolous, unreasonable, and vexatious litigation against the United States,” including immigration lawyers.

“This is part of the playbook that was announced,” UCLA law professor Scott Cummings said. “Would DOJ, under normal circumstances, move for sanctions against a lawyer who sought to protect their client from removal in this kind of a context? I don’t think so.”

“This is sending a message across the bow that, ‘Look, we are really serious about going after the lawyers, and here’s the case that we’re going to make real the comments that Trump made in his executive memorandum, and any other lawyers that are going to engage in this kind of representation need to be aware,’” Cummings added.

Schroeder said he views DOJ’s bid to fine him for his deportation-related lawsuits as part of [Trump’s pressure campaign against law firms](#) he regards as opposing his policies or supporting his political enemies.

“It reminds me of the executive orders that are really targeting these big law firms,” Schroeder said in an interview. “They’re able to go all the way down to the very bottom, that’s where I am — no offense to myself. ... It’s top to bottom. It’s not just this elite struggle.”

While Schroeder appears to be the first attorney DOJ has asked a federal judge to sanction under Trump’s March order, Trump has gone after other individual lawyers — such as former special counsel Jack Smith’s lawyer Peter Koski and whistleblower attorney Mark Zaid — [by stripping them of their security clearances](#).

Schroeder, a solo practitioner, said he took on Lor’s case without pay and that the Trump administration’s move is likely to discourage other lawyers from doing the same for other immigrants and indigent or unpopular clients.

“The profession encourages us normal, common attorneys to take pro bono cases,” Schroeder said. “If they are able to just attack someone like me for trying, it can chill our ability to help, not just in this type of case but in all cases.”

White House spokesperson Abigail Jackson applauded DOJ’s effort, saying it would discourage meritless litigation. “It is essential to deter future attorneys from bringing baseless actions to the court that are only meant to delay or prevent the enforcement of the law,” she said.

A Justice Department spokesperson did not respond to a request for comment.

## **Rapid-fire litigation to block an imminent deportation**

Schroeder took his first formal action for Lor on May 25, filing [a motion for a temporary restraining order](#) with a federal judge in Fort Worth, Texas, near the detention facility where Lor was being held. Lor had been living with his wife in neighboring Oklahoma when he was arrested in April at an Immigration and Customs Enforcement check-in. He told her in a call that he was about to be flown to Laos, court filings say.

Schroeder urged the judge to protect Lor from being swept up in the administration’s mass deportation efforts. The lawyer referenced Trump’s attention-grabbing deportation of 130 [Venezuelan nationals](#) to El Salvador in March under the Alien Enemies Act, an 18th-century law that gives the president the power to expel foreigners who are part of an “invasion” or “predatory incursion.” Schroeder also pointed to the administration’s attempt, days before Lor’s challenge was filed, [to deport seven men to war-torn South Sudan](#) even though they’re not from that country.

Fueling concerns his client could face a similar fate, Schroeder wrote, was the fact that, earlier that day, an ICE prisoner database showed Lor en route to the Bluebonnet Detention Facility, a Texas prison that

was used to house a second group of Venezuelan detainees the Trump administration sought to deport under the Alien Enemies Act.

Schroeder argued that Lor faced the possibility of “summary deportation” to El Salvador under that law and that the Trump administration’s legal stance in other cases meant Lor could be put beyond the reach of U.S. courts before the courts addressed any protections he might be entitled to.

Lor came to the U.S. from Laos in 1987 on a green card and lived with his parents in California, according to court records. In 1998, he pleaded guilty to an attempted murder charge in state court in Merced, California. Immigration authorities say he was sentenced to 9 years in prison, but [records show](#) Lor got a total sentence of 22 years due to enhancements for using a firearm and inflicting great bodily injury.

It’s unclear how long Lor served in prison, but an immigration judge ordered him deported to Laos in 2018. That order — issued during the first Trump administration — wasn’t immediately carried out, perhaps because Laos was refusing to [issue passports](#) to its citizens facing deportation from the U.S.

Trump’s invocation of the Alien Enemies Act in March targeted only Venezuelan men and was aimed at members of the Tren de Aragua gang, although many of those deported have denied any gang ties. But the proclamation was initially signed in secret, and the administration has [refused to say precisely](#) when Trump signed it, fueling fears among immigration advocates that he may have issued additional orders under the wartime authority.

Schroeder said in his TRO request that Lor’s immigration status was “unclear to counsel” and that he was not seeking “to prohibit the government from removing any individual who may lawfully be removed under the immigration laws.” The filing discussed at length Trump’s invocation of the Alien Enemies Act, describing it as “an unleashing of unbounded war powers that could apply to any immigrant or disfavored U.S. citizen.”

Amid the uncertainty about Lor’s status, U.S. District Judge Reed O’Connor, a George W. Bush appointee, quickly [ordered the government not to deport Lor](#) pending further litigation. But sometime that night, May 25, he was loaded on a chartered Boeing 767 at Alliance Airport in Fort Worth. [Flight-tracking data](#) showed the plane was bound for Laos and Vietnam, via Honolulu and Guam.

Due to O’Connor’s order, when the plane arrived in Guam, Lor was unloaded and taken to a detention facility there. The 767 [landed in Vientiane, Laos](#), on May 27 without Lor on board.

Schroeder refiled the lawsuit in Guam and got U.S. District Judge Frances Tydingco-Gatewood, also a Bush appointee, to order that Lor [not be deported](#) without 48-hours notice to the court. But after a hearing, Tydingco-Gatewood [dismissed the case](#), saying she lacked jurisdiction to interfere with a deportation under the Immigration & Nationality Act.

“The evidence proffered by Respondents makes clear that Petitioner’s removal is not based on the AEA but is, in fact, based on a violation of the INA,” the judge wrote, effectively giving the green light for the administration to deport Lor.

Schroeder appealed, but Lor was deported to Laos around June 10, court records show.

Justice Department lawyers maintain in court filings that ICE officials notified Lor on April 19 and May 6 of his impending deportation, although those notices don’t mention him being sent to Laos and one says he was being considered for release.

Schroeder declined to discuss Lor’s current status in Laos, saying he did not have permission to do so. He didn’t use his client’s name when speaking to POLITICO. Lor is identified simply as “V.L.” in most

of the court filings. However, his full name appears in the records government lawyers submitted of his California conviction and in the sanctions motion filed last week.

## DOJ comes after the lawyer

The sanctions motion, filed Friday in the U.S. District Court of Guam and signed by DOJ attorneys in Washington and the U.S. territory in the Pacific, twice references Trump's March directive to crack down on what he termed "unscrupulous behavior" by lawyers.

The motion accuses Schroeder of acting "in bad faith, unreasonably and vexatiously" and says he "multiplied proceedings by maintaining positions without bases in fact and law, without making a reasonable, competent inquiry, and for an improper purpose." DOJ lawyers contend he persisted in claims that the government was deporting Lor under the Alien Enemies Act even though he "knew that assertion to be false." Tydingco-Gatewood will make the initial decision on whether to grant DOJ's request for sanctions.

Schroeder said his references to the Trump administration's aggressive use of the Alien Enemies Act showed the urgency of determining where Lor was being sent and under what legal framework.

"The point is that notice and opportunity to be heard is a fundamental basis of all rights, and if you don't have that no one can assert any sort of right and the government can do whatever they want," the attorney said.

Some of Schroeder's filings appear to have been hastily drafted. The 30-page TRO request filed in Texas makes fairly clear that Lor is from Laos and discusses the possibility of dozens of "mainland southeast Asian" immigrants being gathered for deportation, but at one point it erroneously says Lor is from Venezuela. [An appeal Schroeder filed](#), which is still pending, refers to a court order issued in June as dating from 2010.

Schroeder said he was working "under very heightened pressure" because he had "only hours" to try to forestall his client being moved beyond the jurisdiction of U.S. courts.

"I had to do it very quickly, because he was in Guam and they might have taken him immediately," Schroeder said this week. "So, I was just putting the basics together in my mind the way I was seeing it."

Laos appears to be seeking to curry favor with the Trump administration in recent months by being more receptive to deportation of its citizens from the U.S. Lor is of Hmong descent, according to [court filings](#), and like many in that ethnic group his parents are believed to have cooperated with U.S. military forces during the Vietnam War. Those who did so have often faced particular difficulty in getting passports or citizenship documents from Laos' Communist government.

However, Laos announced in March that it was [encouraging its citizens present in the U.S. illegally to return to Laos](#). But in June, days after the deportation flight Lor was taken off of due to the litigation, Trump [put visa sanctions on the Southeast Asian country](#) for a second time. "Laos has historically failed to accept back its removable nationals," Trump wrote.

David Leopold, former president of the American Immigration Lawyers Association, said the sanctions motion seems like an overreaction given the aggressive and unusual tactics the Trump administration has used to carry out deportations in recent months.

"We're in uncharted waters in terms of the way the federal government is enforcing the immigration laws," Leopold said. "I think that at a minimum they should expect lawyers are going to be as zealous

as possible in preventing their clients from being removed to a place like CECOT prison in El Salvador, or to South Sudan, or some other country where their life could be threatened. ... We've got to expect lawyers to be aggressive."

Schroeder attended Westmont College in Santa Barbara, California, and graduated from Lewis and Clark Law School in Portland, Oregon, in 2013. He's authored [numerous law review articles](#) on immigration and other topics.

Tydingco-Gatewood, the judge in Guam, has yet to schedule a hearing on the sanctions motion against Schroeder.

Schroeder said he expects the judge will turn down the motion, but the mere fact it was filed may prompt other lawyers to decline difficult cases that could upset the Trump administration.

"I think this motion for sanctions is not going to work, but it might do what they want it to do anyway," Schroeder said. "I'm wondering if the filing of the motion itself is supposed to punish me. ... That might be the whole point."

*Mike Lee contributed to this report.*