Roman V. Gambourg, Esq.
Attorney Bar Number 003002002
GAMBOURG & READ, P.C.
One Bridge Plaza North, Suite 675
Fort Lee, NJ 07024
Tel: (201) 242-0220
Fax: (212) 937-2117
Mobil: (212) 810-0880
Email: rg@glegalgroup.com
Attorneys for Petitioner

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Wuanerge ALBERTO-ALVARENGA,
[redacted]
Petitioner,

v.

RICHARD A. AUMILLE, in his official capacity as Warden of Seneca County Jail;
MERRICK GARLAND, Attorney General of the United States;
ALEJANDRO MAYORKAS, Secretary of the Department of Homeland Security;
TROY MILLER, Acting Commissioner, U.S. Customs and Border Protection;
SEAN G. SMITH, Ohio Field Office Director, U.S. Immigration and Customs Enforcement,
Respondents.

Civil Action No.: 3:25-cv-02644-JRK

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner submits this Supplemental Memorandum solely to clarify the procedural record and to incorporate intervening developments. This submission is **not repetitive** of prior filings and does not seek renewed emergency injunctive relief.

I. The TRO Denial Was Procedural, Not Merits-Based

On January 8, 2026, the Court denied Petitioner's Emergency Motion for Temporary Restraining Order following a brief telephone conference. The Court did not adjudicate:

- The legality of the summary removal order;
- The denial of an individual merits hearing;
- The due-process violations alleged in the habeas petition.

Instead, the Court expressly preserved habeas jurisdiction by maintaining referral to the Magistrate Judge.

II. The Removal Order Has Never Been Subject to Merits Review

No tribunal—administrative or judicial—has conducted merits adjudication of:

- Petitioner's asylum claim;
- Credibility, nexus, or fear of persecution;
- The statutory and constitutional right to testify and present evidence.

The summary removal order was entered without a hearing while federal habeas proceedings were pending.

III. Intervening BIA Emergency Appeal Does Not Moot Habeas Jurisdiction

On January 20, 2026, Petitioner filed a corrected Emergency Appeal and Motion for Stay with the BIA. That filing:

- Does not concede exhaustion;
- Does not divest this Court of jurisdiction;
- Seeks parallel administrative relief while preserving Article III review.

Courts routinely retain habeas jurisdiction under such circumstances to prevent jurisdiction-divesting removal.

IV. Relief Requested

Petitioner respectfully requests adjudication of the habeas petition on the merits, or entry of an expedited briefing schedule.

Decision on the papers is respectfully requested. No oral argument is necessary.

Dated: January 23, 2026

Respectfully submitted,

/S/ Roman V. Gambourg

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Fax: (212) 937-2117
Mobil: (212) 810-0880
Email: rg@glegalgroup.com
Attorney for Petitioner

PROOF OF SERVICE

I hereby certify that on January 23, 2026, a true and correct copy of the foregoing **Supplemental Memorandum in Support of Petition For Writ Of Habeas Corpus** was served via the Court's CM/ECF system upon all counsel of record for Respondents as indicated below:

U.S. Attorney's Office
Northern District of Ohio
[ECF Service]
Department of Homeland Security / ICE Office of the Principal Legal Advisor (OPLA)

U.S. Immigration and Customs Enforcement (ICE) – Enforcement and Removal Operations
[ECF Service]

Warden, Seneca County Jail
3040 S. State Route 100
Tiffin, Ohio 44883
[ECF Service]

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

Date: January 23, 2026

/S/ Roman V. Gambourg

Roman V. Gambourg, Esq.
Attorney Bar Number 003002002
ROMAN V. GAMBOURG, P.C
Attorney for Petitioner