JUDGE LEON SCHYDLOWER

RECEIVED
AUG 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED
August 31, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Elizabeth Y. Martinez
DEPUTY

EMMANUEL KENGA TSHISHI
A#: [redacted]

Petitioner

v.

CLERK OF COURTS
ICE DIRECTOR-JUAN LOPEZ,
FIELD OFFICE DIRECTOR,U.S IMMIGRATION

Respondent
(name of warden or authorized person having custody of petitioner)

Case No. EP26CV2228
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: EMMANUEL KENGA TSHISHI
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: EL PASO PROCESSING CENTER
   (b) Address: 8915 MONTANA AVE EL PASO TX 79925
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you: _____
   (b) Docket number of criminal case: _____
   (c) Date of sentencing: _____
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☑ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*:

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: EL PASO PROCESING CENTER
EL PASO PROCESSING CENTER, 8915 MONTANA AVE EL PASO TX V. 79925

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Petitioner challenges his continued immigration detention or individualized custody review,the lack of constituentl y extenuating circumstance medical care,and the punitive nature of his confinement

(d) Date of the decision or action: 09/10/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: no administrative remedy exist to address the constitutional raised,including prolonged and punitive conditions of confinement. the immigration court lack authority to adjudicate these claims.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal: no administrative appeal available for immigration detention

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/10/2025

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 06/23/2026

(2) Case number: A [redacted] pending

(3) Result:

(4) Date of result:

(5) Issues raised: I challenged the denial of my application for asylum withholding of removal and protection under the convention against torture.

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: SEE ATTACHMENT

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

SEE ATTACHMENT

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☑ No

GROUND TWO: SEE ATTACHMENT

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

SEE ATTACHMENT

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☑ No

GROUND THREE: SEE ATTACHMENT

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

SEE ATTACHMENT

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☑ No

GROUNDS:

A. acknowledge the fifth circuits February 6,2026 decision in Buenrostro-Mendez V BONDI, nos . 25-20496,25-4070/,2026 U.S. app-lexis 3899(5th Cir. Feb.6, 2026) that was changed on July 2,2026 and allowed to now file this action to preserve appellate rights. Further, petitioner assert that Buenrostro-Mendez did not foreclose habeas relief under the fifth amendment of the United states constitution or the "great writ",U.S. Const. art. I§9,cl.2.

 # comes before you today, petitioner moves to this Honorable court to an individualized bond hearing. petitioner demonstrate thru Buenrostro-Mendez V Bondi, 166f.4th494(5th cir 2026) as modified on July02,2026 that"mandatory detention during immigration proceedings are no longer legal". also, petitioner demonstrates that the government has presented no"individualized evidence that petitioner is a flight risk"

B. I invoke the Accardi doctrine

 # an agency has to follow its own rules and regulations. see united states ex rel. Accardi vs Shaughnassy,347 U.S 260(1954).ICE skipped its own procedural steps required by its own rule book before revoking my liberty. see Robbie vs Bondi, 803f.supp 3d 766,767,774(D.MINN.2025) agency deviation from its own regulations may justify relief in a case otherwise properly before the court. jean vs Nelson 727f2D,957,976(11CIRC.1984)

Under the Accardi doctrine, "an administrative agency is required to adhere to its own internal operating procedures." Church of Scientology of Cal. v. United States, 920 F.2d 1481, 1487 (9th Cir. 1990) (citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268, 74 S. Ct. 499, 98 L. Ed. 681 (1954)). In accordance with this principle, agencies must follow a regulation if they promulgate one

To establish an APA claim under the Accardi doctrine, Martinez must show both that (1) the Government violated its own regulations, and (2) Martinez suffer substantial prejudice as a result of that violation. See Al Otro Lado, Inc. v. Mayorkas, 2024 U.S. Dist. LEXIS 179081, 2024 WL 4370577, at *8-9 (S.D. Cal. Sept. 30, 2024).

C. this court has jurisdiction under section 28 u.s.c § 2241 the suspension clause U.S const.art I§9,CL.

 # The district court agreed with respondent that *§1226(c)'s requirement of mandatory detention for certain criminal alien was unconstitutional.*

EMMANUEL KENGA TSHISHI
A#: [redacted]

Kim V Schiltgen {2003u.s.515}(Aug.11.1999),app. to pet. for cert.31a-51a.the district court therefore granted respondents petition subject to the INS' prompt undertaking of an individualized bond hearing to determine whether respondent posed either risk or a danger to the community. id.,at50a.

D. Miscarriage of justice

 # Today I Petitioner EMMANUEL KENGA TSHISHI A[redacted], to sho how there was the miscarriage of justice over my petitions, the petitioner's claims that appear in both first and second for 2254 petition see case N° 3:25-cv-00734 and N° 3:26-cv-01526 petition has been violated because of his continuation detention, in which the petitioner has been detained over 10 months under ICE custody without any form of relief, the six months presumptively reasonable period of the prolonged detention for his removal, has been expired and the petitioner continues been detained. Under the due process clausse of the fifth amendment an alien is entitled to a timely and meaningful opportunity to demonstrate that he cannot been detained more than 6 months and petitioner's continued detention that violates petitioner's right has been denied, and ICE does not make decisions concerning petitioner's custody status in a neutral and impartial manner. Petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

The Fourth Amendment provides that "the right of the people to be secure in their persons ... against unreasonable searches and seizures." U.S. CONST. AMEND. IV. Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." Addington v. Texas, 441 U.S. 418, 4253 (1979).

The Supreme Court has recognized that the Fourth Amendment is violated by prolonged detention solely for the purpose of investigating immigration status. See Arizona v. United States, 132 S. Ct. 2492, 2509 (2012) (stating that "Detaining individuals solely to verify their immigration status would raise constitutional concerns.") Under the Immigration and Nationality Act ("INA") § 287(a)(2) only allows immigration officials to make a warrant less arrest if they have "reason to believe" that the person is likely to escape before a warrant could be obtained. See De La Paz v. Coy, 786 F.3d 367, 376 (5th Cir. Tex. 2015)

(stating that an "arrest shall be made by ICE Agents only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.") The De La Paz Court further stated ... "even if an agent has reasonable belief, before making an arrest, there must also be 'a likelihood of the person escaping before a warrant can be obtained for his arrest'", citing to 8 U.S.C. § 1357(a)(2)(5).

ICE is bound not only by statute and due process, but also by its national policy adopted pursuant to settlement agreement in Castañon Nava et al. v. Dep't of Homeland Sec., No. 18-cv-3757 (N.D. III.). Under this policy, ICE must consider a delineated list of factors before making an arrest, including (a) the officer's ability to determine the individual's identity; (b) knowledge of the individual's prior escapes or evasions of immigration authorities; (c) the individual's attempts to flee to avoid being discovered by immigration; and (d) the individual's ties to the community, such as a family, home, or employment. Settlement Agreement, Castañon Nava et al. v. Dep't of Homeland Sec.

The petitioner's second claim on the fourth amendment has not considered being respected and followed as they has to be followed. And it shows a miscarriage of justice in petitioner's second claim, cause petitioner never attempts to flee to avoid being discovered by immigration authorities, petitioner's ties to the community, such as a church's member, registration card number with Selective Service System, should determine petitioner's identity "Settlement Agreement" So would the court provide a good result after present evidence to support that the petitioner is not a flight risk and a danger to the community.

E. violation of due process (fifth Amendment)

petitioner has been denied a meaningful opportunity to contest his detention. No timely or adequate hearing has been provide, and petitioner has not been afforded the procedural safeguards required by due processed

F. Failure to consider less restrictive alternative.

the detaining authority has not considered any relief or alternative, despite petitioner eligibility and lack of danger or flight risk

GROUND FOUR: SEE ATTACHMENT

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

SEE ATTACHMENT

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: SEE ATTACHMENT

PRAYER FOR RELIEF

For the above foregoing reasons, Petitioner respectfully request that this Court take the following:

A.- Assume jurisdiction
B.- Motion To Expedite Review Of Writ of Habeas Corpus
C.- Enjoining Respondents from transferring the Petitioner out of the jurisdiction of the ICE [Field Office in El Paso] during the pendency of these proceedings and while the Petitioner remains in Respondent's custody;

D.- Issue a Writ of Habeas Corpus ordering Petitioner's release from immigration detention pending final resolution of this Habeas proceeding;

E.- In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 2 business days and Respondents to provide (Emmanuel Kenga Tshishi) with a constitutionally adequate process to challenge his detention;

F.- return all my personal belonging that respondent have take from me that include my work permit driving license
G.-Grant such further relief as the Court deems just and proper.

Respectfully submitted on 08/24/, 2026.

FACTS:

1.Petitioner was a member of [redacted] in the democratic republic of congo".petitioner was force to flee [redacted] when I was apprehend by CBP at the border I was release by my own recognizance in to the United states. Respondent removal proceedings were previously terminated in 2024 due to failure to persecute by DHS. Petitioner was apprehended on by ICE on is schedule check in appointment on September 10, 2025.petitioner have a pending case with the board of immigration appeal. Petitioner has seek for the writ of heabus corpus on December 23, 2025 case no 3:25-cv00734 that was denied on May 01, 2026 base on the fifth circuits February 6,2026 decision in buenristro-mendez v Bondi, nos. 25-20496,25-4070/,2026 U.S. app-lexis 3899(5th cir.Feb.6, 2026) that was chnged on July 2,2026 so a new heabus petition is proper in the light of these new facts .petitioner filled a second writ of heabus on June 04, 2026 case no 3:26-cv-01526 that was Dismissed without prejudice to refiling if any new claims accrue on June 15, 2026.petitioner believe he has exhausted all remedies. He has once requested bond before an immigration judge and has been denied due to immigration judge determination of no jurisdiction to hold a hearing. Petitioner does not have any criminal record,nor does he pose a treat to society. Emmanuel Kenga Tshishi has lie an honest live have a wife and two children whom I love and misses daily. Emmanuel Kenga Tshishi wants an opportunity to prove that I can be a great asset to this blessed country

PETITIONER EMMANUEL KENGA TSHISHI:

1# Emmanuel Kenga Tshishi, has resided in the united states since 2022 and live in El Paso SPC Texas where he remained deprive from is liberty. Petitioner Mother, sister and Grand mother are united states citizens. additionally, petitioner has a very strong connection with is community in Lynn, Massachusetts that keep in touch with him via mails and he misses serving them via is many voluntary work that he as be doing as he was an active volunteer and also work as an assistant food coordinator in is community of Lynn Massachusetts. Furthermore, petitioner is a certified Nurse assistant and HHA, petitioner has a valid working permit, valid states ID and social security number till 2029 and filed is tax on time. see EXHIBITS.

#2.petitioner is neither a danger to others nor flight risk

EMMANUEL KENGA TSHISHI
A#: [redacted]

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 08/24/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

EXHIBIT (A): NTA, ASC Appointments , Demoicratic Republic Of Congo Arrrest Warrant.

EXHIBIT (B): Tax Return, Social Security Card, BILLS.

EXHIBIT (C): Mails from friends and from my Sponsor Jeff and is wife Marjie Crosby to Emmanuel, Affidavit Supporting Residency

EXHIBIT (D): certificate of completions, Donation acknowledgment letter, previous supervision program agreement

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EMMANUEL KENGA TSHISHI
A#: [redacted]

EXHIBIT (A)

EMMANUEL KENGA TSHISHI
A#: 246-561-218

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice.	APPLICATION/PETITION/REQUEST NUMBER [redacted]		NOTICE DATE 05/14/2025
CASE TYPE I589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL	ACCOUNT NUMBER	USCIS A# [redacted]	CODE 3

EMMANUEL TSHISHI KENGA
[redacted]

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. To process your application, petition, or request, the U.S. Citizenship & Immigration Services (USCIS) must collect your biometrics. Please appear at the below Application Support Center (ASC) at the date and time specified.

WARNING: Unless USCIS excuses you based on good cause, failure to appear at this biometrics appointment will result in an applicant-caused delay that will impact your eligibility for employment authorization based on your pending asylum application. If you fail to appear at this appointment as scheduled, USCIS may: (1) dismiss your asylum application, if you are in lawful immigration status or paroled; or (2) refer your application to an immigration judge. If you are not in lawful immigration status or paroled, and you fail to appear at this appointment as scheduled, and you are currently in removal proceedings, an immigration judge may deem your asylum application abandoned.

APPLICATION SUPPORT CENTER	DATE AND TIME OF APPOINTMENT
USCIS BOSTON 7F Everett Street Revere MA 02151	06/05/2025 01:00PM

WHEN YOU APPEAR AT THE ASC FOR BIOMETRICS SUBMISSION, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE, and
2. PHOTO IDENTIFICATION (e.g. passport, valid driver's license, national ID, military ID, State-issued photo ID, or USCIS-issued photo ID). If you do not have photo identification, please expect a delay.

Only those necessary to assist with transportation or completion of the biometrics worksheet should accompany you to your ASC appointment. If you have open wounds, bandages, or casts when you appear for biometrics submission, USCIS may reschedule your ASC appointment if we determine your injuries may interfere with your biometrics submission. Please do not visit a USCIS office if you are sick or feel symptoms of being sick. Follow the instructions on this notice to reschedule your appointment.

You may bring cell phones or electronic devices, but they must be turned off during biometrics collection. No one may photograph or record at an ASC.

For more information regarding your ASC appointment, visit https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometrics-services-appointment. If you have questions regarding this notice, please call the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833).

NOTE: If an ASC closes due to inclement weather or unforeseen circumstances, USCIS will automatically reschedule your ASC appointment for the next available date and time. For the latest information on the status of an office, visit https://www.uscis.gov/about-us/visit-a-uscis-office and click your state on the day of your ASC appointment. If USCIS reschedules your ASC appointment, you will receive a new ASC appointment notice.

You must update your address within 10 days if you move. For instructions, visit https://www.uscis.gov/addresschange. If you are in removal proceedings, you must also notify the Executive Office for Immigration Review (EOIR or Immigration Court) within five working days of any change of address or telephone number by filing a completed Form EOIR-33, Alien's Change of Address/Phone Number Form/Immigration Court. For instructions, visit https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing.

WARNING: Failure to update your mailing address with USCIS, and, if applicable, EOIR may result in dismissal of your asylum application, referral of your asylum application to an immigration judge, or if you are already in removal proceedings, an entry of a removal order in your absence if you fail to appear at a hearing before an immigration judge.

USCIS may use your biometrics to check the criminal history records of the FBI for identity verification, to determine eligibility, to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.), or any purpose authorized by the Immigration and Nationality Act. You may obtain a copy of your own FBI record using the procedures outlined within Title 28 C.F.R., Section 16.32. For information, please visit, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks. For Privacy Act information, please visit https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/privacy-act-statement.

If you cannot attend your scheduled appointment, you may request to reschedule at https://my.uscis.gov/accounts/biometrics/overview or by calling the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833). You must make your request before the date and time of the original appointment, and you must establish good cause for rescheduling. If you fail to make a request before your scheduled appointment or fail to establish good cause, and you do not appear at your appointment, USCIS may consider your application, petition, or request abandoned and, as a result, it may be denied. For more information about rescheduling, see https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment.

If you cannot leave your home/hospital due to a serious ongoing medical condition, you may request a mobile biometrics appointment by following the instructions on the back of this notice under "Notice for People with Disabilities," or by visiting uscis.gov/accommodations.

For questions about this notice, call 1-800-375-5283. For questions about your application, contact the Asylum Office or Immigration Court with jurisdiction over your case.

If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information.

Notice for Customers with Disabilities

To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice	APPLICATION/PETITION/REQUEST NUMBER		NOTICE DATE
	[redacted]		09/14/2023
CASE TYPE	ACCOUNT NUMBER	USCIS A#	CODE
1589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL		[redacted]	3

TSHISHI EMMANUEL KENGA
[redacted]

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APPLICATION SUPPORT CENTER	DATE AND TIME OF APPOINTMENT
USCIS BOSTON 7F Everett Street Revere MA 02151	10/03/2023 10:00AM

WHEN YOU APPEAR AT THE ASC FOR BIOMETRICS SUBMISSION, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE,** and
2. **PHOTO IDENTIFICATION** (e.g. passport, valid driver's license, national ID, military ID, State-issued photo ID, or USCIS-issued photo ID). If you do not have photo identification, please expect a delay.

Only those necessary to assist with transportation or completion of the biometrics worksheet should accompany you to your ASC appointment. If you have open wounds, bandages, or casts when you appear for biometrics submission, USCIS may reschedule your ASC appointment if we determine your injuries may interfere with your biometrics submission. Please do not visit a USCIS office if you are sick or feel symptoms of being sick. Follow the instructions on this notice to reschedule your appointment.

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You must update your address within 10 days if you move. For instructions, visit https://www.uscis.gov/addresschange. If you are in removal proceedings, you must also notify the Executive Office for Immigration Review (EOIR or Immigration Court) within five working days of any change of address or telephone number by filing a completed Form EOIR-33, Alien's Change of Address/Phone Number Form/Immigration Court. For instructions, visit https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing.

WARNING: Failure to update your mailing address with USCIS, and, if applicable, EOIR may result in dismissal of your asylum application, referral of your asylum application to an immigration judge, or if you are already in removal proceedings, an entry of a removal order in your absence if you fail to appear at a hearing before an immigration judge.

USCIS may use your biometrics to check the criminal history records of the FBI, for identity verification, to determine eligibility, to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.), or any purpose authorized by the Immigration and Nationality Act. You may obtain a copy of your own FBI record using the procedures outlined within Title 28 C.F.R., Section 16.32. For information, please visit: https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks. For Privacy Act information, please visit https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/privacy-act-statement

REQUESTS TO RESCHEDULE/SPECIAL HANDLING

If you are unable to attend your scheduled ASC appointment, you may request that USCIS reschedule your appointment. Your request to reschedule must: (1) be made before the date and time of the original appointment and (2) establish good cause for rescheduling. If you fail to submit a request before your scheduled appointment or fail to establish good cause, USCIS may not reschedule your ASC appointment. To request a reschedule, please visit https://my.uscis.gov/n/s/forms/biometrics/overview. You may also call the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833).

If you have a serious, ongoing medical condition and you cannot leave your home, hospital, or institution, you may request to reschedule your appointment by following the instructions on the back in the Notice for People with Disabilities or by visiting uscis.gov/accommodations.

APPLICATION NUMBER 1589- ZDF2365528060

For questions about this notice, call USCIS at 1-800-375-5283. For questions about your application, contact the Asylum Office or Immigration Court with jurisdiction over your case.

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To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number	USCIS Online Account Number	Case Type
[redacted]	[redacted]	I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date	**Priority Date**	**Applicant** A[redacted]
12/22/2023	12/22/2023	KENGA, EMMANUEL TSHISHI
Notice Date	**Page**	
12/27/2023	1 of 1	

KENGA, EMMANUEL TSHISHI
[redacted]

Notice Type: USCIS Account Access Notice
Online Access Code: 92JC3-7ADS-B4JJF

Welcome to USCIS!

Thank you for your recent submission. We have created a USCIS Online Account for you. With this account you can:

- check the status of your case.
- sign up to receive email notifications and text messages.
- manage your account preferences and contact information

Log on and confirm your account within 90 days.

To access your account, please follow the steps below:

1. Visit us online at *https://myaccount.uscis.gov/create-account*
2. Select "Create a new account" on the right side of the screen, and follow the on-screen instructions for creating a new account in order to login to the system.
3. Select "Add a paper-filed case."
4. Enter your "USCIS case receipt number" and select "Add case."
5. Enter your "Online Access Code" (found on the upper right side of this notice) and your "Date of birth" in the fields provided.
6. Select "Confirm case."

NOTE: Your Online Access Code will expire 90 days from the notice date listed at the top of this letter. We will continue processing your application regardless of whether you access your USCIS Online Account. We strongly encourage you to confirm your USCIS Online Account as soon as possible and then use it in the future as your preferred method for interacting with USCIS. If you do not access your account before your code expires and you wish to access your account, you will need to request that we reset your access code. If you have questions about how to confirm your USCIS Online Account or to request that we reset your access code, please visit the USCIS Contact Center at uscis.gov/contactcenter.

Please see the additional information on the back. We will notify you separately about any other cases you have filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Texas Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
6046 N Belt Line Rd., STE 110
Irving TX 75038-0012

USCIS Contact Center: www.uscis.gov/contactcenter

Case 3:26-cv-02228-LS Document 2 Filed 08/31/26 Page 20 of 53

If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information

Notice for Customers with Disabilities

To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice you provide us, the more likely we will be able to schedule your appointment. For more information about accommodations, visit uscis.gov/common/disabilityinfo.

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS #: [redacted] File No: [redacted]

DOB: [redacted] Event No: [redacted]

In the Matter of:

Respondent: TSHISHI EMMANUEL KENGA currently residing at:

[redacted] +1 [redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of DEM REP OF THE CONGO and a citizen of DEM REP OF THE CONGO ;
3. You arrived in the United States at or near CALEXICO, CA , on or about December 27, 2022 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

[illegible] of the Immigration and Nationality Act, as amended, in that you are [illegible] the United States at any time or place other than as designated by the Attorney General.

| | This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

| | Section 235(b)(1) order was vacated pursuant to: | | 8CFR 208.30 | | 8CFR 235.3(b)(5)(iv)

You are ordered to appear before an immigration judge of the United States Department of Justice at:

[illegible]

(Complete Address of Immigration Court, Including Room Number, if Any)

on June 21, 2023 (Date) at 08:30 AM (Time) to show why you should not be removed from the United States based on the charge(s) set forth above.

MANUEL RAMOS ACTING WATCH COMMANDER

(Signature and Title of Issuing Officer) (Sign in ink)

Date: December 31, 2022 Imperial, California

(City and State)

EXHIBIT (C)

EMMANUEL KENGA TSHISHI
A#: 246-561-218

day to hear good news about your case. I pray [illegible] without your here.

Sorry we only have a few stamps. We will go to the post office tomorrow & get more to send in our next letter.

~~lots of hugs & best wishes - stay healthy~~

M. [illegible]

Hi Manny,

It was great to say hello. The first time I've heard your voice. Next time maybe we will have a better connection.

We had a really fun visit with our kids, grandkids & cousins. Our son & his family live in Minnesota so seeing them is a treat.

Today it is raining a lot which is good because there has been a drought and there is [illegible] We have 2 rain barrels and

March 31, 2026

Hi Manny:

Great to hear from you, as always! Glad you did not get stuck in the prison in New Mexico. It is frustrating to all your friends in Lynn that you are not able to get a habeas hearing - so I can only imagine what it is like for you. My friend Julio says being a migrant in the US now is like feeling your way in the dark. Every time you come up against a wall, you go to the left or the right in the dark, feeling your way with your hands - and then you come to another wall, still in the dark. There seems to be no rhyme or reason to the immigration system now. Just cruelty.

People continue to be very appreciative of the Food Aid program that you and now your Mom provide. My wife Marjie had surgery, a partial knee replacement, so she has not been able to help the past 2 weeks. But my next door neighbor is driving with me instead. And Tanveer just found another volunteer to drive also. So we are managing. It continues to have a big impact on the city.

We are trying to figure out how to build more of an organization from the Food Aid program. We would like to have a leadership group from the recipients who can take charge of the program and also get people involved in other work that we are doing. We don't see it just as a service, but as part of building a movement so people can act in their own interests. But just providing the food is important also.

Mirielle did a great job speaking at the March 21st demonstration. We had about 500 people, and it got good coverage on Channel 5 and in Telesour's English broadcast. It was the biggest turnout we have had about immigration in Lynn, and got good coverage in the press. The speakers were all people who had lost family to ICE or who had been detained themselves. Very powerful speeches. We had a drum group that Michael put together, and focused on things we want the city and state to do to protect our people better. Our own marshalls and the police did a good job with security, and it was very peaceful.

I can't wait to talk with you more about Africa when you get released. Is there a library in the camp? Can you receive books? I just read a good book about Kwame Nkrumah and Ghana that you might like. I am also a great admirer of Amilcar Cabral and Lumumba. One of my favorite books is about the US civil rights movement in the South, the story of the Student Non-violent Coordinating Committee called I've Got the Light of Freedom. Are there any books you would like me to send you? Would you like novels, history, and if so, about what? If so, can I send them directly to you or do I need to send them to camp authorities, or how would that work?

I am leaving for Mexico for 3 ½ weeks on Sunday to get a break, learn a little Spanish and stay with friends. You can keep writing to my address in Lynn though. Marjie will let me know when a letter comes and read them to me or copy and send them to me. And I can write back from Mexico.

Missing you and admiring your courage as always, A LUTA CONTINUA.

[redacted]

July 20, 2026

Hello Manny:

Sorry to be slow to write. I lost your address, and the last letter I sent to you at the East Montana detention center was returned without a new address.

I am glad that the conditions at the Processing Center seem to be better than at the detention center. At least you can get a cup of coffee!

I know your attorney is working on a possible new appeal for bond. I have not heard anything new from her recently, but I will write to her again. She has been consulting with other attorneys and doing some research to figure out the best approach after the recent District court decision.

I am enclosing an article from the Lynn Item about a recent effort to affect the city budget. A coalition of groups convinced the City Council to send this year's budget back to the Mayor for changes. The Mayor came back with a new version, which now includes tens of thousands of dollars for legal defense for our immigrant residents who have cases regarding immigration issues. So this was a good victory, and we hope to build on it more in the future.

We are also having a vigil for the three people who have died during confrontations with ICE in the last ten days. These have been happening all over the country.

The Food Aid program is still going strong. In fact Tanveer is planning to expand it. We still serve 750 people a month, but there are 500 people on the waiting list. The hope is start delivering every Tuesday, instead of every other Tuesday, so we can help more people.

We are also building a group of food recipients who can get active and start running the program themselves. We have had a first meeting of a half dozen people, and they expect to meet every other week to get things going. This is our goal, not just to do good charitable work.

Marjie and I spent good time with my son's family in the last few weeks. He and his wife and my three grandchildren came from Minnesota and we went to New Hampshire for a few days. It was great to see my son, I don't get to do that very often, maybe once or twice a year.

Marjie is now at her teachers' union convention in Washington D.C. There is a lot of discussion among teachers nationally about keeping elections fair and honest this November. Teachers are organizing to keep our elections safe.

My dahlias are starting to bloom in the front yard. I hope so much that you get out on bond within a few weeks and they will all be blooming for you!

With much love and support,

[redacted]

(1)

June 21, 2025

Dear Counsel,

Hi, mom is domestic and lives with Kaylee
[illegible] neighbor in Holyoke, MA. I had the pleasure
of meeting your mother in October while
visiting Lynn and learned about your story.
You have such a wonderful heart and
passion for helping people. It is admirable
you have been fighting for your
family and heart-work and I hope you
are receiving all that you need during your
time apart. I talked to Gabe and he shared
that you've been getting to know your neighbors
and that made me laugh and smile,
[illegible] happy [illegible]
[illegible] this country, and this world is lucky to have
someone like you. I truly hope that one day
we can meet. Until then let me share a
[illegible]

[illegible]

All of those who are waiting for
Oh, you may have already received letters

Lastly I [illegible] to [illegible] something to you [illegible] supportive. Thank you for being you, for [illegible] and [illegible], May you feel the love being sent your way in every place and your imagination [illegible].

Sending my love and good health wishes,
[illegible] R.

Here's a little piece of a poem call MAPS by Yesenia Montilla...

"I wish maps would be without borders and that we belonged to no one, and in owning no one, where a world that [illegible] maybe we would call it something more intrinsic like forgiving or something simplistic like river or dirt."

Affidavit Supporting Residency

January 10, 2024

Health Insurance Processing Center
P.O. Box 4405
Taunton, MA 02780

RE: Emmanuel Tshishi Kenga Proof of Residency

I , Bawa B. Wavezwa, confirm that Mr. **Emmanuel Tshishi Kenga**, is a friend of the family and has been known to us for *a year*. She is currently residing with us at [redacted] Lynn, MA [redacted] and has been since *January 4, 2023*.

She is currently staying rent-free.

Should you require any further information, please feel free to contact me on via e-mail at [redacted] or by phone at [redacted]

Yours sincerely

Bawa B Wavezwa

Notary Public

The foregoing instrument was acknowledged before me on [redacted] day of [redacted], 20[redacted]

My Commission expires: [redacted]

Signature

EXHIBIT (D)

EMMANUEL KENGA TSHISHI
A#: [redacted]

CERTIFICATE OF SERVICE

I, EMMANUEL TSHISHI KENGA certify that on the date: 08/24, 2026 that I filed the foregoing pleading with the Clerk of the Court by traditional method and I served the following parties by U.S. priority mail with tracking:

JUAN LOPEZ
DIRECTOR ICE- FIELD OFFICE DIRECTOR, US IMMIGRATION AND CUSTOM ENFORCEMENT (ICE)

I further certify that on Date: 08/24, 2026 I served the United States District Court/ Western District Court of Texas/ EL PASO DIVISION/ Office of the Clerk 511 East St. Antonio AVE, El Paso, TX 79901 by delivering a copy of the foregoing pleading In person.

/s/ E. J. Kenga Tshi

EMMANUEL TSHISHI KENGA
A# [redacted]

(Rev. 01/16) Petition for a Writ Of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

Petitioner:

Emmanuel Tshishi Kenga

A#: [redacted]

V.

Respondent:

Clerk Of Courts

ICE Director- JUAN LOPEZ

FIELD OFFICE DIRECTOR, US IMMIGRATION AND CUSTOM ENFORCEMENT (ICE)

Case N:

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241