

Darla Palacio Sambissa

Phone Number

Email: tikvahbeit@gmail.com

Christopher Sambissa and
Darla Palacio Sambissa
Petitioners

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Christopher Sambissa,
and Darla Palacio Sambissa

Petitioners,

v.

Kristi Noem, in her official capacity as Secretary,
U.S. Department of Homeland Security *et al*,

Respondents.

Case No.: 3:25-cv-00237-DCG

**PETITIONER'S REPLY TO
RESPONDENT'S OPPOSITION AND
SUPPLEMENTAL OPPOSITION TO
PETITION FOR WRIT OF HABEAS
CORPUS**

Petitioners, Christopher Sambissa and Darla Palacio-Sambissa, hereby submit this Reply to Respondents Opposition, and Supplemental Opposition, to Petitioner's Petition for Writ of Habeas Corpus. Petitioner maintains that the grounds for relief articulated in the Petition remain valid and warrant federal habeas corpus relief. Petitioners will not reply to every argument, but the absence of a rebuttal does not waive or abandon any prior claim. For arguments not addressed, Petitioners rely on those presented in the initial petition.

I. Introduction

a. Court's Jurisdiction\

1 The Petitioner, Christopher Sambissa ("Sambissa"), was initially held at the El Paso Process Center
2 in Texas when he filed his habeas corpus petition in the U.S. District Court for the Western District
3 of Texas. Following this, he was transferred to a detention facility in Estancia, New Mexico. This
4 transfer raises significant questions regarding the jurisdiction of this Court to adjudicate the
5 Respondent's Opposition to the habeas petition, as Sambissa is now situated within a different
6 judicial circuit.

7 On July 18, 2025, Sambissa submitted a motion for a change of venue in light of his relocation to
8 New Mexico. He argues that it is imperative for this Court to resolve the venue issue prior to
9 making any substantive decisions regarding his habeas matter. The change in Sambissa's detention
10 location necessitates a reassessment of the appropriate jurisdiction to ensure that his legal rights are
11 adequately protected.

12 In light of these circumstances, it is essential for the Court to prioritize the venue motion.
13 Addressing this matter first will not only clarify the jurisdictional issue at hand but also uphold the
14 integrity of the judicial process. Therefore, the Court should consider the implications of
15 Sambissa's transfer and act accordingly to ensure a fair and just resolution of his habeas corpus
16 petition.

17 **II. Argument:**

18 **A. Respondents Opposition Misapprehends the "Next Friend" Criteria For Habeas**
19 **Corpus**

20 Darla Palacio Sambissa has filed a writ of habeas corpus on behalf of her husband, Christopher
21 Sambissa, who is currently detained at the Tarrant County Detention Facility in Estancia New
22 Mexico. His detention raises significant concerns, particularly regarding his lack of access to legal
23 counsel and the courts. During his limited five-minute phone call, he was only able to inform his
24 wife of his situation, which highlights the inadequate communication resources available to him.
25 Furthermore, as a UK citizen born in the Republic of the Congo, Mr. Sambissa faces challenges in
26 reading and writing English, complicating his ability to navigate the legal system effectively.

27 In addition to language barriers, Mr. Sambissa suffers from severe cognitive deficits that hinder
28 his capacity to process and understand information presented to him. This condition further

1 exacerbates his vulnerability in the detention environment, where he is unable to advocate for
2 himself. See Exhibit “A”-Mental Health Documentation. As his legally recognized spouse, Darla
3 Palacio Sambissa qualifies as a “Next Friend”, a status supported by her marriage certificate, which
4 is submitted as Exhibit “B”. This designation is crucial, as it allows her to act on his behalf in legal
5 matters, particularly given his current circumstances.

6 It is also pertinent to note that there was a pending I-130/I-485 Adjustment of Status, which was
7 unfortunately rejected by USCIS due to an incorrect filing fee, as evidenced by Exhibit “B”-Form
8 797C- Notice of Action/Rejection. These applications were submitted prior to Mr. Sambissa’s
9 arrest by ICE, indicating that he was actively seeking legal status. Darla Palacio Sambissa has
10 satisfied the two-prong test established in *Whitmore v. Arkansas*, 495 U.S. 149 (1990), and
11 therefore, she should be permitted to act as a “Next Friend” petitioner on behalf of her husband,
12 Christopher Sambissa.\

13 **B. Mr. Sambissa’s Waiver of Judicial Review Under the Visa Waiver Program (VWP)**
14 **Was Not Made Knowingly and Voluntarily.**

15 The Respondents’ opposition to the Habeas Petition hinges on the assertion that Mr. Sambissa
16 waived his right to judicial review of a final order of removal by entering the United States under
17 the Visa Waiver Program (VWP). However, this assertion overlooks the complexities surrounding
18 Mr. Sambissa’s entry into the country. In 2019, he believed he was applying for a B2 visa, a
19 misunderstanding that arose from his limited comprehension of the application process and legal
20 terminology, compounded by his reliance on a friend for assistance.

21 It is crucial to recognize that Mr. Sambissa’s entry was not a straightforward case of waiver but
22 rather a situation marked by confusion and lack of informed consent. The legal framework
23 surrounding the VWP *does not* automatically negate an individual’s right to seek judicial review,
24 especially when the applicant’s understanding of the process is compromised. Courts have
25 consistently held that a waiver must be made knowingly and voluntarily, as established in cases
26 such as *United State v. Mendoza-Lopez**, 481 U.S. 828 (1987), which emphasizes the necessity of
27 informed consent in legal proceedings.

1 Therefore, the argument that Mr. Sambissa waived his right to judicial review is fundamentally
2 flawed. The inability to comprehend the consequences of waiving his rights under the VWP means
3 that Mr. Sambissa could not make a knowing and intelligent decision regarding his judicial review
4 rights. This lack of capacity seriously undermines the validity of any waiver he may have
5 purportedly provided.

6 The connection between Mr. Sambissa's cognitive deficiency and his ability to comprehend the
7 WVP waiver is critical in the context of these habeas proceedings. Cognitive deficiencies can
8 significantly impair an individual's capacity to understand complex legal documents and the
9 implications of their decisions. In Mr. Sambissa's case, it is essential to recognize that his cognitive
10 limitations hindered his ability to fully grasp the nature and consequences of the waiver.

11 Furthermore, the WVP waiver involves intricate legal language and concepts that require a
12 certain level of cognitive functioning to interpret accurately. If Mr. Sambissa struggles with
13 cognitive processing, he may not be able to appreciate the waiver's significance or the potential
14 ramifications of signing it. This lack of understanding raises serious concerns about the
15 voluntariness of his consent and whether it was truly informed.

16 **C. Respondents Have Mischaracterized Sambissa's Criminal History.**

17 The Respondents have significantly misrepresented Mr. Sambissa's criminal history. In their
18 Response, specifically on Page 3, ¶ 1, they assert that Mr. Sambissa has a record of arrest and/or
19 convictions related to drug possession and burglary, referencing Respondents' Exhibit "A"-ICE
20 Documents. However, it is crucial to note that Mr. Sambissa has never been arrested for these
21 alleged offenses, and the Respondents have failed to provide any credible documentary evidence to
22 substantiate their claims.

23 The allegations presented by the Respondents lack the necessary evidentiary support to be
24 considered valid. Ideally, they should be able to present documentation from a court where the
25 supposed offenses were adjudicated or, at the very least, a police report detailing the incidents. The
26 absence of such documentation raises serious questions about the veracity of their assertions and
27 highlights the weakness of their position.

1 In light of these facts, it is clear that the Respondents' bare assertions do not meet the standard of
2 evidence required in this context. The failure to produce any supporting documentation not only
3 undermines their claims but also emphasizes the need for a thorough examination of the facts
4 surrounding Mr. Sambissa's case. It is imperative that the Court recognizes this mischaracterization
5 and the lack of substantiation in the Respondents' argument.

6 **D. The Government's Credibility.**

7 Respondents have made several claims that lack factual support. Initially, they presented Mr.
8 Sambissa with legal document (during his detention) without providing reasonable accommodations
9 for his cognitive disability, as mandated by the American with Disabilities Act. Without a
10 simplified explanation or alternative communication methods, Mr. Sambissa was unable to
11 understand the documents, which directly led to his refusal to accept them. This failure to
12 accommodate his needs raises significant concerns about the validity of the Respondents assertions.

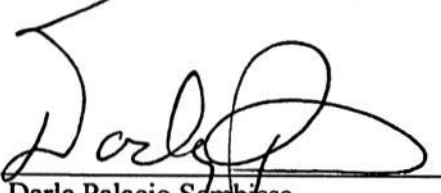
13 Furthermore, the Respondents contend that there are no pending immigration benefits petition
14 for Mr. Sambissa in ICE records. This statement is factually incorrect, as outlined in the habeas
15 petition. Mr. Sambissa did file for an Adjustment of Status by submitting Form I-130/I-485 to
16 USCIS. Although the submission was ultimately rejected due to an incorrect filing fee, the
17 existence of the application is documented, as evidenced by Exhibit "C"-Form 797C Notice of
18 Action. This clearly indicates that there was indeed a pending immigration benefits petition at the
19 time of his arrest.

20 Lastly, Respondents claim that their records, specifically Form I-213, do not indicate that Mr.
21 Sambissa is married or has a spouse. This assertion has been disproven by the submission of his
22 marriage certificate, attached as Exhibit "B".

23 Additionally, the Respondents' unsubstantiated allegations regarding Mr. Sambissa's criminal
24 record, and their failure to verify the pending I-130/I-485 application further undermine their
25 credibility. These inconsistencies cast significant doubt on the reliability of the Respondents'
26 position in this case.

27 **III. Conclusion**

1 For the foregoing reasons, Petitioner respectfully requests that the Court reject Respondents'
2 arguments and grant the Petition for Habeas Corpus.

3
4 
5 Darla Palacio Sambissa

6 Dated: 7/30/2025
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Darla Palacio Sambissa, hereby certify that on this date, I filed Reply to Opposition. I will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

**United States Attorney's Office
Attn: AUSA Angelica Saenz
601 NW Loop 410
San Antonio, Texas 78216-5597**

Dated: July 31, 2025


Respectfully Submitted
Darla Palacio Sambissa



EXHIBIT

A

Mental Health Documentation

Enika Brown MSW, CLC, PPSC
Certified Life Coach & Counselor

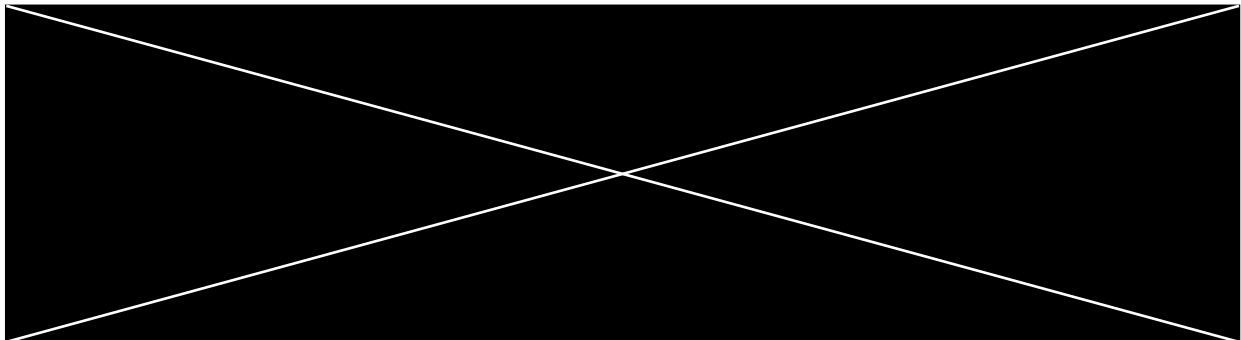


7/30/25

To Whom It May Concern,

I am writing this letter on behalf of Christopher Sambissa who is currently involved in immigration proceedings. I have been working closely with Christopher as a life coach and personal development counselor for the past 2 years, during which time I've come to understand the nature of his cognitive impairments and the sincere efforts he makes to function day-to-day despite these limitations.

Christopher lives with cognitive disabilities that include **limited short-term memory, difficulty with executive functioning, processing delays, and language comprehension deficits**. These challenges significantly impair his ability to complete forms, follow written instructions, and engage with bureaucratic systems that require high levels of reading comprehension, sequencing, and decision-making. He struggles to understand the nuances of the English language, particularly when it comes to formal or legal writing. As a result, he has misinterpreted important documents and misunderstood instructions despite having no intention of being non-compliant.



Christopher is a dedicated father and family member. His well-being is deeply tied to his relationship with his children and his wife. Removing him from this stable, familiar environment would cause serious emotional and cognitive distress and would also separate him from the very people who provide the structure and care essential to his functioning. His family not only supports his daily life but also anchors him emotionally and helps prevent isolation and mental deterioration.

I respectfully urge the immigration department to consider the full scope of Christopher's disability and the reality that his difficulties are neurological—not intentional. He requires ongoing support to maintain safety, structure, and well-being, and his family and community play a critical role in this support system. In my professional opinion, a

disruption to that structure would be significantly harmful to his mental and emotional health.

Please feel free to contact me if you need any further information or documentation.

Sincerely,

Enika Brown MSW, CLC, PPSC

Certified Life Coach & Counselor

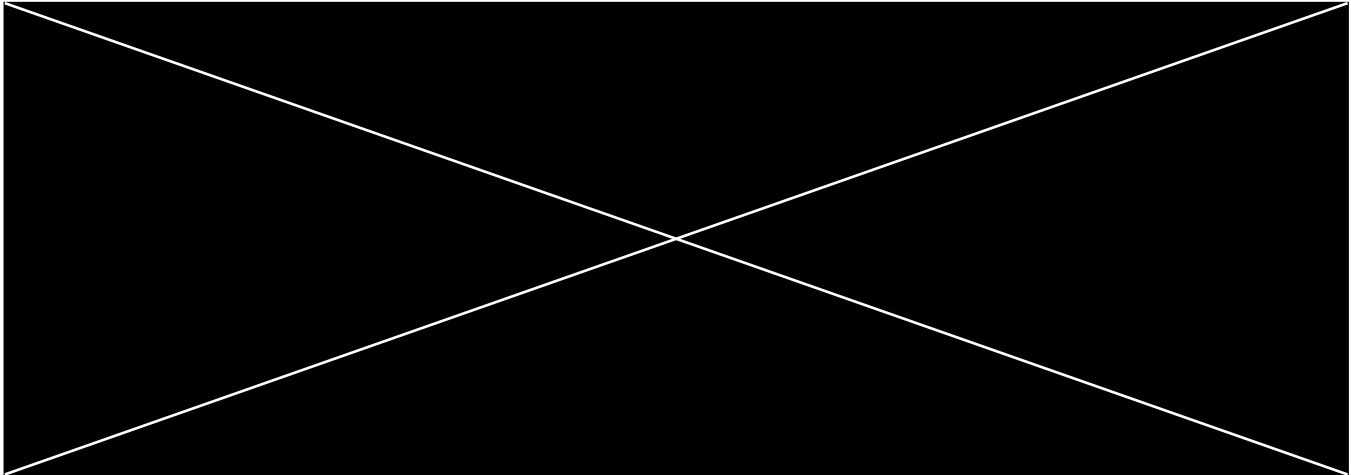
Enika Brown



ASPIRATION
CREATION
ELEVATION

To whom this may concern,

My name is Cherelle Grant, and I am a youth mentor at Aspiration Creation Elevation. I support young people who may experience difficulties in school, come from disadvantaged communities, or face challenging home environments.



Despite these challenges, Christopher is a determined and driven individual who consistently demonstrates resilience and a strong will to succeed. Should you require any further information or have any questions, please do not hesitate to contact me.

Yours sincerely,

Cherelle Grant



Cherelle@aceciteam.com

EXHIBIT

B

Marriage Certificate

EXHIBIT

C

Form I-797C Notice of Action

U.S. Department of Homeland Security



U.S. Citizenship
and Immigration
Services

We have rejected your benefit request for the reasons indicated on Form I-797C, Notice of Action. Your rejected benefit request will not retain a filing date. You may resubmit your benefit request as a new filing if you are able to correct the issue that caused the rejection.

If you do file the benefit request again, please note the following:

- Since your submission was rejected, it is not yet considered properly filed.
- You must meet all requirements as of the date of the new filing.
- Please review the relevant form instructions to determine if your new filing can be considered as timely filed. If you have any questions regarding the rejected filing, please contact lockboxsupport@uscis.dhs.gov.

If you do submit your benefit request again, please enclose this letter with your submission.

**Place this letter on top of your
new filing package**

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.

NOTICE TYPE Rejection Notice		NOTICE DATE July 01, 2025	
CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status		USCIS ALIEN NUMBER	
RECEIPT NUMBER 	RECEIVED DATE June 18, 2025	DATE OF BIRTH May 20, 1990	PAGE 1 of 1
APPLICANT/PETITIONER NAME AND MAILING ADDRESS CHRISTOPHER SAMBISSA 			
This is in reference to the I-485, Application to Register Permanent Residence or Adjust Status, you submitted. Your I-485, fees, and any supporting documentation is being returned to you for the following reason(s): The payment amount provided does not match the required amount according to what you have selected on the form, or no payment amount has been provided. Please review the Fee Schedule, Form G-1055, at uscis.gov/G-1055 for the latest fee information. Please resubmit the application/petition package with the appropriate fees to the address listed on the bottom of this page. Please be sure to complete the application fully, submit the appropriate fees, and include all required supporting documentation. If your Form I-693, Report of Immigration Medical Examination and Vaccination Record was returned (with the sealed envelope opened/unsealed) with the rejected package, then if and when you file a new Form I-485, you may resubmit your previously submitted Form I-693, its original envelope, and any supporting documentation that was previously included by the civil surgeon, with a copy of this notice. If you submitted a G-1450 Authorization for Credit Card Transaction, your submitted G-1450 has been destroyed. If you have questions, please visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish. If you have any questions or comments regarding this notice or the status of your case, please contact the USCIS Contact Center. You will be notified separately about any other case you may have filed.			
USCIS OFFICE ADDRESS USCIS P. O. Box 805887 Chicago, IL 60680		USCIS CONTACT CENTER NUMBER (800)375-5283 APPLICANT COPY 	

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.

NOTICE TYPE Rejection Notice			NOTICE DATE July 01, 2025								
CASE TYPE I-130, Petition for Alien Relative			USCIS ALIEN NUMBER								
RECEIPT NUMBER 	RECEIVED DATE June 18, 2025	DATE OF BIRTH January 12, 1983	PAGE 1 of 1								
APPLICANT/PETITIONER NAME AND MAILING ADDRESS DARLA PALACIO SAMBISSA 											
The I-130, Petition for Alien Relative you submitted has been received by our office for the following beneficiaries: <table border="0"> <tr> <td>Name</td> <td>Date of Birth</td> <td>Country of Birth</td> <td>Class (If Applicable)</td> </tr> <tr> <td>SAMBISSA, CHRISTOPHER</td> <td></td> <td>REPUBLIC OF THE CONGO</td> <td></td> </tr> </table>				Name	Date of Birth	Country of Birth	Class (If Applicable)	SAMBISSA, CHRISTOPHER		REPUBLIC OF THE CONGO	
Name	Date of Birth	Country of Birth	Class (If Applicable)								
SAMBISSA, CHRISTOPHER		REPUBLIC OF THE CONGO									
Your I-130, fees, and any supporting documentation is being returned to you for the following reason(s): The payment amount provided does not match the required amount according to what you have selected on the form, or no payment amount has been provided. Please review the Fee Schedule, Form G-1055, at uscis.gov/G-1055 for the latest fee information. Please resubmit the application/petition package with the appropriate fees to the address listed on the bottom of this page. Please be sure to complete the petition fully, submit the appropriate fees, and include all required supporting documentation. If you submitted a G-1450 Authorization for Credit Card Transaction, your submitted G-1450 has been destroyed. If you have questions, please visit the USCIS Contact Center at www.uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish. If you have any questions or comments regarding this notice or the status of your case, please contact the USCIS Contact Center. You will be notified separately about any other case you may have filed.											
USCIS OFFICE ADDRESS USCIS P. O. Box 805887 Chicago, IL 60680		USCIS CONTACT CENTER NUMBER (800)375-5283 APPLICANT COPY 									

Darla Palacio Sambliss



90806

United States District Court
Attn: Civil Filing Clerk
525 Morgoffin Ave.
El Paso, Texas 79901

Envelope
Recycle me.

438-1547
PRIORITY OVERNIGHT
325 MAGUIRE AVE
WILSON, NC 27157
919-277-7799
919-277-7799

MON - 04 AUG
PRIORITY OVER

TRK# 8832 4283 6687

XS ELPA

IX-XI



FILED 08/04/25
REC-0328
C74707
PAGES 19 OF 19
SUB DATE 01/01/25
08/04/25