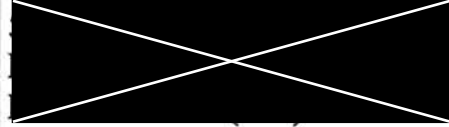


1 Darla Palacio Sambissa



4 Email: tikvahbeit@gmail.com

6 Darla Palacio Sambissa
7 Petitioner

FILED

September 16, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: D. Trujillo
DEPUTY

11 **UNITED STATES DISTRICT COURT**
12 **WESTERN DISTRICT OF TEXAS**
13 **EL PASO DIVISION**

14 Darla Palacio Sambissa
15 Christopher Sambissa

17 Petitioners,

18 vs.

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

23 Respondents.

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

PETITIONER'S SUPPLEMENTAL
BRIEF IN SUPPORT OF
EMERGENCY INJUNCTION
(Regarding Jurisdictional Authority
Under 8 U.S.C. §1252)

25 **I. Introduction**

26 The question before this Court is whether it has jurisdiction
27 under 8 U.S.C. §1252 to enjoin the Department of Homeland

1 Security ("DHS") from removing Mr. Cristopher Sambissa before
2 it can rule on the merits of his pending habeas corpus
3 petition.

4 Respondents assert that Mr. Sambissa, as a Visa Waiver Program
5 (VWP) overstay, is statutorily barred from judicial review and
6 is subject to expedited removal, with removal likely occurring
7 before the Court can rule. However, this argument ignores the
8 critical constitutional dimension of the habeas petition. Mr.
9 Sambissa's claim does not contest a discretionary decision or
10 the execution of a standard removal order but challenges the
11 fundamental legality of his detention based on a potentially
12 invalid waiver of rights. This is a core function of the Great
13 Writ of Habeas Corpus, jurisdiction over which is preserved for
14 federal district courts even under the restrictive framework of
15 the Immigration and Nationality Act (INA).

16
17 Because Mr. Sambissa's cognitive impairment potentially
18 nullifies his purported waiver of judicial review, This Court
19 has jurisdiction under 28 U.S.C. § 2241 to hear his
20 constitutional claim and the inherent authority to issue an
21 injunction to preserve its jurisdiction while it considers the
22 claim. To permit the government to remove him at this juncture
23 would moot the habeas petition and deny Mr. Sambissa his
24 constitutional right to due process.

25 **II. Factual and Procedural Background**

26 Mr. Christopher Sambissa entered the United States under the
27
28

1 VWP but overstayed his authorized period. After being arrested
2 by ICE, he was placed into expedited removal proceedings, and
3 DHS relied on his VWP entry as evidence of a valid waiver of
4 his right to judicial review.

5 Petitioner subsequently filed a habeas corpus petition under 28
6 U.S.C. §2241 asserting that his detention was unlawful because
7 he was not issued a Notice to Appear (NTA) and was not provided
8 a bond hearing before an immigration judge,

9 In its response, the government raised the VWP waiver, which
10 prompted Petitioner to raise the issue of Mr. Sambissa's
11 cognitive impairment. See Exhibit A. This was not previously an
12 issue because the government, through its actions, had not
13 relied on the VWP waiver until its response to the habeas
14 petition.

15 The government is now attempting to affect Mr. Sambissa's
16 expedited removal before the Court can rule on the habeas
17 petition. Petitioner filed an emergency injunction to prevent
18 the removal. The Court ordered this supplemental briefing to
19 address its jurisdiction to issue such an injunction under 8
20 U.S.C. §1252.

21 **III. Legal Argument**

22 **A. This Court has jurisdiction under 28 U.S.C. §2241 to consider**
23 **Mr. Sambissa's constitutional challenge to his detention.**

- 24
25 1. **The Suspension Clause and habeas jurisdiction survive the**
26 **. INA's jurisdictional stripping provisions.**
27

1 The writ of habeas corpus is a fundamental constitutional
2 right. While congress can regulate federal court jurisdiction,
3 it cannot eliminate the core function of the writ. The
4 Suspension clause of the Constitution states that "The privilege
5 of the Writ of Habeas Corpus shall not be suspended, unless when
6 in Cases of Rebellion or Invasion the public safety may require
7 it." The Supreme Court has repeatedly affirmed that Congress
8 must provide an "adequate and effective" alternative if it seeks
9 to limit habeas jurisdiction. *Swain v. Pressley*, 430 U.S. 372
10 (1977); *Felker v. Turpin*, 518 U.S. 651 (1996); See also;
11 *Boumediene v. Bush*, 553 U.S. 723 (2008).

12 **2. The INA preserves habeas jurisdiction for challenges to**
13 **detention.**

14 The INA's jurisdiction stripping provisions, particularly 8
15 U.S.C. §1252, limit judicial review of certain immigration
16 decisions but do not limit habeas jurisdiction for
17 constitutional challenges to detention itself.

- 18 • ***INS v. St. Cyr***, 533 U.S. 289 (2001): The Supreme Court
19 held that 8 U.S.C. §1252(a)(2) did not repeal habeas
20 jurisdiction under 28 U.S.C. §2241 to challenge final
21 orders of removal based on legal errors. The Court
22 recognized that eliminating such review would raise
23 serious constitutional questions under the Suspension
24 Clause.
- 25 • ***Demore v. Kim*** 538 U.S. 510 (2003): The Supreme Court
26 held that 8 U.S.C. §1226(e), a jurisdictional bar, did
27

1 not preclude a constitutional challenge to the
2 lawfulness of mandatory detention without a bond
3 hearing.

- 4 • **Jennings v. Rodriguez** 138 S.Ct. 830 (2018): The Supreme
5 Court, while interpreting the INA's mandatory detention
6 provisions, confirmed that the jurisdictional bars in
7 §§1226(e) and 1252 (b) (9) do not strip federal courts
8 over constitutional challenges to the legality and
9 constitutionality of immigration detention.

- 10 • **Nielsen v. Preap** 139 S.Ct. 954 (2019): The Supreme Court
11 affirmed the principle that constitutional challenges to
12 detention are not barred by the INA's stripping
13 provision.

14 **3. Mr. Sambissa's claim is a constitutional challenge to his**
15 **detention, not a review of a discretionary decision.**

16 Mr. Sambissa is not challenging a discretionary decision by
17 DHS to remove him. Instead, he is challenging the fundamental
18 premise of his expedited removal: that his entry under the VWP
19 constituted a knowing and intelligent waiver of his right to
20 hearing. This is a due process claim regarding the validity of
21 the waiver, which directly relates to the legality of his
22 detention. The issue of cognitive impairment challenges the
23 voluntariness and validity of that waiver, implicating
24 fundamental due process rights.

25 **B. This Court has inherent authority to preserve its habeas**
26 **jurisdiction via an injunction.**

1 **1. The All-Writs Act and inherent power to issue injunctions.**

2 Federal courts possess the inherent power to issue all
3 necessary and appropriate writs to preserve their jurisdiction.
4 The All-Writs Act, 28 U.S.C. §1651, codifies this power. This
5 power includes the authority to prevent the government from
6 mooting a habeas petition by removing the petitioner before the
7 court has an opportunity to rule on the merits.

8 **2. The government cannot moot a habeas petition by removing**
9 **the petitioner.**

10 The Fifth Circuit and other circuit courts have consistently
11 recognized a district court's ability to issue an injunction to
12 maintain jurisdiction over a habeas petition.

- 13 • **Perales v. Reno** 516 U.S. 1043 (1996): The Fifth
14 Circuit held that a district court has the power to
15 issue an injunction to preserve its jurisdiction over
16 a habeas corpus petition. The Court noted that
17 without this power, the government could unilaterally
18 frustrate the court's jurisdiction by removing the
19 petitioner, thereby nullifying the purpose of the
20 habeas petition.
- 21 • **Zadvydas v. Davis** 533 U.S. 678 (2001): The Supreme
22 Court addressed the limitation of indefinite
23 detention, underscoring the importance of judicial
24 review over the legality of detention. The logical
25 extension of this holding is that courts must be able
26 to protect their ability to conduct such review.

1 **3. The INA's jurisdictional bars do not preclude an injunction**
2 **to preserve habeas jurisdiction.**

3 While 8 U.S.C. §1252 contains provisions that limit judicial
4 authority to enjoin removal, these provisions apply to
5 challenges to the merits of a final order of removal, not to
6 the court's authority to protect its own jurisdiction over a
7 habeas petition.

- 8 • 8 U.S.C. §1252(f)(2) states "no court shall enjoin the
9 removal of any alien pursuant to a final order under this
10 section unless the alien shows by clear and convincing
11 evidence that the entry or execution of such order is
12 prohibited as a matter of law." This provision, however,
13 does not preclude a court from temporarily staying a
14 removal to address a constitutional challenge to the
15 legality of the underlying detention via habeas corpus.
- 16 • The Supreme Court's decision in **Garland v. Aleman**
17 **Gonzalez** 596 U.S. 543 (2022), which interpreted the
18 limitations of §1252(f)(1) on class-wide injunctive
19 relief, does not impact a district court's ability to
20 issue an injunction regarding an individual's habeas
21 petition. A habeas petition is an individualized
22 challenge to detention, not a class-wide injunction.

23 **C. Mr. Sambissa's cognitive impairment invalidates the VWP**
24 **waiver, creating a colorable constitutional claim.**

- 25 **1. A valid waiver of constitutional rights must be knowing and**
26 **voluntary.**

A waiver of fundamental rights, including the right to a judicial hearing, must be executed knowingly and voluntarily. The Supreme Court has long held that a waiver is not valid if it is not made with a full awareness of both the nature of the right abandoned and the consequences of the decision.

2. Cognitive impairment undermines the validity of the waiver.

Where an individual lacks the mental capacity to understand the nature of their rights or the consequences of waiving them, the waiver is invalid.

- **Godinez v. Moran** 509 U.S. 389 (1993): The Supreme Court established a two-part test for determining competency to waive a right, which requires that the person have a sufficient present ability to consult with his attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him. This standard is relevant to whether Sambissa could have validly waived his rights under the VWP.

3. The government opened the door to the cognitive impairment issue.

While the issue of cognitive impairment was not initially raised in the habeas petition, it became central to the case when the government invoked the VWP waiver in its response. The government's reliance on the waiver made the validity of that waiver a relevant and necessary issue for the Court to consider. To deny the Court the ability to examine this

1 issue would effectively reward the government for its tactic
2 of raising and then seeking to remove Mr. Sambissa to avoid
3 scrutiny of its validity.
4

5 **IV. Conclusion**

6 This Court has jurisdiction to hear Mr. Sambissa's habeas
7 petition under 28 U.S.C. §2241 because his claim concerns the
8 constitutional legality of his detention, an issue that
9 survives the jurisdictional limitations of 8 U.S.C. §1252.
10 Furthermore, this Court possesses the inherent authority and
11 statutory power under the All Writs Act to issue an injunction
12 to prevent the government from mooted the habeas petition by
13 removing Mr. Sambissa before the Court can rule on the merits.
14

15 The government's claim of a valid VWP waiver is directly
16 challenged by Mr. Sambissa's cognitive impairment, and the
17 Court must have the opportunity to determine the validity of
18 that waiver. An injunction is necessary to prevent the
19 irreparable harm of removal and to allow the Court to fulfill
20 its constitutional duty to review the legality of Mr.
21 Sambissa's detention.

22 **V. Prayer for Relief**

23 Petitioner respectfully requests that this Court issue an
24 injunction enjoining the government from removing Mr. Sambissa
25 pending ruling on the merits of his habeas corpus petition.
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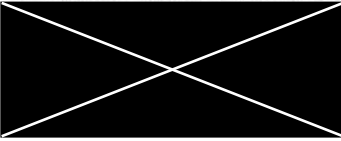
1 Dated: September 11, 2025

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3 Darla Palacio Sambissa
4 Petitioner
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EXHIBIT A

Mental Health Documentation

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

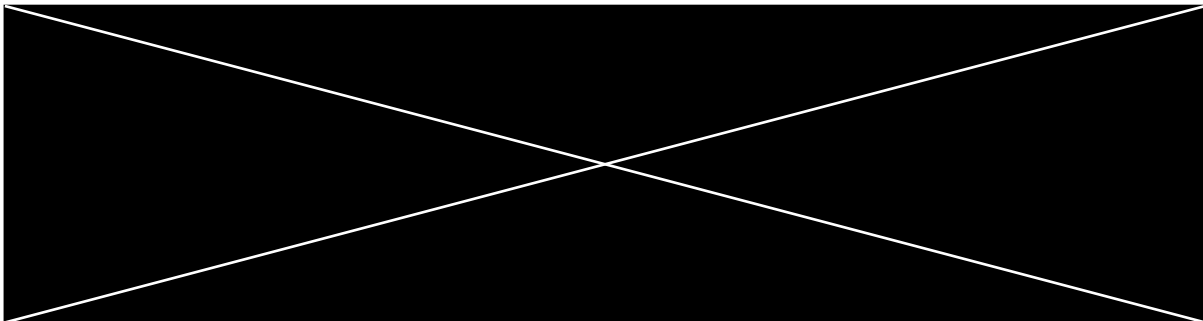


7/30/25

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,

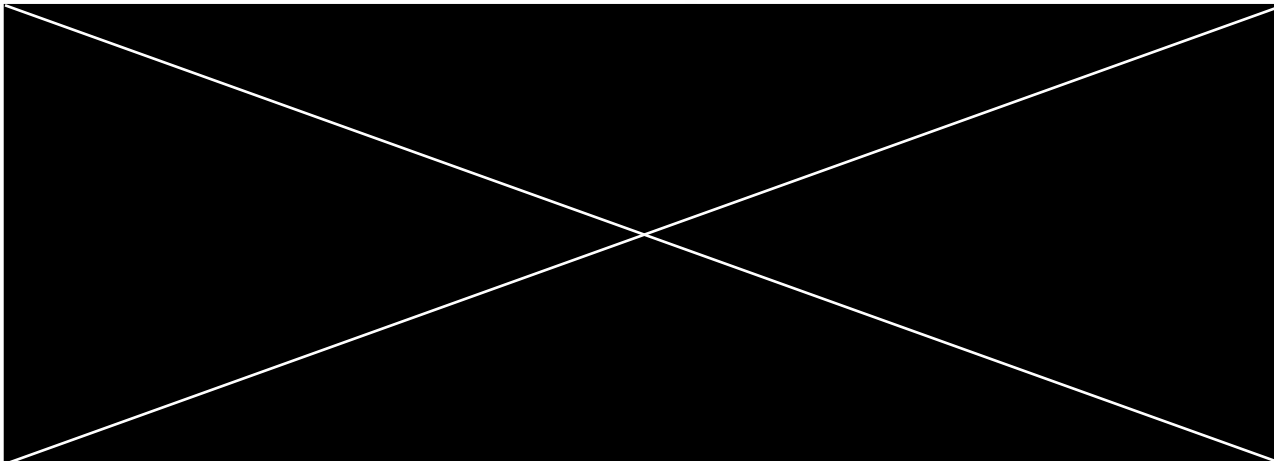
Enika Brown MSW, CLC, PPSC
Certified Life Coach & Counselor

Enika Brown



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,

C. Grant

Cherelle Grant



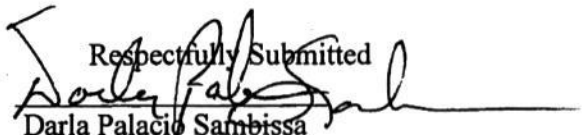
Cherelle@aceciteam.com

CERTIFICATE OF SERVICE

I, Darla Palacio Sambissa, hereby certify that on this date, I filed this PETITIONER'S SUPPLEMENTAL BERIEFING IN SUPPORT OF EMERGENCY INJUNCTION . 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: September 13,2025

Respectfully Submitted

Darla Palacio Sambissa
555 East Dayman Street
Long Beach, California 90806

SHIP DATE: 15SEP25
ACTING: 0.15 LB
CAD: 6570572/ROSA2650

ORIGIN ID: JPPA (213) 769-3039
DARLA PACIFIC SPRING
555 E DAYTON ST
LONG BEACH, CA 90806

UNITED STATES OF AMERICA

TO UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

525 MAGOFFIN AVE

RM 105

EL PASO TX 79901

(000) 000-0000

REF:

REF:



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