

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

EMMANUEL STEPHANE RUKIRANDE )  
MUKIZA )

Petitioner. )

v. )

**THOMAS BERGAMI**, WARDEN, )  
Prairieland Detention Center, et al. )

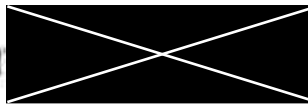
Respondents. )

Case No. 3:25-cv-02081-E-BT

**ORAL ARGUMENT  
REQUESTED**

**SUPPLEMENT TO EMERGENCY MOTION FOR TEMPORARY RESTRAINING  
ORDER AND MANDATORY INJUNCTION AND SUPPLEMENTAL BRIEF**

Petitioner files this Supplement to Emergency Motion for Temporary Restraining Order and Mandatory Injunction and additionally moves this Court, pursuant to Federal Rule of Civil Procedure 65(b), to issue a temporary restraining order that compels Defendants to 1) prevent his removal to a third country while the appeal of his removal order is pending with the Board of Immigration Appeals, and would respectfully show:

The extraordinary relief of a mandatory restraining order is necessary because Petitioner's location is currently unknown, and a search of the Immigration and Customs Enforcement online detainee locator for Petitioner using his Alien number  shows no results. Exhibit E, "No results" indicates that Petitioner is not in the detainee locator database and the likelihood that he is being transported for removal. No notice was ever given to Petitioner or his counsel.

The Court should grant this motion and issue of stay of removal because:

(1) Petitioner has a high likelihood of prevailing on the merits of his appeal on his Motion to Re-open his removal proceedings. He is the husband of a U.S. citizen who entered legally and

once his removal proceedings are re-opened he is eligible to apply for his lawful permanent residence with a waiver for his criminal conviction.

(2) Absent a stay of removal, Respondent will suffer irreparable harm for three main reasons. First, forced deportation would send Respondent to Gabon, or possibly a third country, where it is more likely than not that he will face serious harm. *Accord Padilla v. Kentucky*, 559 U.S. 356, 130 S.Ct. 1473, 1481 (2010) (“[D]eportation is a particularly severe ‘penalty.’”) (quoting *Fong Yue Ting v. United States*, 149 U.S. 698, 740 (1893); *Lehman v. United States*, 353 U.S. 685, 691 (1957) (Black, J., concurring) (“To banish [an immigrant] from home, family, and adopted country is punishment of the most drastic kind.”); *Bridges v. Wixon*, 326 U.S. 135, 154 (1945) (“Though deportation is not technically a criminal proceeding, it visits a great hardship on the individual and deprives him of the right to stay and live and work in this land of freedom.”)).

Second, should respondent be physically removed, he will lose his ability to pursue a sua sponte motion. *See Ovalles v. Holder*, 577 F.3d 288 (5th Cir. 2009) (while departure bar does not apply to statutory motions to reopen, departure bar does apply to regulatory sua sponte motions to reopen).

(3) Granting the relief by keeping Respondent in this jurisdiction of this court will not cause harm to Defendants, who are the federal government.

(4) The public interest will be served by granting the requested relief because it will allow Petitioner to have his constitutional due process of law. Allowing the government to continue to violate federal law is not in the public interest. It is always in the public interest for the federal government to comply with the law.

Accordingly, for the reasons stated, and based upon the evidence set forth in and with Petitioner’s Emergency Motion for Temporary Restraining Order and Mandatory Injunction and

for good cause shown, this Court should issue the requested mandatory temporary restraining order.

Respectfully submitted,

/s/Amy M. Hsu  
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Texas Bar # 24036808

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Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing Supplement to Motion for Temporary Restraining Order and Mandatory Injunction and Supplemental Brief via ECF on September 14, 2025.

/s/ Amy Hsu  
AMY HSU

**CERTIFICATE OF CONFERENCE UNDER FRCP 65 AND LOCAL RULE 7.1**

I certify that I emailed Ann Cruce-Haag and Brian Stoltz at the U.S Attorney's Office for the Northern District of Texas approximately one hour before filing but did not receive a response. Due to the emergency nature of this motion, today is a Sunday and no government offices are open, the Respondents have not entered an appearance in this case, and I do not have any other contact information for Defendants Petitioner requests that the court hold that notice should not be required.

Date: September 14, 2025

/s/ Amy Hsu  
AMY HSU