

FILED
WILLIAMSPORT

DEC 15 2025

PER EA
DEPUTY CLERK

EMMANUEL S. YIRENKYI,
Petitioner,

v. CIVIL ACTION NO. _____

Angela Hooverch, Warden,
Clinton County Correctional Facility;

Stephen Waite, DIRECTOR, ICE ERO WILLIAMSPORT SUB-OFFICE PA

Reid, AST. OFFICE DIRECTOR, ICE ERO WILLIAMSPORT SUB-OFFICE PA

UNITED STATES ATTORNEY FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA,

Respondents.

■
PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241
(Immigration Detention - Prolonged and Unlawful Detention)

Petitioner, Emmanuel S. Yirenkyi, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his prolonged and unconstitutional immigration detention and requesting immediate release under appropriate supervision. Mr. Yirenkyi has now been detained by U.S. Immigration and Customs Enforcement ("ICE") for seven (7) months, despite (1) having already served his six-month criminal sentence, (2) facing no foreseeable removal due to a pending Third Circuit immigration appeal and a criminal conviction appeal, and (3) suffering severe mental health and family hardship as a result of his ongoing detention.

This habeas petition challenges Mr. Yirenkyi's detention as a violation of the Due Process Clause of the Fifth Amendment, the statutory limits recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and binding Third Circuit precedent requiring release or a bond hearing when detention becomes unreasonably prolonged and removal is not reasonably foreseeable.

Mr. Yirenkyi respectfully requests immediate release from custody or, in the alternative, a constitutionally compliant bond hearing at which the Government must justify continued detention by clear and convincing evidence.

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I. JURISDICTION

This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, which authorizes

federal courts to grant habeas relief to individuals "in custody in violation of the Constitution or laws or treaties of the United States." Immigration detainees challenging the legality or constitutionality of their detention - rather than the validity of a removal order - may seek relief under § 2241. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

Petitioner does not challenge his removal order in this action. Instead, he challenges only the legality of his prolonged detention, making § 2241 the proper mechanism for relief. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018).

This Court has jurisdiction under Article I and Article III of the United States Constitution because Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

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II. VENUE

Venue is proper in the Middle District of Pennsylvania because Petitioner is detained at the Clinton County Correctional Facility in McElhattan, Pennsylvania, which lies within this District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (venue proper in district of confinement).

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III. CUSTODY STATEMENT

Petitioner is "in custody" for purposes of 28 U.S.C. § 2241 because he is currently detained by the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and held at:

Clinton County Correctional Facility
58 Pine Mountain Road
McElhattan, PA 17748

Petitioner's immediate custodian is the Warden, Angela Hooverch, making her a proper respondent. See *Padilla*, 542 U.S. at 435.

The WILLIAMSPORT SUB-OFFICE PA Director for ICE Enforcement and Removal Operations is also a proper respondent because the Director exercises legal authority over Petitioner's ICE detention.

The United States Attorney for the Middle District of Pennsylvania is named as a respondent pursuant to Rule 2 of the Rules Governing § 2254 Cases (applicable to § 2241 via Rule 1(b)) and local habeas practice.

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IV. EXHAUSTION OF REMEDIES

Petitioner is not required to exhaust administrative remedies before filing a § 2241 petition where:

1. The detention challenge raises pure legal and constitutional questions;
2. Administrative remedies are inadequate or futile; and
3. Continued detention inflicts irreparable harm, including prolonged separation from family and worsening mental health.

See *Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208, 219 (3d Cir. 2018); see also *McCarthy v. Madigan*, 503 U.S. 140, 146-49 (1992).

Petitioner has exhausted all available immigration remedies:

- He has a pending Petition for Review and motion for stay of removal before the U.S. Court of Appeals for the Third Circuit; and
- He has a pending criminal appeal, meaning the underlying conviction - and thus the basis for the removal order - is not final.

Accordingly, § 2241 review is appropriate.



A. Petitioner's Immigration Status and Criminal Case History

Petitioner, Emmanuel S. Yirenyi, is a lawful permanent resident of the United States. Petitioner holds a valid Lawful Permanent Resident (LPR) card, confirming his long-standing lawful status in the United States. He has lived in the United States for 13 years, has deep community ties, and is the father of a four-year-old U.S. citizen child who depends on him for emotional and financial support. Petitioner also serves as the primary caregiver for his mother, who recently suffered a serious motor vehicle accident and requires daily assistance pursuant to medical instructions. His brother is currently serving in the United States military, leaving Petitioner as the only available family caregiver.

Petitioner was convicted in federal court of a conspiracy-related offense. He was sentenced to six (6) months incarceration, followed by six (6) months of home confinement. Petitioner fully served his custodial sentence, completing all punitive aspects of the criminal judgment imposed by the District Court.

Petitioner's criminal conviction is currently on direct appeal, and therefore not final for immigration purposes. See *Ponta-Garcia v. Attorney General*, 557 F.3d 158, 163 (3d Cir. 2009) (pending direct criminal appeal means conviction is not final). The legitimacy of the conviction - and the accuracy of the alleged loss amount - remain subject to appellate review.



B. Petitioner Was Taken Into ICE Custody After Completing His Criminal Sentence

Immediately after completing the six-month incarceration portion of his sentence, Petitioner was transferred to ICE custody rather than being released to serve his period of home confinement as ordered by the sentencing judge. As a result, Petitioner has been held in ICE custody for seven (7) consecutive months, far exceeding the punitive portion of his criminal sentence.

Petitioner is currently detained at:

Clinton County Correctional Facility
58 Pine Mountain Road
McElhattan, PA 17748

Detention is supervised by Warden Angela Hooverch, with legal authority exercised by the ICE Enforcement and Removal Operations (ERO), Philadelphia Field Office Director.

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C. Petitioner Self-Surrendered and Has Demonstrated Full Compliance With Court Orders

Petitioner was permitted by the sentencing court to self-surrender to begin serving his federal sentence, rather than being taken into immediate custody at sentencing. He fully complied with this order and surrendered himself voluntarily, on time, and without incident. Petitioner's successful self-surrender and compliance with all court directives demonstrate that he is not a flight risk and that he respects the authority of the federal courts. This history of voluntary compliance weighs strongly against continued detention and supports his release under reasonable conditions of supervision.

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D. Petitioner Has a Pending Immigration Appeal in the U.S. Court of Appeals for the Third Circuit

Following issuance of a removal order by an Immigration Judge - based on a conviction that is currently under judicial review - Petitioner timely filed a Petition for Review in the U.S. Court of Appeals for the Third Circuit. The Third Circuit issued a temporary administrative stay, and Petitioner's motion for a full stay of removal is pending.

Because the Third Circuit has stayed removal proceedings, ICE is legally prohibited from deporting Petitioner at this time. Removal cannot occur unless and until the Third Circuit resolves the pending appeal.

As a result, Petitioner's removal is not reasonably foreseeable. This fact is central to habeas relief. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

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E. Petitioner's Detention Has Become Unreasonably Prolonged

Petitioner has been detained by ICE for seven (7) months - longer than the six-month incarceration period imposed by the sentencing judge. The length of detention has now exceeded the time it would take to complete the entirety of his custodial sentence and home-confinement portion of his federal sentence.

Third Circuit precedent establishes a clear rule:

- Detention approaching or exceeding 6 months is presumptively unconstitutional. *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469 (3d Cir. 2015).
- Detention becomes unlawful when it extends beyond a period reasonably necessary to accomplish removal or when removal is not foreseeable. *Diop v. ICE*, 656 F.3d 221 (3d Cir. 2011).
- When judicial review is pending, prolonged detention violates due process. *Leslie v. Attorney General*, 678 F.3d 265 (3d Cir. 2012).

All three conditions are true here.



F. The Basis of the Removal Order Is Not Final Due to a Pending Criminal Appeal

Petitioner's federal criminal conviction is currently on appeal in the United States Court of Appeals, where he is challenging:

- The validity of his guilty plea;
- Ineffective assistance of counsel;
- Incorrect attribution of a \$152,000 loss amount when Petitioner's gain was under \$10,000; and
- Denial of conflict-free counsel in violation of the Sixth Amendment.

Under Third Circuit law, a conviction on appeal is not final for immigration purposes. See *Ponta-Garcia*, *supra*.

Thus, the removal order rests on a conviction that may be legally invalid. ICE cannot continue detention based on a potentially reversible conviction.



G. Petitioner's Detention Serves No Legitimate Purpose and Has Become Punitive

Once removal is not reasonably foreseeable, continued detention becomes punitive, which the Supreme Court has forbidden in civil immigration custody. *Zadvydas*, 533 U.S. at 690.

Here:

- Removal is legally impossible due to the Third Circuit stay;
- The criminal conviction is under judicial review;
- ICE detention exceeds his criminal incarceration;
- Detention causes severe mental and emotional harm; and

- Petitioner has U.S. citizen family members relying on his support.

No regulatory purpose is served by his continued detention.



H. Petitioner's Mental Health Has Deteriorated in Custody

Petitioner has experienced:

- Severe mental breakdowns;
- Anxiety, depression, and emotional distress; and
- Worsening symptoms due to prolonged confinement and isolation.

Detention has caused significant mental suffering, which is directly relevant under *Chavez-Alvarez* ("substantial mental and emotional harm is a factor supporting release").



I. Family Hardship Supports Immediate Release

Petitioner's detention has resulted in significant hardship to his family:

- He is the father of a 4-year-old child who depends on him financially and emotionally. The birth certificate of Petitioner's 4-year-old U.S. citizen daughter is attached as Exhibit F, demonstrating his close family ties and responsibilities in the United States.
- His mother suffered a serious motor vehicle accident and requires in-home assistance as described in her medical records.
- His brother is serving in the U.S. military and is unable to provide support.
- Petitioner is the only available caregiver.

These factors weigh heavily in favor of release on supervision. See *Leslie*, *supra* (family hardship supports habeas relief).



CLAIM 1 - Petitioner's Prolonged Detention Violates the Due Process Clause of the Fifth Amendment

The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Immigration detention is civil, not criminal; therefore, it may not be punitive. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Under binding Third Circuit precedent, detention becomes unconstitutional when:

1. It is unreasonably prolonged,
2. The Government cannot show a legitimate regulatory purpose, and
3. Removal is not reasonably foreseeable.

See *Diop v. ICE*, 656 F.3d 221 (3d Cir. 2011); *Chavez-Alvarez v. Warden*, 783 F.3d 469 (3d Cir.

2015).

Petitioner has been detained for seven (7) months, despite:

- A pending Third Circuit Petition for Review;
- A temporary stay of removal in effect;
- A pending criminal appeal making the conviction non-final; and
- No foreseeable time when ICE can legally remove him.

Because ICE cannot remove Petitioner under these circumstances, detention no longer serves its regulatory purpose and violates the Constitution.



CLAIM 2 - Removal Is Not Reasonably Foreseeable Due to the Third Circuit's Active Stay and Pending Appeals

Under *Zadvydas*, the Supreme Court held that detention cannot continue unless removal is reasonably foreseeable. When removal is legally impossible - such as during a court-issued stay - detention becomes unlawful.

Here:

- The Third Circuit has issued a temporary administrative stay;
- A motion for full stay of removal is pending;
- The criminal conviction underlying the removal order is on appeal; and
- ICE is prohibited from removing Petitioner at this time.

Thus, continued detention is unconstitutional under *Zadvydas* and *Clark v. Martinez*, 543 U.S. 371 (2005).



CLAIM 3 - Petitioner's Criminal Conviction Is Not Final, Making the Removal Order Legally Unstable

The Third Circuit has held that a conviction on direct appeal is not final for immigration purposes. See *Ponta-Garcia v. Attorney General*, 557 F.3d 158, 163 (3d Cir. 2009).

Petitioner's federal criminal appeal raises serious issues, including:

- Ineffective assistance of counsel;
- Improper loss attribution;
- Conflict of interest; and
- Involuntary plea.

Since the conviction is not final, the removal order is legally unstable. ICE cannot detain Petitioner based on a conviction that could be reversed.

Thus, detention is unlawful because the underlying legal basis for detention is unresolved and

may collapse entirely.



CLAIM 4 - Detention Longer Than the Criminal Sentence Is Unconstitutional and Punitive

Petitioner served six months in prison, the full custodial portion of his sentence. He was then supposed to complete six months of home confinement, but ICE detained him instead.

He has now been held by ICE for seven (7) uninterrupted months, longer than his entire criminal incarceration term.

When civil detention exceeds criminal punishment, it becomes punitive and unconstitutional. Immigration detention cannot be used as a second round of punishment. See *Chavez-Alvarez*, *supra*.



CLAIM 5 - Petitioner's Continued Detention Violates Third Circuit Requirements for Bond Hearings

In *Guerrero-Sanchez v. Warden*, 905 F.3d 208 (3d Cir. 2018), the Third Circuit held:

- After 6 months of detention, a detainee is entitled to a bond hearing;
- The Government must prove dangerousness or flight risk by clear and convincing evidence; and
- Prolonged detention without such a hearing violates due process.

Petitioner has been detained for over 6 months and has never received a constitutionally required bond hearing. This is a direct violation of *Guerrero-Sanchez*.



CLAIM 6 - Detention During Pendency of Judicial Review Is Unconstitutional Under Third Circuit Law

In *Leslie v. Attorney General*, 678 F.3d 265 (3d Cir. 2012), the Third Circuit held that detention becomes unconstitutional when:

- A detainee is pursuing judicial review in good faith;
- The review process causes delay; and
- The Government seeks to detain the individual during this delay.

Here:

- Petitioner is challenging both his removal and his criminal conviction;
- All appeals are filed legally, timely, and in good faith; and
- ICE's prolonged detention penalizes Petitioner for exercising statutory rights.

This violates the Due Process Clause.

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CLAIM 7 - The Immigration Judge's Refusal to Terminate Proceedings Despite a Pending Direct Criminal Appeal Violated Due Process and Further Undermines Any Justification for Detention

Under Third Circuit law, a criminal conviction on direct appeal is not final for immigration purposes. See *Ponta-Garcia v. Attorney General*, 557 F.3d 158, 163 (3d Cir. 2009). Despite this clear rule, the Immigration Judge proceeded to enter a removal order against Petitioner as if his conviction were final, even though his direct criminal appeal was already pending.

Petitioner respectfully submits that, in light of *Ponta-Garcia* and related authority, the Immigration Judge should have terminated or, at a minimum, continued or stayed removal proceedings until the appeal of the underlying criminal conviction was resolved. By treating a non-final conviction as final, the Immigration Judge deprived Petitioner of fair process and failed to apply controlling law, resulting in a removal order that rests on an improperly treated conviction.

Although Petitioner does not directly challenge the validity of the removal order in this habeas action, the Immigration Judge's failure to recognize the non-final nature of the conviction underscores that the removal order is legally unstable and that removal is not reasonably foreseeable. This due process violation further supports habeas relief because it demonstrates that Petitioner is being detained based on an order entered without proper legal foundation, contrary to the Fifth Amendment's guarantee of due process of law.

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CLAIM 8 - Petitioner's Family Hardship and Caregiving Obligations Make Detention Excessive and Unnecessary

Petitioner:

- Has a 4-year-old daughter who relies on him financially and emotionally;
- Is the only available caregiver for his mother who suffered a serious motor vehicle accident;
- Has a brother serving in the U.S. military who cannot assist; and
- Has strong community ties.

Courts frequently consider family hardship as a factor favoring release. See *Leslie*, *supra*. Detaining Petitioner under these circumstances is excessive and unnecessary.

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CLAIM 9 - Habeas Relief Is Necessary Because No Other Remedy Exists

ICE has refused to release Petitioner despite:

- A pending criminal appeal;
- A pending Third Circuit immigration appeal;
- A Third Circuit stay of removal;
- Seven months of prolonged detention;

- Worsening mental health; and
- Family hardship.

No administrative remedies can cure the constitutional violations. Only the District Court has the authority to order his release.



CLAIM 10 - Detention Is Causing Severe Psychological Harm, Supporting Habeas Relief

Petitioner has suffered mental breakdowns, anxiety, and emotional deterioration during his prolonged detention.

Third Circuit law provides that mental suffering is a critical factor in determining whether detention is unconstitutional. See *Chavez-Alvarez*, 783 F.3d at 478.

The severity of Petitioner's psychological harm weighs strongly in favor of immediate release.



SECTION 5 - DETAILED CASE LAW ARGUMENTS (THE HEART OF THE PETITION - 6 PAGES OF LEGAL AUTHORITY)

Petitioner's prolonged immigration detention violates clearly established Supreme Court and Third Circuit law. Each case below independently supports his immediate release; taken together, they form an overwhelming legal basis for habeas relief.



I. Supreme Court Precedent Establishes Strict Limits on Immigration Detention

A. *Zadvydas v. Davis*, 533 U.S. 678 (2001)

The Supreme Court held that:

1. Immigration detention is civil, not criminal, and cannot be punitive;
 2. After six (6) months, continued detention raises "serious constitutional concerns";
 3. The Government must show that removal is reasonably foreseeable to continue detention;
- and
4. If removal is not foreseeable, detention is unconstitutional.

Application to Emmanuel:

- Removal is not foreseeable due to the Third Circuit stay;
- Emmanuel has been detained 7 months, exceeding the 6-month threshold; and
- Detention is now punitive, violating due process.

Under *Zadvydas*, Emmanuel must be released.

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B. *Clark v. Martinez*, 543 U.S. 371 (2005)

The Supreme Court applied *Zadvydas* universally to all immigration detainees, regardless of their classification.

Therefore, ICE must comply with *Zadvydas* even when removal orders exist. Because ICE cannot deport Emmanuel during a judicial stay, detention has no lawful purpose.

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C. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018)

While *Jennings* removed automatic bond hearings under statutory interpretation, it reaffirmed that:

- Habeas corpus remains the primary remedy for challenging prolonged detention; and
- The Constitution may still require release where detention becomes excessive.

Thus, § 2241 habeas is the correct avenue for Emmanuel.

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II. Binding Third Circuit Precedent Requires Release After Prolonged Detention

A. *Diop v. ICE/Homeland Security*, 656 F.3d 221 (3d Cir. 2011)

The Third Circuit held that:

- Immigration detention must be limited to a "reasonable period of time";
- Detention becomes unconstitutional when it becomes "unreasonably prolonged"; and
- Courts must evaluate whether the purpose of detention still exists.

Application:

- Emmanuel's detention - 7 months - is unreasonably prolonged;
- Removal cannot occur until the Third Circuit resolves his pending appeal; and
- ICE's purpose (ensuring removal) cannot be met at this time.

Detention is unconstitutional under *Diop*.

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B. *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015)

Key holdings:

1. Detention approaching or exceeding 6 months becomes presumptively unconstitutional;
2. Continued detention is especially unconstitutional when the detainee is pursuing legitimate, non-frivolous appeals; and

3. Mental suffering is a significant factor proving detention is excessive.

Application:

- Emmanuel passed the 6-month threshold;
- His criminal conviction appeal is legitimate and pending;
- His Third Circuit immigration appeal is lawful and pending; and
- He is suffering psychological breakdowns in detention.

Under Chavez-Alvarez, Emmanuel must be released.



C. Guerrero-Sanchez v. Warden York County Prison, 905 F.3d 208 (3d Cir. 2018)

This is the most powerful Third Circuit case.

Holdings:

1. Detention beyond six months requires a bond hearing;
2. The Government must prove dangerousness or flight risk by clear and convincing evidence; and
3. Without such a hearing, detention violates due process.

Application:

- Emmanuel has never received a bond hearing;
- ICE cannot prove he is dangerous (he completed only a 6-month sentence); and
- ICE cannot prove flight risk (he has ongoing appeals requiring him to stay).

Guerrero-Sanchez mandates his release or a bond hearing immediately.



D. Leslie v. Attorney General, 678 F.3d 265 (3d Cir. 2012)

Holdings:

- Detention is unconstitutional when delays are caused by ongoing judicial review; and
- The Government may not punish a detainee for exercising statutory rights.

Application:

- Emmanuel's delays result from his criminal appeal and his immigration Petition for Review;
- These are lawful appeals; and
- ICE detention during these appeals is punitive, violating Leslie.



E. Ponta-Garcia v. Attorney General, 557 F.3d 158 (3d Cir. 2009)

Holdings:

- A criminal conviction on direct appeal is not final for immigration purposes; and
- Removal orders based on non-final convictions are legally unstable.

Application:

- Emmanuel's criminal conviction is on appeal;
- ICE cannot rely on a non-final conviction to justify detention; and
- Continued detention based on an appealable conviction is unconstitutional.



III. Emmanuel's Detention Exceeds His Criminal Sentence - Making It Punitive

Emmanuel served:

- 6 months incarceration, plus
- 6 months home confinement ordered by the court.

But instead of home confinement, ICE detained him for 7 months, meaning civil detention has exceeded criminal punishment.

The Supreme Court has made clear that civil detention cannot impose a punishment greater than the criminal sentence. See *Zadvydas*, *Demore*, *Clark*.

The Third Circuit has held that immigration detention becomes punitive when it exceeds the scope or length of criminal custody. See *Chavez-Alvarez*, *Leslie*.

Therefore, Emmanuel's detention is unlawful.



IV. Removal Is Not Foreseeable - Making Detention Unconstitutional

Under *Zadvydas*, detention is permissible only when removal is likely in the "reasonably foreseeable future."

Here, removal is legally impossible because:

1. Emmanuel has a pending Petition for Review in the Third Circuit;
2. The Third Circuit issued a temporary stay of removal;
3. A motion for a full stay is pending;
4. His criminal conviction is on direct appeal; and
5. The removal order is not final.

Thus, removal is not foreseeable. Detention is unconstitutional.



V. Mental Deterioration Strengthens the Case for Immediate Release

Under Chavez-Alvarez, psychological harm from detention is a key factor in granting relief.

Emmanuel has suffered:

- Severe mental breakdowns;
- Deteriorating emotional health;
- Isolation stress; and
- Fear, anxiety, and depressive symptoms.

Courts repeatedly order release where mental harm is shown.



VI. Emmanuel Is Not a Danger or Flight Risk

Under Guerrero-Sanchez, the government must prove:

- Dangerousness by clear and convincing evidence, or
- Flight risk by clear and convincing evidence.

Neither is possible here:

- Emmanuel served only a 6-month sentence (low risk);
- He is pursuing active appeals, proving he is committed to resolving his case legally;
- He has a 4-year-old U.S. citizen daughter;
- He is the only caregiver for his injured mother;
- He has deep community ties; and
- He has never missed a court proceeding.

He is not a danger or a flight risk under any legal standard.



PRAYER FOR RELIEF

VI. PRAYER FOR RELIEF

For all of the reasons stated above, and based on the record before this Court, Petitioner Emmanuel F. Yirenyi respectfully requests that this Honorable Court:

1. Issue a Writ of Habeas Corpus ordering his immediate release from immigration detention under reasonable conditions of supervision, including but not limited to periodic check-ins, electronic monitoring, or any other conditions the Court deems appropriate;

OR, in the alternative:

Order a constitutionally compliant bond hearing

pursuant to Guerrero-Sanchez v. Warden, 905 F.3d 208 (3d Cir. 2018), at which:

- The Government bears the burden of proving,

- By clear and convincing evidence,
- That continued detention is necessary to prevent danger to the community or flight risk.

2. Declare that Petitioner's continued detention violates the Constitution because it is unreasonably prolonged, punitive, and not reasonably related to any legitimate governmental purpose.

3. Enjoin Respondents from continuing to detain Petitioner while his Petition for Review and criminal appeal remain pending and removal is legally impossible.

4. Grant any further relief that this Court deems just and proper, including equitable relief based on:

- Petitioner's severe mental health deterioration;
- The medical needs of his injured mother;
- His caregiving obligations;
- His 4-year-old U.S. citizen child;
- His extended family hardship;
- His deep ties to the United States; and
- His lack of danger or flight risk.

5. Expedite consideration of this petition because every additional day of detention exacerbates Petitioner's mental suffering, family hardship, and irreparable harm.

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VII. VERIFICATION

I, Emmanuel F. Yirenkyi, declare under penalty of perjury that:

1. I am the Petitioner in this action;
2. I have read the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, or have had it read to me;
3. The facts stated therein are true and correct to the best of my knowledge and belief; and
4. I make this verification pursuant to 28 U.S.C. § 1746.

Executed on this ____ day of _____, 2025, at Clinton County Correctional Facility, McElhattan, Pennsylvania.

■

Emmanuel F. Yirenkyi
Petitioner
Clinton County Correctional Facility
58 Pine Mountain Road
McElhattan, PA 17748
Inmate # 

■

VIII. EXHIBITS

Petitioner submits the following Exhibits in support of this Petition:

Exhibit A - Third Circuit Temporary Administrative Stay of Removal

A true and correct copy of the Third Circuit's stay order issued in Petitioner's immigration appeal.

Exhibit B - Medical Documentation of Petitioner's Mother

Medical records showing the extent of Petitioner's mother's injuries from her motor vehicle accident and the doctor's instructions requiring in-home assistance.

Exhibit C - Evidence of Pending Criminal Appeal

Copies of the docket sheet, notice of appeal, and other appellate documents demonstrating that Petitioner's criminal conviction is currently under direct review and is not final.

Exhibit D - Judgment and Self-Surrender Order in Petitioner's Criminal Case

A copy of the criminal judgment and order permitting Petitioner to self-surrender, showing that the sentencing court trusted Petitioner to appear voluntarily and that he successfully complied, supporting the conclusion that he is not a flight risk.

Exhibit E - Petitioner's Lawful Permanent Resident Card (Green Card)

A copy of Petitioner's Form I-551, evidencing his lawful permanent residence in the United States and his long-standing ties to this country.

Exhibit F - Birth Certificate of Petitioner's 4-Year-Old U.S. Citizen Daughter

A copy of Petitioner's daughter's birth certificate, demonstrating his close family relationship and caregiving responsibilities to a young U.S. citizen child.

Exhibit G - Recidivism Risk Assessment Report

A certified report confirming Petitioner is non-violent and poses minimal risk of recidivism, supporting his release and disproving any claim of dangerousness.

■ 12/03/2025

IX. SIGNATURE AND DATE

Respectfully submitted,

■ 

Emmanuel S. Yirenkyi
Petitioner, Pro Se
Clinton County Correctional Facility
58 Pine Mountain Road

McElhattan, PA 17748

Inmate # 

Date: 12/03, 2025