

ZUZA BIENVENU

Name and Prisoner Number/Arrest Registration Number

Eloy Detention Center.

Place of Confinement

1705 E. Hannan Rd Eloy AZ

Mailing Address

Eloy AZ 85131

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

☒ FILED	☐ LODGED
☐ RECEIVED	☐ COPY
MAR 24 2026	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

ZUZA BIENVENU

(Full Name of Petitioner)

Petitioner,

v.

E. ROKOSKY(Name of Warden, Jailor or authorized person
having custody of Petitioner)

Respondent.

CASE

CV-26-02000-PHX-SMB(JZB)

(To be supplied by the Clerk)

**PETITION UNDER 28 U.S.C. § 2241
FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN FEDERAL CUSTODY**

PETITION

1. What are you challenging in this petition?

- ☒ Immigration detention
- ☐ Bureau of Prisons sentence calculation or loss of good-time credits
- ☐ Probation, parole or supervised release
- ☐ Other (explain): _____

2. (a) Name and location of the agency or court that made the decision you are challenging: _____

Immigration Court, Florence AZ 85132.

(b) Case or opinion number: _____

(c) Decision made by the agency or court: Deferral of removal under the regulations implementing the Convention Against Torture (CAT).(d) Date of the decision: July 26, 2023.

3. Did you appeal the decision to a higher agency or court? Yes ☒ No ☐

If yes, answer the following:

(a) First appeal:

- (1) Name of the agency or court: BIA Board of Immigration Appeal
(2) Date you filed: _____
(3) Opinion or case number: _____
(4) Result: BIA maintain the CAT decision.
(5) Date of result: 4/11/2025.
(6) Issues raised: DHS did not filed a brief in response to the case.

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Second appeal:

- (1) Name of the agency or court: N/A.
(2) Date you filed: _____
(3) Opinion or case number: _____
(4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(c) Third appeal:

- (1) Name of the agency or court: N/A
(2) Date you filed: _____
(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

4. If you did not appeal the decision to a higher agency or court, explain why you did not: _____

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes ☐ No ☒

If yes, answer the following:

(a) Name of the agency or court: _____

(b) Date you filed: _____

(c) Opinion or case number: _____

(d) Result: _____

(e) Date of result: _____

(f) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

6. For this petition, state every ground on which you 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.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available administrative remedies on each ground on which you request action by the federal court.

GROUND ONE: what brought me into immigration custody was my past convictions, of which I did time already in prison.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

I was never told that my conviction will affect my immigration status until I was told by an immigration judge that my green card has been canceled.

I was then put into removal proceedings at which the same immigration judge granted me CAT. but since then I am still under ICE custody since more than 36 months.

(b) Did you exhaust all available administrative remedies relating to Ground One? Yes ☒ No ☐

(c) If yes, did you present the issue to:

- ☒ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground One, explain why:

GROUND TWO: My Medical Conditions are not the best here. for the past 36 months, I have never received any treatment for my illness. Only pain medication have been given to me without finding out the cause of the pains.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

I was supposed to under go a third surgery on my leg in the hospital in but that never took place because ICE is not ready to pay. one of my leg is totally damage but I have never received any treatment on that. even to provide medical shoe is a problem. At times, I walk without shoes. Copies of my medical records are submitted with this application.

(b) Did you exhaust all available administrative remedies relating to Ground Two? Yes ☐ No ☐

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground Two, explain why:

medical request do not address the Legality of detention. No administrative process can help order release.

GROUND THREE: The Detention conditions are not healthy.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Starting with the feeding conditions which should be the base. on the same diet every day, no quality drinking water, and at times the foods are frozen.

The time which this food are served is inhumane at times breakfast is served at 3am, and dinner at times at 4pm.

As a person struggling with diabetes I have never received any meal. Since I get here on time. Beside, the quantity of the food is too small, making me be very very unstable.

(b) Did you exhaust all available administrative remedies relating to Ground Three? Yes ☐ No ☐

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground Three, explain why:

Core Civee who is the ICE Contractor here in Elay can do nothing to help with the situation. any complaint made, will lead you to be transfer to the segregation unit of the facility, where you are almost lock down for 24 hours without sleeping out from your cell.

GROUND FOUR: Having limited means to communicate with my child and families who are all United States citizens.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

The cost of making a phone call here in the facility within the United States is too costly. At times the little money I have, I prefer to use it for food instead of calls. Beside that, at times I might try to call but the system will not even be working. At times we stay for more than a day with no access to phone calls because of luck down of no just cause.

(b) Did you exhaust all available administrative remedies relating to Ground Four? Yes ☐ No ☐

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground Four, explain why:

The same facility officers can, and has never been willing to help in any way for the situation to be better. Instead, the staffs makes it very difficult for us. constant luck down because of staffs shortage.

Please answer these additional questions about this petition:

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes ☐ No ☐
 (Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Case number: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Explain why the remedy under § 2255 is inadequate or ineffective: _____

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: 02/03/2023

(b) Date of removal or reinstatement order: 02/03/2023

(c) Did you file an appeal with the Board of Immigration Appeals? Yes ☒ No ☐

(1) Date you filed: 02/04/2023

(2) Case number: N/A

(3) Result: Came out that my CAT was maintain.

Name: ZUZA
Last

BLENVENU
First

Alien Number: A_

Detention Location: Elroy Detention
Center, 1705 E. Hang
Rd Elroy AZ 85131

Immigration and Naturalization Service:

Pursuant to interpretation of the opinion of the Supreme Court of the United States of America in the case Zadvydas v. Davis, I request release from the custody of the Attorney General, in that I ~~have been ordered removed/deported from the United States by an Immigration Judge [or in~~ another lawful manner], but due to circumstances beyond my control, my removal/deportation cannot be effected in the reasonable foreseeable future, due to an absence of a formal repatriation agreement between my country of citizenship and the United States, or due to the fact that my country of citizenship has not or will not issue identity and travel documents necessary for my departure.

The Following additional information is provided:

1. I am a citizen of: The Democratic Republic of Congo
Country of Citizenship
2. I have/have not applied for a travel document.
Date request submitted N/A
3. My birth certificate and passport [valid or expired] are in the possession of:

Name N/A Address _____
Phone Number _____

4. If released from custody, I plan to reside at the following location:

Address

Under Penalty of law, I certify that the foregoing information provided by herein is true.

202A
Last Name

BIENVENUE
First Name

Middle Name


Signature

02/24/26
Date

(4) Date of result: 04/11/2025

(5) Issues raised: N/A

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(d) Did you file an appeal with the federal court of appeals? Yes ☐ No ☒

(1) Name of the court: _____

(2) Date you filed: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

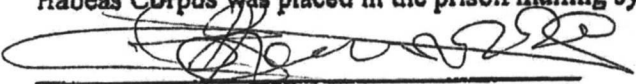
(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

9. Petitioner asks that the Court grant the following relief: release on supervision by ICE

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 02/24/2026 (month, day, year).


Signature of Petitioner

Signature of attorney, if any

02/24/2026
Date

Uploaded on: 10/14/2025 at 11:52:34 AM (Mountain Standard Time) Base City: ELO

*Medica Record
and Exam*

Katharine E. Ruhl
The Florence Immigrant and
Refugee Rights Project
PO Box 86299
Tucson, AZ 85754
EOIR ID: BE334732
Phone: 520-261-9826

Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
ELOY, ARIZONA

In the Matter of:

ZUZA, Bienvenu
Respondent

In REMOVAL proceedings

File No.:

A- 

Immigration Judge Michael Schnitzer

Next Hearing: November 7, 2025

SUPPLEMENTAL EVIDENCE IN SUPPORT OF INA 209(C) WAIVER

Uploaded on: 10/01/2025 at 10:12:47 AM (Mountain Standard Time) Base City: ELO

Respondent, by and through counsel, hereby submits the psychological evaluation conducted by Laura Brookham, PsyD, MBA. A copy of Dr. Brookham's CV is also included.

Respectfully Submitted this 1st day of October, 2025,

Katharine E. Ruhl

Katharine E. Ruhl
Pro Bono Counsel for Respondent

ME

Uploaded on: 10/01/2025 at 10:12:47 AM (Mountain Standard Time) Base City: ELO

CERTIFICATE OF SERVICE

I, Katharine E. Ruhl, hereby certify that this document, Notice of Filing: Psychological Evaluation, was filed electronically on October 1, 2025, through the EOIR Courts & Appeals System (ECAS), which will automatically send service notifications to both parties that a new document has been filed. Both parties are participating in ECAS. Therefore, no separate service was completed.

The attorneys for the Government are:
Corina E. Almeida
Chief Counsel
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
1705 E. Hanna Road
Eloy, Arizona 85131

Katharine E. Ruhl

Katharine E. Ruhl

Uploaded on: 10/01/2025 at 10:12:47 AM (Mountain Standard Time) Base City: ELO

A

Uploaded on: 10/14/2025 at 11:52:34 AM (Mountain Standard Time) Base City: ELO

INDEX

TAB	DESCRIPTION	PAGE
A.	Patricia Lebensohn, M.D., Medical Evaluation of Bienvenu Zuza, Conducted October 3, 2025, with CV.	5
B.	Photograph of Respondent in the hospital in 2007	31
C.	Letter of Support from U.S. Citizen Mugarianeza Zuza ("Mugi"), Respondent's youngest sister, with copy of her naturalization certificate, student ID, and photograph of her with Bienvenu as a child;	33
D.	Letter of Support from Eric Zuza, U.S. Citizen, Respondent's oldest brother, with copy of his naturalization certificate and driver's license;	40
E.	Letter of Support from Antoinette Nyagakobwa, Respondent's mother, with copy of her driver's license and lawful permanent resident card;	46
F.	Photographs of Respondent and siblings, with naturalization certificate of Respondent's brother, Kimararungu Zuza	51
G.	Letter of support from Michelle Denea Sutton, Mother of Respondent's teenaged daughter, L [REDACTED] with driver's license.	56
H.	Certificates of Completion for Respondent	60
I.	The Opioid Epidemic: A Review of the Contributing Factors, Negative Consequences, and Best Practices	127

Respectfully Submitted this 14th day of September, 2025,

Katharine E. Ruhl

Katharine E. Ruhl
Pro Bono Counsel for Respondent

CERTIFICATE OF SERVICE

I, Katharine E. Ruhl, hereby certify that this document, Supplemental Evidence in Support of 209(c) waiver, was filed electronically on September 13, 2025, through the EOIR Courts & Appeals System (ECAS), which will automatically send service notifications to both parties that a new document has been filed. Both parties are participating in ECAS. Therefore, no separate service was completed.

The attorneys for the Government are:
Corina E. Almeida
Chief Counsel
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
1705 E. Hanna Road
Eloy, Arizona 85131

Katharine E. Ruhl

Katharine E. Ruhl

CERTIFICATE OF SERVICE

Name: Zuzi Bienvenu

A #



I hereby certify that on the date indicated below, copies of the attached documents was delivered to the warden of Eloy detention center through the facility internal mail service at 1705 E Hanna Rd Eloy AZ 85131, and three copies of the same documents were mailed to the United States District Court of Arizona in the Phoenix division at (Sandra Day O'Connor, United States Court house, suite 130 ,401 west Washington st, SPC 1 Phoenix AZ 85003, through the US postal service

Date 02/26/2026

Signature

A handwritten signature in black ink, appearing to be 'Zuzi Bienvenu', written over a horizontal line.



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

ZUZA, BIENVENU

A 

NORTHWEST ICE PROCESSING CENT

1623 E J ST #5

TACOMA WA 98404

DHS/ICE Office of Chief Counsel - FLO

3250 N. Pinal Parkway Ave.

Florence AZ 85132

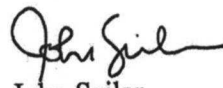
Name: ZUZA, BIENVENU

A 

Date of this Notice: 4/11/2025

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,



John Seiler

Acting Chief Clerk

Enclosure

Userteam: Docket

X1

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Bienvenu ZUZA, 

Respondent

FILED
Apr 11, 2025

ON BEHALF OF RESPONDENT: Marcus Curtis, Esquire

ON BEHALF OF DHS: Robert B. Daly, Jr., Assistant Chief Counsel

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Florence, AZ

Before: Petty, Appellate Immigration Judge

PETTY, Appellate Immigration Judge

The respondent, a native and citizen of the Democratic Republic of the Congo, appeals from a July 26, 2023, decision in which the Immigration Judge: (1) found him ineligible for cancellation of removal under section 240A(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1229b(a)(b); (2) denied his application for asylum under section 208 of the INA, 8 U.S.C. § 1158; (3) denied his application for withholding of removal under section 241(b)(3) of the INA, 8 U.S.C. § 1231(b)(3); and (4) granted his application for deferral of removal under the regulations implementing the Convention Against Torture ("CAT").¹ The Department of Homeland Security ("DHS") has not filed a brief in response.² The record will be remanded.

We review the Immigration Judge's factual findings for clear error. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

The respondent was admitted to the United States as a refugee on May 2, 2007, and, adjusted to lawful permanent resident status on September 1, 2009 (IJ at 2, 11-12; Exh. R3, Tab D). On June 14, 2012, the respondent was convicted of endangerment in violation of section 13-1201 of the Arizona Revised Statutes Annotated ("ARSA") (IJ at 2; Exh. R3, Tab F). DHS initiated removal proceedings against the respondent, and on July 19, 2017, an Immigration Judge granted his application for asylum (IJ at 2; Exh. R3, Tab C). It is unclear from the record whether the

¹ The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c)-1208.18.

² DHS has withdrawn its appeal from the grant of CAT protection (IJ at 9-24). See 8 C.F.R. § 1003.4. This issue is therefore final.