UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH KABILA KABANGE, Concession Hongo Bukavu Democratic Republic of the Congo *Plaintiff*, v. **BRADLEY T. SMITH, in his official capacity as Director of the United States Department of the Treasury Office of Foreign Assets Control** 1500 Pennsylvania Avenue, NW Freedman's Bank Building Washington, D.C. 20220 *Defendant*, and **THE UNITED STATES DEPARTMENT OF THE TREASURY, OFFICE OF FOREIGN ASSETS CONTROL** 1500 Pennsylvania Avenue, NW, Freedman's Bank Building, Washington, D.C. 20220, *Defendants*.	Civil Action No. 1:26-cv-02749 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** **ECF**

Plaintiff Joseph Kabange Kabila brings this Complaint for Declaratory and Injunctive Relief against Defendants the United States Department of the Treasury's Office of Foreign Assets Control ("OFAC") and its Director, and in support of his complaint alleges the following:

NATURE OF THE CASE

1. This Complaint arises from OFAC's unlawful designation of Plaintiff under Executive Order ("E.O.") 13413, as amended by E.O. 13671.

2. Plaintiff is the former President of the Democratic Republic of the Congo ("DRC"), having served in that office from 2001 until 2019.

3. On April 30, 2026, OFAC designated Plaintiff under E.O. 13413, as amended, and added his name to the Specially Designated Nationals and Blocked Persons ("SDN") List. OFAC designated Plaintiff for "having materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of," the March 23 Movement ("M23") and the Congo River Alliance ("AFC"). 91 Fed. Reg. 24,318 (May 5, 2026); U.S. Dep't of the Treasury, *Treasury Sanctions Former Democratic Republic of the Congo President for Ties to Armed Conflict*, Apr. 30, 2026, https://home.treasury.gov/news/press-releases/sb0480.

4. OFAC's press release announcing Plaintiff's designation makes vague and conclusory statements. It does not clearly specify what financial, material, or technological support Plaintiff is alleged to have provided, nor does it detail the goods or services allegedly supplied in support of M23 or AFC. The press release also lacks information on when the support was given, the amount involved, the channels through which it was delivered, or how this support significantly contributed to the operations of either organization.

5. Specifically, the press release alleges that Plaintiff "has provided financial support to the AFC in order to influence the political situation in eastern DRC," that he "has encouraged Armed Forces of the DRC [("FARDC")] troops to defect and join AFC forces," and that he "sought to launch attacks from outside DRC on FARDC in eastern DRC, but his effort was unsuccessful." *Id*.

6. Further, Defendants' press release alleges that Plaintiff "has also worked to put in place a candidate opposed to the current President of the DRC with the intent to regain influence over the DRC government." *Id*.

7. OFAC's press release does not identify the amount, source, recipient, or timing of any alleged financial support and does not identify a single FARDC soldier that Plaintiff allegedly encouraged to defect.

8. Moreover, OFAC's allegation regarding Plaintiff's purported political activities, namely, supporting "a candidate opposed to the current President of the DRC," does not, on its face, constitute providing support for, or goods or services in support of, M23 or AFC within the meaning of E.O. 13413, as amended.

9. OFAC's allegations, moreover, mirror accusations that Plaintiff's principal political rivals have leveled against Plaintiff amid an escalating campaign against him, and that Plaintiff has publicly denied. Nothing in OFAC's public statements reflects any independent assessment of the reliability or political provenance of those accusations.

10. As a result of his designation, Plaintiff is identified on the SDN List. All of Plaintiff's property and interests in property that are in the United States, or that come within the possession or control of U.S. persons, are blocked and cannot be dealt in. U.S. parties are also generally prohibited from engaging in virtually all transactions with Plaintiff, including by providing him any goods or services, absent authorization from OFAC, and persons risk being designated for acting for or on behalf of Plaintiff. Defendants, therefore, have effectively imposed a global ban on dealings with Plaintiff, causing him irreparable personal and reputational harm.

11. Accordingly, Plaintiff respectfully requests that this Court hold unlawful and set aside Defendants' April 30, 2026, designation of Plaintiff, as Defendants' findings, conclusions, and actions in this matter violate the Administrative Procedure Act ("APA").

JURISDICTION AND VENUE

12. This action arises under the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. § 1701 *et seq*., and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq*. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States. Plaintiff has suffered legal wrong because of, and is adversely affected and aggrieved by, the final agency action of Defendants, and is entitled to judicial review under 5 U.S.C. §§ 702 and 704. Section 702 likewise waives Defendants' sovereign immunity for claims, such as those here.

13. This Court may grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and Fed. R. Civ. P. Rule 57. This Court may grant injunctive relief in accordance with Fed. R. Civ. P. Rule 65.

14. Venue is proper in the District of Columbia pursuant to 28 U.S.C. §§ 1391(b) and (e), as the Defendants reside in this District.

PARTIES

15. Plaintiff is a national of the Democratic Republic of the Congo. Plaintiff served as President of the DRC from 2001 until 2019. Plaintiff resides in Bukavu, Democratic Republic of the Congo. As a direct result of Defendants' actions described herein, Plaintiff has suffered, and continues to suffer, concrete personal, financial, and reputational harm.

16. Defendant OFAC is an administrative agency of the United States Department of the Treasury, located at 1500 Pennsylvania Ave., NW, Freedman's Bank Building, Washington

D.C. 20220. Defendant OFAC is responsible for maintaining and administering the SDN List. This includes placing persons on and removing persons from the SDN List consistent with E.O. 13413, as amended, and the implementing regulations located at 31 C.F.R. Parts 501 and 547, the "Reporting, Procedures and Penalties Regulations" and the "Democratic Republic of the Congo Sanctions Regulations," respectively. Defendant OFAC was responsible for designating Plaintiff pursuant to E.O. 13413, as amended.

17. Defendant Bradley T. Smith is the Director of OFAC. In this role, he is responsible for overseeing and directing OFAC's operations, including the designations of persons and entities under E.O. 13413, as amended. Defendant Bradley T. Smith is sued in his official capacity.

FACTUAL ALLEGATIONS

A. OFAC Designates Plaintiff Under E.O. 13413, as amended by E.O. 13671

18. Pursuant to IEEPA, on October 27, 2006, President Bush issued E.O. 13413, Blocking Property of Certain Persons Contributing to the Conflict in the Democratic Republic of the Congo, to address the situation in or in relation to the DRC. On July 8, 2014, President Obama issued E.O. 13671, which amended and expanded the designation criteria of E.O. 13413. E.O. 13413, as amended, was issued pursuant to IEEPA, the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and section 5 of the United Nations Participation Act, 22 U.S.C. § 287c. *See* Exec. Order No. 13413, 71 Fed. Reg. 64,105 (Oct. 27, 2006); Exec. Order No. 13671, 79 Fed. Reg. 39,949 (July 8, 2014). IEEPA authorizes the exercise of blocking powers only "to deal with an unusual and extraordinary threat . . . to the national security, foreign policy, or economy of the United States" with respect to which the President has declared a national emergency. 50 U.S.C. § 1701(a)–(b).

19. As amended, E.O. 13413 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose sanctions on persons determined, among other things, "to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order." Exec. Order No. 13413, as amended by Exec. Order No. 13671, § 1(a)(ii)(G). Additionally, the amended designation criteria authorize sanctions to be imposed on persons determined "to have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of," *inter alia*, "any person whose property and interests in property are blocked pursuant to this order." *Id*. § 1(a)(ii)(F)(ii).

20. Designation under E.O. 13413, as amended, blocks the sanctioned party's property and interests in property in the United States, that come within the United States, or that come within the possession or control of any U.S. person. This blocked property cannot be transferred, paid, exported, withdrawn, or otherwise dealt in. *Id*. § 1(a).

21. On January 3, 2013, OFAC designated M23 under Section 1 of E.O. 13413. 78 Fed. Reg. 2,722 (Jan. 14, 2013); U.S. Dep't of the Treasury, *Treasury Department Designates Militant Groups in the DRC*, Jan. 3, 2013, https://home.treasury.gov/news/press-releases/tg1815.

22. M23 first launched a rebellion in eastern DRC in 2012. In November 2013, during Plaintiff's presidency, the Congolese armed forces—operating alongside a United Nations intervention brigade—defeated M23 and expelled it from Congolese territory. OFAC thus designated M23 at a time when Plaintiff, as President and commander-in-chief of the DRC's armed forces, was directing the military campaign that defeated that group.

23. On July 25, 2024, OFAC designated AFC under E.O. 13413, as amended, for having acted or purported to act for or on behalf of M23. 89 Fed. Reg. 67,154 (Aug. 19, 2024);

U.S. Dep't of the Treasury, *Treasury Sanctions Rebel Alliance Driving Instability in the Democratic Republic of the Congo*, July 25, 2024, https://home.treasury.gov/news/press-releases/jy2489.

24. On April 30, 2026, OFAC designated Plaintiff pursuant to E.O. 13413, as amended, for "having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, M23 and AFC." U.S. Dep't of the Treasury, *Treasury Sanctions Former Democratic Republic of the Congo President for Ties to Armed Conflict*. The Federal Register notice effectuating Plaintiff's designation identifies section 1(a)(ii)(F)(ii) of E.O. 13413, as amended, as the authority for Plaintiff's designation. 91 Fed. Reg. 24,318.

25. OFAC's press release further states that Plaintiff's designation "supports the historic U.S.-brokered Washington Accords for Peace and Prosperity signed by the DRC and Rwandan heads of state on December 4, 2025," and quotes the Secretary of the Treasury as stating that "Treasury will continue to use its full range of tools to support the integrity of the Washington Accords." *Id.*

26. In designating Plaintiff, OFAC does not allege any specific conduct by Plaintiff that meets the statutory and regulatory threshold for designation under E.O. 13413, as amended. Instead, OFAC makes a series of conclusory allegations unsupported by particularized facts.

27. For example, OFAC's press release states that Plaintiff "has provided financial support to the AFC in order to influence the political situation in eastern DRC," but provides no information regarding the amount, source, timing, recipient, or method of any such support. OFAC's press release does not identify any specific transaction, account, transfer, or instrument associated with the alleged support.

28. Further, OFAC alleges that Plaintiff "has encouraged" FARDC troops to defect, but identifies no specific instance of such encouragement, no specific defector, and no causal connection between Plaintiff's alleged statements and any actual defection.

29. OFAC further alleges that Plaintiff "sought to launch attacks from outside DRC on FARDC in eastern DRC," while acknowledging in the same sentence that "his effort was unsuccessful." *Id.* OFAC identifies no attack, no planned attack, no date, no location, and no person with whom Plaintiff allegedly coordinated, nor does OFAC explain how an unspecified—and admittedly unsuccessful—"effort" constitutes the provision of material assistance, support, or goods or services to M23 or AFC within the meaning of E.O. 13413, as amended.

30. OFAC further alleges that Plaintiff "has also worked to put in place a candidate opposed to the current President of the DRC with the intent to regain influence over the DRC government." *Id*. Lawful political activity in support of an opposition political candidate, however, is not evidence of material support for, or services in support of, M23 or AFC, and OFAC's press release does not allege any nexus between Plaintiff's alleged political activities and the operations of M23 or AFC.

31. The press release also states that, "[i]n 2025, [Plaintiff] traveled to Goma, DRC, where he has lived under the protection of M23." *Id.* Plaintiff's presence in territory under the *de facto* control of an armed group—territory in which millions of Congolese civilians likewise reside—is not, and is not alleged to be, the provision of material assistance, support, or goods or services to M23 or AFC.

32. As a result of his designation, all of Plaintiff's property and interests in property within the United States or within the possession or control of U.S. persons are blocked. Plaintiff's

name now appears on OFAC's SDN List under the program tag [DRCONGO], identified as "Linked To" both M23 and the AFC.

33. Beyond the press release and the brief identifying entry in the Federal Register notice, OFAC has not disclosed to Plaintiff the factual basis for his designation, nor has OFAC provided Plaintiff with any statement of reasons, evidentiary memorandum, or unclassified summary of the evidence on which it relied.

B. The Political Context of Plaintiff's Designation

34. Plaintiff served as President of the DRC from 2001 until January 2019, when he transferred power to his elected successor, Félix Tshisekedi, in the first peaceful transfer of power in the DRC's history.

35. Following the conclusion of his presidency, Plaintiff remained a prominent political figure in the DRC, and his political party, the People's Party for Reconstruction and Democracy ("PPRD"), remained active in opposition to the current government. In or around 2023, Plaintiff departed the DRC and took up residence abroad.

36. Beginning in late 2021—nearly three years after Plaintiff left office—M23 re-emerged and renewed armed operations in eastern DRC. In January and February 2025, M23 captured Goma and Bukavu, the capitals of North Kivu and South Kivu provinces, respectively. Plaintiff held no public office and was living outside the DRC throughout M23's resurgence and those offensives.

37. In April 2025, the Government of the DRC suspended the PPRD, and the DRC Minister of Justice ordered the seizure of Plaintiff's property, on the asserted ground that Plaintiff supported M23. *See, e.g.*, Joseph Winter & Aaron Akinyemi, *DR Congo bans ex-president's party over alleged rebel links*, BBC, Apr. 20, 2025, https://www.bbc.com/news/articles/c2kv49wyw23o.

38. In May 2025, at the request of the DRC's Minister of Justice, the DRC Senate voted to strip Plaintiff of the immunity from prosecution that he held as a former President, in order to permit his prosecution on charges of supporting M23. *See, e.g.*, *Former DR Congo president Kabila loses immunity over alleged M23 links*, France 24, May 23, 2025, https://www.france24.com/en/africa/20250523-former-dr-congo-president-kabila-loses-immunity-over-m23-support-accusations.

39. The DRC's media regulator likewise prohibited domestic media outlets from reporting on Plaintiff and the PPRD. *See* Lewis Mudge, *Damaging Denial of DR Congo's Ex-President's Media Coverage*, Human Rights Watch, June 10, 2025, https://www.hrw.org/news/2025/06/10/damaging-denial-dr-congos-ex-presidents-media-coverage.

40. In late May 2025, Plaintiff returned to the DRC through Goma. In public remarks delivered on or about May 24, 2025, Plaintiff denied the accusations against him and proposed a multi-point plan for the peaceful resolution of the conflict in eastern DRC.

41. In July 2025, the DRC's High Military Court commenced criminal proceedings against Plaintiff *in absentia* on charges including treason and complicity with M23. On September 30, 2025, following proceedings at which Plaintiff was neither present nor represented by counsel, that court convicted Plaintiff and sentenced him to death. Plaintiff has publicly rejected those proceedings as arbitrary and politically motivated. *See, e.g.*, Mariamne Everett, *DR Congo's ex-President Joseph Kabila sentenced to death in absentia*, Al Jazeera, Sept. 30, 2025, https://www.aljazeera.com/news/2025/9/30/dr-congos-ex-president-joseph-kabila-sentenced-to-death-in-absentia.

42. The accusations underlying Defendants' designation of Plaintiff—that he has provided support to M23 and AFC—mirror the accusations advanced by the DRC government in the course of the campaign described above. Defendants' public statements reflect no consideration of the political provenance or reliability of those accusations, of Plaintiff's public denials, or of the *in absentia* and capital nature of the proceedings against Plaintiff.

C. Harm Suffered by Plaintiff

43. Defendants' decision to designate Plaintiff continues to cause Plaintiff severe personal and reputational harm. As a result of his designation, all of Plaintiff's property and interests in property that are in the United States, or that come within the possession or control of a U.S. person, are blocked and cannot be dealt in. Further, U.S. parties are generally prohibited from dealing with Plaintiff, including by providing him with any type of goods or services. As foreign parties also face sanctions designation exposure for dealing with Plaintiff, Defendants' action effectively prevents Plaintiff from engaging in most dealings with anyone.

44. The effects of Plaintiff's designation extend far beyond the United States. It is well known that financial institutions and commercial parties worldwide—including non-U.S. institutions under no legal obligation to comply with U.S. sanctions—routinely decline to deal with persons on the SDN List in view of the compliance, reputational, and secondary-sanctions risks attendant to such dealings. Plaintiff's designation has therefore foreclosed, and will continue to foreclose, Plaintiff's access to financial services and ordinary commercial dealings worldwide.

45. In addition, OFAC's designation of Plaintiff will undoubtedly have a profound and lasting impact on Plaintiff's reputation. Specifically, several news publications, including BBC, Voice of America, and Eurasia Review, have reported on Plaintiff's designation and parroted OFAC's false accusations against Plaintiff. These publications exacerbate the effects of OFAC's

unlawful actions and continue to have a severe negative effect on Plaintiff's reputation. *See* Emery Makumeno, *US imposes sanctions on DR Congo ex-President Kabila alleging rebel support*, May 1, 2026, https://www.bbc.com/news/articles/clyprzx10w2o; Voice of America, *U.S. Sanctions Former DRC President for Ties to Armed Conflict*, May 1, 2026, https://editorials.voa.gov/a/u-s-sanctions-former-drc-president-for-ties-to-armed-conflict/8146471.html; Eurasia Review, *US Sanctions Former Democratic Republic Of The Congo President For Ties To Armed Conflict*, May 1, 2026, https://www.eurasiareview.com/01052026-us-sanctions-former-democratic-republic-of-the-congo-president-for-ties-to-armed-conflict/.

46. Defendants' refusal to disclose the factual basis for Plaintiff's designation compounds these harms. Without notice of the specific conduct, transactions, or evidence on which OFAC relied, Plaintiff cannot meaningfully contest the accusations against him—whether publicly, before OFAC through the administrative reconsideration procedure set forth at 31 C.F.R. § 501.807, or otherwise.

47. Plaintiff's ongoing suffering is a direct result of the actions taken by Defendants.

CAUSES OF ACTION

COUNT I

DEFENDANTS' DESIGNATION OF PLAINTIFF UNDER E.O. 13413, AS AMENDED, CONSTITUTES ARBITRARY AND CAPRICIOUS AGENCY ACTION AND IS NOT IN ACCORDANCE WITH LAW UNDER THE ADMINISTRATIVE PROCEDURE ACT

48. Plaintiff re-alleges and incorporates by reference as if fully set forth herein the allegations in all preceding paragraphs.

49. The APA empowers a reviewing court to set aside agency action found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or in excess

of statutory jurisdiction, authority, or limitations, or short of statutory right, or without observance of procedure required by law. 5 U.S.C. § 706(2).

50. Under the APA, "agency action" includes "an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act." 5 U.S.C. § 551(13).

51. Defendants' determination that Plaintiff meets the criteria for designation under E.O. 13413, as amended, is arbitrary, capricious, and not in accordance with law, in violation of the APA. An agency must "examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

52. Agency action is arbitrary and capricious where, among other things, the agency "has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Id.*

53. Defendants have failed to provide a reasoned explanation, supported by particularized facts, as to how Plaintiff materially assisted, sponsored, or provided financial, material, or technological support, or goods or services in support of M23 or AFC. The allegations in Defendants' press release are conclusory and, in part, describe lawful political activity with no discernible connection to blocked persons.

54. Defendants also relied on factors outside the designation criteria of E.O. 13413, as amended, including Plaintiff's lawful political activity and the asserted diplomatic objective of "support[ing] the integrity of the Washington Accords." U.S. Dep't of the Treasury, *Treasury Sanctions Former Democratic Republic of the Congo President for Ties to Armed Conflict*.

55. Defendants further entirely failed to consider important aspects of the problem before them, including: that the accusations against Plaintiff originate with, and mirror, those advanced by his political opponents; that Plaintiff has publicly denied those accusations; and that Plaintiff's own administration directed the military campaign that defeated M23 in 2013—a fact that runs counter to Defendants' conclusion that Plaintiff supports that group today.

56. Accordingly, as Defendants have not alleged specific, sanctionable conduct by Plaintiff that meets the criteria of E.O. 13413, as amended, there is no factual or legal basis for Plaintiff's designation. Defendants have therefore acted in an arbitrary and capricious manner and not in accordance with law in designating Plaintiff and have violated the APA.

COUNT II

DEFENDANTS' DESIGNATION OF PLAINTIFF EXCEEDS DEFENDANTS' AUTHORITY UNDER E.O. 13413, AS AMENDED, AND IEEPA, IN VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

57. Plaintiff re-alleges and incorporates by reference as if fully set forth herein the allegations in all preceding paragraphs.

58. The APA requires a reviewing court to hold unlawful and set aside agency action that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C). In conducting that review, courts "must exercise their independent judgment in deciding whether an agency has acted within its statutory authority." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). No deference is owed to Defendants' interpretation of the scope of their designation authorities.

59. E.O. 13413, as amended, authorizes Defendants to block the property and interests in property only of persons determined to meet the criteria enumerated in section 1(a) of that order. As relevant here, section 1(a)(ii)(F)(ii) requires a determination that a person has "materially

assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of . . . any person whose property and interests in property are blocked pursuant to" E.O. 13413, as amended.

60. The conduct Defendants have publicly identified as the basis for Plaintiff's designation does not constitute material assistance, sponsorship, or the provision of support, goods, or services to M23 or AFC within the meaning of section 1(a)(ii)(F)(ii). Lawful political activity in support of an opposition candidate is not the provision of support to a blocked person. "Encourag[ing]" unidentified soldiers to defect is not the provision of support, goods, or services to a blocked person. An unspecified—and admittedly "unsuccessful"—"effort" is not material assistance to a blocked person. And Plaintiff's residence in territory under the *de facto* control of an armed group is not support of that group.

61. Because Defendants designated Plaintiff without a lawful basis under E.O. 13413, as amended, or IEEPA, Defendants have acted in excess of statutory jurisdiction, authority, and limitations, and not in accordance with law, in violation of 5 U.S.C. § 706(2)(A) and (C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Declare Defendants' action to designate Plaintiff under E.O. 13413, as amended by E.O. 13671, to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, in excess of statutory jurisdiction, authority, or limitations, and contrary to constitutional right, in violation of 5 U.S.C. § 706(2)(A), (2)(B), and (2)(C);

B. Order Defendants to vacate Plaintiff's designation, remove Plaintiff's name from the SDN List, and remand the matter to Defendants for reconsideration in light of the Court's declaration that Plaintiff's designation is unlawful;

C. Enjoin Defendants from enforcing, implementing, or otherwise giving effect to Plaintiff's designation;

D. Grant an award of Plaintiff's costs and attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 et seq., and any other applicable provision of law; and

E. Grant such other and further relief as the Court may deem just and proper.

Dated: August 4, 2026

Respectfully submitted,

/s/ Erich C. Ferrari
Erich C. Ferrari, Esq.
Ferrari & Associates
1455 Pennsylvania Ave., NW
Suite 400
Washington, D.C. 20004
Telephone: (202) 280-6370
Fax: (877) 448-4885
Email: ferrari@falawpc.com
D.C. Bar No. 978253

Counsel for Plaintiff

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

I. (a) PLAINTIFFS

Joseph Kabila Kabange

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF 99999
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Bradley T. Smith, in his official capacity as Director of the United States Department of the Treasury, Office of Foreign Assets Control; The United States Department of the Treasury, Office of Foreign Assets Control.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT ____________
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Erich C. Ferrari
Ferrari & Associates
1455 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20004
(202) 280-637

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION
(PLACE AN x IN ONE BOX ONLY)

- ○ 1 U.S. Government Plaintiff
- ○ 3 Federal Question (U.S. Government Not a Party)
- ◉ 2 U.S. Government Defendant
- ○ 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) **FOR DIVERSITY CASES ONLY!**

	PTF	DFT		PTF	DFT
Citizen of this State	○ 1	○ 1	Incorporated or Principal Place of Business in This State	○ 4	○ 4
Citizen of Another State	○ 2	○ 2	Incorporated and Principal Place of Business in Another State	○ 5	○ 5
Citizen or Subject of a Foreign Country	○ 3	○ 3	Foreign Nation	○ 6	○ 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

○ A. *Antitrust*

- ☐ 410 Antitrust

○ B. *Personal Injury/ Malpractice*

- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Medical Malpractice
- ☐ 365 Product Liability
- ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Product Liability

○ C. *Administrative Agency Review*

- ☐ 151 Medicare Act

Social Security
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

Other Statutes
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 890 Other Statutory Actions (If Administrative Agency is Involved)

○ D. *Temporary Restraining Order/Preliminary Injunction*

Any nature of suit from any category may be selected for this category of case assignment.

(If Antitrust, then A governs)

◉ E. *General Civil (Other)* OR **○ F. *Pro Se General Civil***

Real Property
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

Personal Property
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

Bankruptcy
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

Prisoner Petitions
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Conditions
- ☐ 560 Civil Detainee – Conditions of Confinement

Property Rights
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent – Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016 (DTSA)

Federal Tax Suits
- ☐ 870 Taxes (US plaintiff or defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

Forfeiture/Penalty
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

Other Statutes
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 430 Banks & Banking
- ☐ 450 Commerce/ICC Rates/etc
- ☐ 460 Deportation
- ☐ 462 Naturalization Application

- ☐ 465 Other Immigration Actions
- ☐ 470 Racketeer Influenced & Corrupt Organization
- ☐ 480 Consumer Credit
- ☐ 485 Telephone Consumer Protection Act (TCPA)
- ☐ 490 Cable/Satellite TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 896 Arbitration
- ☒ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

○ **G. *Habeas Corpus/ 2255*** ☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee	○ **H. *Employment Discrimination*** ☐ 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	○ **I. *FOIA/Privacy Act*** ☐ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	○ **J. *Student Loan*** ☐ 152 Recovery of Defaulted Student Loan (excluding veterans)
○ **K. *Labor/ERISA (non-employment)*** ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Labor Railway Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	○ **L. *Other Civil Rights (non-employment)*** ☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 440 Other Civil Rights ☐ 445 Americans w/Disabilities – Employment ☐ 446 Americans w/Disabilities – Other ☐ 448 Education	○ **M. *Contract*** ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	○ **N. *Three-Judge Court*** ☐ 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN

◉ 1 Original Proceeding ○ 2 Removed from State Court ○ 3 Remanded from Appellate Court ○ 4 Reinstated or Reopened ○ 5 Transferred from another district (specify) ○ 6 Multi-district Litigation ○ 7 Appeal to District Judge from Mag. Judge ○ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

5 U.S.C. § 706: Judicial Review of Agency Action

VII. REQUESTED IN COMPLAINT ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** **JURY DEMAND:** Check YES only if demanded in complaint **YES** ☐ **NO** ☒

VIII. RELATED CASE(S) IF ANY (See instruction) **YES** ☐ **NO** ☒ If yes, please complete related case form

DATE: August 4, 2026 **SIGNATURE OF ATTORNEY OF RECORD** ______________________

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.

III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.

IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.

VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.

VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Joseph Kabila Kabange

Plaintiff(s)

v.

Bradley T. Smith, in his official capacity as Director of The United States Department of the Treasury, Office of Foreign Assets Control, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* THE UNITED STATES DEPARTMENT OF THE TREASURY
OFFICE OF FOREIGN ASSETS CONTROL
1500 Pennsylvania Avenue, NW
Freedman's Bank Building
Washington, D.C. 20220

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Erich C. Ferrari
Ferrari & Associates
1455 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: ______________________

____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ______________________
was received by me on *(date)* ______________ .

❒ I personally served the summons on the individual at *(place)* ______________________
______________________ on *(date)* ______________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ______________
______________________ , a person of suitable age and discretion who resides there,
on *(date)* ______________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ______________________ , who is
designated by law to accept service of process on behalf of *(name of organization)* ______________
______________________ on *(date)* ______________ ; or

❒ I returned the summons unexecuted because ______________________ ; or

❒ Other *(specify)*:

My fees are $ ________ for travel and $ ________ for services, for a total of $ 0 .

I declare under penalty of perjury that this information is true.

Date: ______________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Joseph Kabila Kabange *Plaintiff(s)* v. Bradley T. Smith, in his official capacity as Director of The United States Department of the Treasury, Office of Foreign Assets Control, et al. *Defendant(s)*	Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Bradley T. Smith
in his official capacity as Director of the
United States Department of the Treasury,
Office of Foreign Assets Control
1500 Pennsylvania Avenue, NW
Freedman's Bank Building
Washington, D.C. 20220

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Erich C. Ferrari
Ferrari & Associates
1455 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: ____________________

____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ______________________
was received by me on *(date)* ______________ .

❒ I personally served the summons on the individual at *(place)* ______________________
______________________ on *(date)* ______________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ______________
______________________ , a person of suitable age and discretion who resides there,
on *(date)* ______________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ______________________ , who is
designated by law to accept service of process on behalf of *(name of organization)* ______________
______________________ on *(date)* ______________ ; or

❒ I returned the summons unexecuted because ______________________ ; or

❒ Other *(specify)*:

My fees are $ __________ for travel and $ __________ for services, for a total of $ 0 .

I declare under penalty of perjury that this information is true.

Date: ______________

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Server's signature

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Printed name and title

____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Joseph Kabila Kabange

Plaintiff(s)

v.

Bradley T. Smith, in his official capacity as Director of The United States Department of the Treasury, Office of Foreign Assets Control, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Todd Blanche
Acting United States Attorney General
United States Department of Justice 950
Pennsylvania Ave., NW Washington,
D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Erich C. Ferrari
Ferrari & Associates
1455 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: ____________________

____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* ____________________

was received by me on *(date)* ____________ .

❒ I personally served the summons on the individual at *(place)* ____________________

____________________ on *(date)* ____________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ____________

____________________ , a person of suitable age and discretion who resides there,

on *(date)* ____________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ____________________ , who is

designated by law to accept service of process on behalf of *(name of organization)* ____________

____________________ on *(date)* ____________ ; or

❒ I returned the summons unexecuted because ____________________ ; or

❒ Other *(specify)*:

My fees are $ ________ for travel and $ ________ for services, for a total of $ 0 .

I declare under penalty of perjury that this information is true.

Date: ____________

____

Server's signature

____

Printed name and title

____

Server's address

Additional information regarding attempted service, etc:

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AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Joseph Kabila Kabange

Plaintiff(s)

v.

Bradley T. Smtih, in his official capacity as Director of The United States Department of the Treasury, Office of Foreign Assets Control, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jeanine Ferris Pirro
United States Attorney
United States Department of Justice
United States Attorney's Office for the District of Columbia
555 4th St. NW
Washington, D.C. 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Erich C. Ferrari
Ferrari & Associates
1455 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: ______________________

____
Signature of Clerk or Deputy Clerk

Civil Action No.

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was received by me on *(date)* ______________ .

❒ I personally served the summons on the individual at *(place)* ______________________
______________________ on *(date)* ______________ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* ______________
______________________ , a person of suitable age and discretion who resides there,
on *(date)* ______________ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* ______________________ , who is
designated by law to accept service of process on behalf of *(name of organization)* ______________
______________________ on *(date)* ______________ ; or

❒ I returned the summons unexecuted because ______________________ ; or

❒ Other *(specify)*:

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Date: ______________

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Server's signature

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Printed name and title

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Server's address

Additional information regarding attempted service, etc:

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