

UNITED STATES DISTRICT COURT

WESTERN OF WASHINGTON

TACOMA DIVISION

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OCT 17 2025	
CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

TAREQ ZIAD FOUAD ZAKARNEH

Petitioner,

v.

IMMIGRATION CUSTOM ENFORCEMENT

ET AL,

Respondent,

Case No . 2:25-cv-00707-DGE - GJL

**REPLY TO FEDERAL RESPONDENT
RESPONSE TO PETITIONER'S
MOTION TO BLOCK DEPORTATION**

On the September 12, 2025 I got the government respond for the motion to block deportation, the government alleged that the petitioner has a final order for removal which it was not true, the petitioner was still in litigation to extract discovery from the responded through the district court case 3:25-cv-00448-SB,

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and the petitioner had a motion to reopen with the BIA under country change conditions 8 C.F.R 1003.2(c)(1) and motion to stay is pending at the BIA docket has been filed on January,28,2025, the motion to stay has been file on May,09,2025, the government tried to remove Zakarneh while he still proceeding at the Board of Immigration of Appeal , while the venues allow Zakarneh as a native Palestinian for many statue of laws under the United Nation treaties .

The government should not put the petitioner life in risk after they accuse him falsely of terrorism without any credible evidence in defamation process between the department of Justice and Department of Homeland security and the FBI, the respondent alleged that the district court does not have Jurisdiction under 8 USC 1251(a)(5) and under the 8 USC 1252(g) on the petitioner claim and his petition should be denied, which it is not true the Petitioner had executive order from the government not to be removed from the country while he still proceeding at the Board of immigration of Appeal which it should give the petitioner the right under 8 C.F.R 264.5 (g) to continue as a green card holder, as the agency of the BIA should rule on the petitioner stay of removal before any removal proceeding which it should be imminent, the respondent did not provide any communication with the BIA to get a decision before they try to remove the petitioner on June,08,2025 through Arizona Airport and June,12,2025 through Dallas Texas Airport which it goes under false claim act, the government act on their own discretion without referring to the BIA agency which they must do as they did not provide any evidence with the Status report on June ,17,2025 to the district court that they exhaust all of the legal remedies, the district court has jurisdiction under 8 USC 1252 (d)(1) and under 8 USC 1252(d)(2) in contrary, the respondent is

trying to avoid any investigation about the real reason why they want to remove the petitioner from the country for a war zone area controlled by Israeli occupation forces and put the petitioner life in risk which it has in a contrary violation of the human rights law, the district court has the power to review any claim under the constitutional law and law question the 28 U.S.C 1331 is clear:-

The district court shall have original Jurisdiction of all civil actions arising under the constitution, laws, or treaties of the United States.

The district court have jurisdiction over the petitioner claim and under the Habeas petition of any constitutional question to review of the government violations see

The habeas corpus has the jurisdiction on the petitioner claim under § 9.1. Violation of the Constitution, laws, or treaties. 28 U.S.C. §§ 2241(c)(3): -

(3) He is in custody in violation of the Constitution or laws or treaties of the United States.

II. REPLY TO THE ARGUMENT

The respondent wants to remove the petitioner to a war zone area , the immigration judge violate Zakarneh due process rights and his constitutional rights when he did not allow him to be released on Feb,4,2025 based on the redacted information from the HSI and the FBI which affected his proceeding at the ninth circuit with prejudice and he was not able to witness his oral argument proceeding, Zakarneh immigration proceeding was still going at the Board of

Immigration of Appeal when the government tried to deport him to a war zone area after they accuse him falsely of terrorism see Dkt.1 evidence , the government alleged that Zakarneh does not qualify for the Deferred Enforcement Departure Fed Reg 89 26167 order of the Palestinian with prejudice and did not explain why he does not qualify for it with prejudice without any credible evidence or facts or due process of hearing for his asylum application to provide more evidence from his side , the respondent with prejudice is trying hardly to defame Zakarneh as a danger person after he start talking and acting his rights versus them at the district court or writing comments on USCIS office of Portland, Oregon. The government by detaining Zakarneh prevented him from gathering the evidence for his asylum application and the affidavit from his family of the death row life and destruction from the war at Jenin city in West Bank that his family suffering from at Jenin city in West Bank because of the war in Gaza Strip and the retaliation of the Israeli Defense forces from the Palestinian at the West bank with cutting West bank for two sides and Occupying the city and deport the people from their houses and using it as a military structure base in Jenin city and Jenin refugee camp, the petitioner was not able to present his emails between him and the US embassy in other country to help him to get the good well certificate from the Israeli authorities to leave to United States on 2011 , which it was required to issue his visa to United States by the US embassy in Jordan to communicate with Israeli authorities to force the Israeli authorities to issue his good well certificate on 2011 because Israeli authorities kept persecuting him for that for many interviews with their intelligence agency at Salim location of Jenin city in West bank of the Palestinian territories , the government doctorate evidence to deny any petition or relief for the petitioner is sought to by accusing him falsely of terrorism and

subject his life and his traveling record for risk in his community inside United States and around the world , the government alleged that the court can not has any Jurisdiction to block his deportation which it is not true, the federal court has jurisdiction under Fraud and False Claim act and discrimination act and under 28 U.S.C 1331, the respondent alleged that the district court is precluded from exercising any jurisdiction which it is not true *see Khalil v. Trump*, 2025 U.S Dist.Lexis 102672 and *See Leqaa Kordia v. Kristi Noem*,2025 U.S Dist lexis 136346, when the government is trying to preclude the petitioner from exercising his rights under the first amendment through the DOJ and the DHS the district court has jurisdiction over the petitioner petition's, *see Mahdawi v. Trump*, 136 F.4th 443.

The denial of Zakarneh motion to reopen by the BIA on August ,12,2025 was nondiscretionary and denying to review his NIW application on July,25,2025, which it does not preclude the district court 8 U.S.C 1252(a)(2)(D) from having jurisdiction on his case *see Mamigonian v. Biggs* ,710 F.3d 936 9th circuit 11-15398 and *Mamigonian v. Biggs* ,2014 U.S Dist Lexis 10504.

The ninth circuit was clear that the district court now has jurisdiction after the USCIS improperly denied her adjustment of status application on Non discretionary grounds, given the amount of resources that already been expended on this case by the federal court we assume the government will delay further removal efforts until Ms.Mamigonian has an opportunity to seek relief from the district court on the basis indicated.

See the decision of the district court of *Mamigonian v. Biggs* , 2014 U.S Dist.Lexis 150712

The judge granted an order to adjudicate the I-485 2009 and 2010 to adjust status to

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permanent resident within 60 days on which this order is signed .

The Petitioner exhaust of the administrative remedies for his EB2 application, as when the respondent talk his property and put him on flights to deport him while he is in proceeding at the Board of Immigration of appeal and the USCIS , the respondent did not return his legal work until two days before the denial of his EB2 application on July,23,2025 while his denial deadline was on July,25,2025. As the government denied the petitioner petition of NIW based on non discretionary grounds on July,25,2025, even they did not allow adjudication to his application and the respondent did allow due process or examining his x-wife and her friends to be examined see EX.A as the district court under habeas corpus has jurisdiction see *Mart v. Beebe* 2000 U.S Dist.Lexis 8747.

Court has Jurisdiction over alien's action for relief from the INS decision denying her application of Status since congress did not divest courts of jurisdiction to review orders .

And the respondent put the petitioner on flight for deportation around the country and did not facilitate any communication with his lawyer from Passage Law Groups to locate him to reply for their intention to deny his application, the respondent alleged to his immigration lawyer Eric Welsh he has been transferred to Arizona and they did not tell his lawyers that he has been processed for deportation flights from Arizona and Texas status report June,17,2025 , see *Tareq Zakarneh Declarationn EX.B*

The respondent alleged under 1252(b)(9) that the district court does not have any law or fact to review a removal proceeding under a law of fact, but the law does

not preclude the district court from investigating the facts that the respondent alleged why he has been detained under 28 U.S.C 1631 the court has jurisdiction, which its doctrine facts as the petitioner has automatic Stay of Removal from Ninth Circuit and was granted on September,15,2025 which it support the jurisdiction of the district court to implement the petitioner block deportation under the court protection *see EX.C Ninth Circuit Automatic Stay of Removal September,15,2025* , in previous litigation the Ninth circuit when they deny Zakarneh petition of review of his appeal from the BIA decision on August,29,2022 the Ninth circuit on February,26,2025 state that they lack Jurisdiction to review the agency's factual determinations related to the marriage *see* Page 2 of the Ninth circuit decision on February,4,2025 *see EX.D.*

The petitioner appealed to the supreme court of the ninth circuit decision from his confinement , the claim is not available because his legal work was destroyed by the Custodian by omission or in retaliation *see* Mailing receipt *see EX.D.*

The IIRIRA act does not apply on Zakarneh case because the Illegal Immigration Reform and Immigrant Responsibility act does not apply on Zakarneh petition, Zakarneh does not have any criminal or terrorism charge as the government is trying to fabricate versus him , the attorney General violate the petitioner rights when he did not allow a fair trial for their allegation of terrorism and versus the petitioner with a violation of his civil rights and his constitutional law , *Reno v. Arab Anti Discrimination Committee (" AADC")* 525 .U.S 471,474(199) does not apply on Zakarneh because Zakarneh was never ever has been charged of any crime or has any crime in his record whether state or federal.

As we previously discussed of the district court jurisdiction the district court has Jurisdiction over Zakarneh petition under a constitutional question and civil action 28 USC 1331 and under Habeas Corpus rules 9.1 of any habeas petition.

The government allegation of the 2005 Real ID Act does not apply on Zakarneh petition , the claim was filed by the petitioner not based on his removal order from the BIA on August,29,2022 which the government admit by omission on Febrary,4,2025 that the petitioner marriage is true by their attorney Mr. Thomas Molloy at the petitioner motion to release from his confinement and the Ninth circuit appeal 22-1604 which the ninth circuit admit they lack Jurisdiction to review the agency's factual determinations related to the marriage

Th respondent quoting Bonhometre v. Gonzales, 414 F.3d 442, 4461 3rd Cir.2005, this does not apply on the Petitioner because the petitioner.

Until in Singh v. Gonzales, 499 F. 3d 969,976 – 77 (9th circuit .2007) the case has been remanded by the Ninth Circuit to district court for lack of insufficient Assistant Counselor and did not preclude the habeas review for his long detention under title 8 of section 1252 (a)(5) and 1252 (b)(a).

The court conclusion In light of this conclusion , we decline to address the parties dispute as to whether the real ID act violates the suspension clause, and the due process and equal protection guarantees the fifth amendment .

Case of Flores v. Garlarnd No.C24-1692-RSM, 2024 WL 4520052,at *2 (W.D Wash.oct.17 ,2024) does not apply on Zakarneh at all , Zakarenh has granted

automatic stay from the Ninth Circuit on September,15,2025 , Zakarneh is a stateless citizen native from Palestine, Zakarneh motion to reopen by the BIA has been denied on August,29,2025 with prejudice based on a request from the DHS and the FBI on a redacted doctorate report with grudge from the respondent and a retaliation from the FBI and the HSI because Zakarneh Stopped communicating with them after his I-751 application denial at the immigration court on July,2019 which it is under jurisdiction of the Department of Justice ,as other supported

Information and communication with the DHS officer Tad Foy text message to block deportation for the petitioner safety will be provided upon available.

This dated on October,15,2025

/s/ Tareq Zakarneh
Tareq Zakarneh, Petitioner