

Chief District Judge David G. Estudillo
Magistrate Judge Grady J. Leupold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TAREQ ZIAD FOUAD ZAKARNEH,

Petitioner,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, *et al.*,

Respondents.

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

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

Noted for Consideration:
September 19, 2025

I. INTRODUCTION

Pursuant to this Court's Order (Dkt. No. 43), Federal Respondent submits this response to Petitioner Tareq Ziad Fouad Zakarneh's motion to block his deportation. Dkt. No. 32 ("Mot." Or "Motion"). Petitioner alleges that U.S. Immigration and Customs Enforcement ("ICE") has tried and continues to try to remove Petitioner to Israel. Mot., at 1. This is incorrect. The immigration court has ordered Petitioner to be removed from the United States to the Palestinian Occupied Territories. Dkt. No. 20, Motion to Dismiss, at 5. ICE will remove Petitioner to the West Bank, Occupied Palestinian Territories, when a removal flight becomes available. Dkt No. 46, Supplemental Declaration of Daniel Strzelczyk, ¶ 3. While Petitioner's removal may require him to pass through Israel, ICE is not attempting to remove him to Israel. *Id.*, ¶ 3; *see also* Dkt.

No. 21, Rodriguez Decl., ¶¶ 30, 33. Petitioner's request to stay his removal is an improper challenge to his removal order. *See* 8 U.S.C. § 1251(a)(5) (jurisdiction channeling provision); 8 U.S.C. § 1252(g). This Court has no cause to stay Petitioner's removal and should deny this Motion.

II. ARGUMENT

This Court should not stay Petitioner's removal to the Palestinian Occupied Territories. First, Petitioner is subject to a final order of removal. An Immigration Judge ordered him removed. Dkt. No. 20, Motion to Dismiss, at 5. The Board of Immigration Appeals ("BIA") thereafter dismissed Petitioner's administrative appeal of the removal order. *Id.* The Ninth Circuit denied his subsequent Petition for Review, and his removal order became final on April 28, 2025. *Id.*, at 6. Finally, Petitioner claims that he "has an asylum application with a motion to reopen at the [BIA]." Motion, at 1-2. But the BIA recently denied Petitioner's motion to reopen, and his removal order remains final. Strzelczyk Decl., ¶ 7.

Second, Petitioner's reference to the "Deferred Enforcement Departure executive order" for Palestinians is not relevant here. As a preliminary matter, Petitioner has not demonstrated that he met the eligibility requirements for deferred enforced departure. *See Implementation of Employment Authorization for Individuals Covered by Deferred Enforced Departure for Certain Palestinians*, 89 Fed. Reg. 26167, 26168 (Apr. 15, 2024) (describing eligibility requirements). But even if he had qualified, which Federal Respondent does not concede here, this program ended on August 13, 2025. *See* U.S. Citizenship and Immigration Service, *USCIS Announces Employment Authorization Procedures for Palestinians Covered by Deferred Enforced Departure*, available at <https://www.uscis.gov/newsroom/news-releases/uscis-announces-employment-authorization-procedures-for-palestinians-covered-by-deferred-enforced> (last

visited September 9, 2025) (explaining that deferral of removal of certain Palestinians ends on August 13, 2025).

Finally, and fatal to Petitioner's request here, this Court lacks jurisdiction to stay Petitioner's removal order. In the exercise of its constitutional power to define federal court jurisdiction, in 1996, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA"), which repealed the existing scheme for judicial review of final orders of deportation, and replaced it with a more restrictive scheme. *See Reno v. American-Arab Anti-Discrimination Committee ("AADAC")*, 525 U.S. 471, 474 (1999). Among the IIRIRA amendments to the Immigration and Nationality Act ("INA"), Congress provided in the newly-enacted section 1252(g) that reads as follows:

Except as provided in this section and notwithstanding any other provision of law, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this Act.

8 U.S.C. § 1252(g) (1996). In the 2005 REAL ID Act, Congress amended section 1252(g) to clarify that the statute's proscription against jurisdiction does in fact apply to habeas actions, such as the one Petitioner now brings before this Court. *See REAL ID Act of 2005*, Pub. L. No. 109-13, 119 Stat. 231, 310-11 (amending 8 U.S.C. § 1252(g)). As amended by the REAL ID Act, section 1252(g), now provides that:

Except as provided in this section and notwithstanding any other provision of law, (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.

8 U.S.C. § 1252(g) (2017) (emphasis added).

1 In addition to the bar to jurisdiction at section 1252(g), the IIRIRA and REAL ID Act
2 amendments to the INA also reflect Congress's desire to "streamline immigration proceedings"
3 and to "effectively limit all aliens to one bite of the apple with regard to challenging an order of
4 removal." *Singh v. Gonzales*, 499 F.3d 969, 976-77 (9th Cir. 2007) (quoting *Bonhometre v.*
5 *Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005)). Under these amendments, individuals who seek to
6 challenge an order of removal may do so, but only as part of a petition for review in the
7 appropriate court of appeals, as provided under section 1252. In particular, section 1252(b)(9)
8 provides that:

9 Judicial review of all questions of law and fact, including interpretation and
10 application of constitutional and statutory provisions, arising from any action
11 taken or proceeding brought to remove an alien from the United States under this
12 subchapter *shall be available only in judicial review of a final order under this*
13 *section. Except as otherwise provided in this section, no court shall have*
jurisdiction, by habeas corpus under section 2241 of Title 28 or any other habeas
corpus provision, by section 1361 or 1651 of such title, or by any other provision
of law (statutory or nonstatutory), to review such an order or such questions of
law or fact.

14 8 U.S.C. § 1252(b)(9) (emphasis added); *see also* 8 U.S.C. § 1252(a)(5) ("Notwithstanding any
15 other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any
16 other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review
17 filed with an appropriate court of appeals in accordance with this section shall be the sole and
18 exclusive means for judicial review of an order of removal . . . "). Thus, any challenge to the
19 removal order is not properly before this Court.

20 In *AADC*, the Supreme Court held that 1252(g) precludes judicial review of three discrete
21 actions that DHS may take: the "'decision or action' to '*commence proceedings, adjudicate*
22 *cases, or execute removal orders.*'" 525 U.S. at 482 (original emphasis). It is indisputable that
23 Petitioner is subject to a final order of removal. Petitioner's request to stay his removal directly
24 arises from ICE's decision to execute his removal order. Thus, Section 1252(g) applies to the

1 request to stay his removal, and this Court is precluded from exercising its jurisdiction over his
2 request. *See Mora Flores v. Garland*, No. C24-1692-RSM, 2024 WL 4520052, at *2 (W.D.
3 Wash. Oct. 17, 2024) (finding that the court lacked jurisdiction to issue a TRO to prevent a
4 deportation hearing based on a pending motion to reopen).

5 As a result, this Court lacks jurisdiction to stay Petitioner's removal.

6 III. CONCLUSION

7 For the foregoing reasons, Federal Respondent requests that this Court deny Petitioner's
8 motion to block his deportation.

9 DATED this 10th day of September, 2025.

10 Respectfully submitted,

11 TEAL LUTHY MILLER
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s/ Michelle R. Lambert

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18 *Attorneys for Federal Respondent*

19 *I certify that this memorandum contains*
20 *1,192 words, in compliance with the Local*
21 *Civil Rules.*


CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify on this date, I arranged for service of the foregoing on the following non-CM/ECF participant(s), via Certified Mail with return receipt, postage prepaid, addressed as follows:

Tareq Ziad Fouad Zakarneh, *Pro Se* Petitioner
A# 
NW Detention Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 10th day of September, 2025.

s/ Stephanie Huerta-Ramirez
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