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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TAREQ ZIAD FOUAD ZAKARNEH,

Petitioner,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Respondents.

Case No. C25-1840-TL-MLP

ORDER TO SHOW CAUSE

Petitioner Tareq Ziad Fouad Zakarneh, a stateless native of Palestine, is in the custody of U.S. Immigration Customs and Enforcement (“ICE”) and is being detained at the Northwest ICE Processing Center (“NWIPC”) in Tacoma, Washington, where he is awaiting removal to the West Bank. (*See* dkt. # 14-1 at 10-13.) On September 15, 2025, Petitioner filed in the United States District Court for the District of Oregon a “Motion to Stay from Removal.” (*See* dkt. # 3.) Petitioner indicated therein that he was seeking a stay of removal pending adjudication by the Ninth Circuit Court of Appeals of a previously filed petition for review. (*Id.*) Petitioner attached to his motion a copy of an August 12, 2025, decision of the Board of Immigration Appeals (“BIA”) denying his motion to reopen his removal proceedings, thus suggesting that this decision of the BIA was the subject of the referenced petition for review. (*See id.*, dkt. # 3-2.)

1 The District of Oregon construed Petitioner's submission as a petition for writ of habeas
2 corpus under 28 U.S.C. § 2241 and concluded it lacked jurisdiction to entertain the petition
3 because Petitioner was detained at the NWIPC. (*See* dkt. # 7.) The District of Oregon therefore
4 transferred the petition to this Court on September 17, 2025. (*See id.*) Upon receipt of the case in
5 this district, the Clerk's Office determined there were deficiencies in Petitioner's submissions,
6 and on September 23, 2025, sent Petitioner a letter advising him of the deficiencies. (Dkt. # 12.)
7 Petitioner corrected the deficiencies on October 9, 2025, and his application to proceed with this
8 action *in forma pauperis* is currently ripe for review. (*See* dkt. # 14.)

9 The Court has yet to issue an Order directing that Petitioner's submissions be served on
10 Respondents and that Respondents file a response thereto. Nonetheless, on October 22, 2025,
11 counsel appeared on behalf of Respondents and filed a notice of related cases, referencing
12 another federal habeas action currently pending in this district, *Zakarneh v. United States*
13 *Immigration and Customs Enforcement, et al.*, Case No. C25-707-DGE-GJL (filed Mar. 5,
14 2025), as well as a case currently pending before the Ninth Circuit, *Zakarneh v. Bondi*, Case No.
15 25-5806 (filed Sept. 15, 2025). (*See* dkt. ## 15-16.)

16 A review of Petitioner's first filed habeas action reveals that he is challenging therein his
17 ongoing detention by ICE.¹ *See* Case No. C25-707-DGE-GJL, dkt. # 1. Currently pending in that
18 action are Respondents' motion to dismiss (*id.*, dkt. # 20) and Petitioner's motion to block his
19 deportation (*id.*, dkt. # 32). Both of those motions are currently noted on United States
20 Magistrate Judge Grady J. Leupold's motion calendar for consideration on October 15, 2025. *See*
21 *id.*, dkt. # 57.

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¹ That petition was also filed in the District of Oregon, and the District of Oregon subsequently transferred the petition to this Court. *See* Case. No. C25-707-DGE-GJL, dkt. ## 1, 8, 11.

1 A review of Petitioner's pending Ninth Circuit action reveals that on September 15, 2025,
2 the same date the instant action was filed in the District of Oregon, Petitioner filed a petition for
3 review in the Ninth Circuit appealing the BIA's August 12, 2025, decision denying his motion to
4 reopen his removal proceedings. *See* Case No. 25-5806, dkt. # 1. Petitioner filed with his petition
5 for review a motion to stay his removal. *Id.*, dkt. # 2. The Ninth Circuit issued a temporary stay
6 of removal at the time the petition for review and motion to stay were filed, but on October 14,
7 2025, the court issued an order in which it denied Petitioner's motion and lifted the temporary
8 stay. *Id.*, dkt. ## 2, 17. In the same order, the Ninth Circuit set a briefing schedule with respect to
9 the petition for review pursuant to which briefing should be concluded by early 2026. *See id.*

10 It appears clear, from a review of the materials submitted by Petitioner in this action and
11 a review of the Ninth Circuit's docket, that Petitioner is attempting to raise the same or related
12 issues in both pending cases. It is unclear why Petitioner has elected to proceed in this fashion.
13 However, it would be improper for this Court to intervene in matters currently pending before
14 the Ninth Circuit, and certainly beyond this Court's purview to grant a motion to stay Petitioner's
15 removal when the Ninth Circuit recently denied the same request.

16 Moreover, under the REAL ID Act of 2005 ("the Act"), 8 U.S.C. § 1252, a petition for
17 review to the Ninth Circuit is the only mechanism available for Petitioner to obtain review of
18 matters relating to his removal proceedings. *See* 8 U.S.C. § 1252(a)(5) ("[A] petition for review
19 filed with an appropriate court of appeals . . . shall be the sole and exclusive means for judicial
20 review of an order of removal."). Other provisions of the Act also make clear that review of
21 matters relating to Petitioner's removal proceedings is not available in this Court. Specifically,
22 § 1252(b)(9) provides that "[j]udicial review of all questions of law and fact, including
23 interpretation and application of constitutional and statutory provisions, arising from any action

1 taken or proceeding brought to remove an alien from the United States under this subchapter
2 shall be available only in judicial review of a final order under this section.” And § 1252(g)
3 provides that, “[e]xcept as provided in this section[,] . . . no court shall have jurisdiction to hear
4 any cause or claim by or on behalf of any alien arising from the decision or action by the
5 Attorney General to commence proceedings, adjudicate cases, or execute removal orders against
6 any alien under this chapter.”

7 Given that Petitioner currently has a petition for review pending in the Ninth Circuit
8 challenging the BIA’s decision denying his motion to reopen his removal proceedings, and given
9 that this Court lacks jurisdiction to consider such issues, this Court ORDERS as follows:

10 (1) Petitioner shall SHOW CAUSE not later than *thirty (30) days* from the date on
11 which this Order is signed why the instant federal habeas petition should not be dismissed for
12 lack of jurisdiction. If Petitioner fails to timely respond to this Order, this Court will recommend
13 that Petitioner’s petition and this action be dismissed for failure to prosecute.

14 (2) The Clerk shall note this Order to Show Cause on the Court’s calendar for
15 *November 26, 2025*.

16 (3) The Clerk is directed to send copies of this Order to Petitioner, to counsel for
17 Respondents, and to the Honorable Tana Lin.

18 DATED this 28th day of October, 2025.

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21 MICHELLE L. PETERSON
22 United States Magistrate Judge
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