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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

REPORT AND RECOMMENDATION

Petitioner Tareq Zakarneh initiated this action on September 15, 2025, by filing a “Motion to Stay from Removal” in the United States District Court for the District of Oregon. (*See* dkt. ## 3, 18.) Petitioner indicated in his motion that he was seeking a stay of removal pending adjudication by the Ninth Circuit Court of Appeals of a previously filed petition for review. (*See* dkt. # 18 at 1.) Petitioner attached to his motion a copy of an August 12, 2025 decision of the Board of Immigration Appeals (“BIA”) denying Petitioner’s motion to reopen his removal proceedings, which suggested this was the subject of the referenced petition for review. (*See id.* at 10-13.)

The District of Oregon construed Petitioner’s motion to stay as a petition for writ of habeas corpus under 28 U.S.C. § 2241 and concluded it lacked jurisdiction to entertain the

1 petition because Petitioner was at that time being detained by U.S. Immigration Customs and
2 Enforcement (“ICE”) at the Northwest ICE Processing Center (“NWIPC”) in Tacoma,
3 Washington, where he was awaiting removal to the West Bank. (*See* dkt. # 7; dkt. # 18 at 10-13.)
4 The District of Oregon therefore transferred the petition to this Court. (*See id.*)

5 Before this Court had an opportunity to review Petitioner’s materials or call for a
6 response under 28 U.S.C. § 2243, counsel appeared on behalf of Respondents and filed a notice
7 of related cases, referencing another federal habeas action pending in this district, *Zakarneh v.*
8 *United States Immigration and Customs Enforcement, et al.*, Case No. C25-707-DGE-GJL (filed
9 Mar. 5, 2025), and a case pending before the Ninth Circuit, *Zakarneh v. Bondi*, Case No. 25-
10 5806 (filed Sept. 15, 2025). (*See* dkt. ## 15-16.)

11 A review of Petitioner’s first filed habeas action revealed he was seeking to challenge
12 therein his ongoing detention by ICE. *See* Case No. C25-707-DGE-GJL, dkt. # 1. United States
13 Magistrate Judge Grady J. Leupold recently issued a Report and Recommendation in that action
14 rejecting Petitioner’s claim that his ongoing detention is unlawful and recommending that
15 Respondent’s motion to dismiss Petitioner’s habeas petition be granted. *Id.*, dkt. # 68. Judge
16 Leupold noted in his Report and Recommendation that Petitioner’s removal appeared imminent
17 as he had a tentative removal date of November 22, 2025. *Id.*, dkt. # 68 at 8.

18 A review of Petitioner’s pending Ninth Circuit action revealed that he was seeking to
19 challenge therein the BIA’s August 12, 2025, decision denying his motion to reopen his removal
20 proceedings. *See* Case No. 25-5806, dkt. # 1. Petitioner filed a motion to stay his removal in
21 conjunction with his petition for review, and the Ninth Circuit issued a temporary stay of
22 removal on September 15, 2025, the date the action was filed. *Id.*, dkt. ## 1-2. On October 14,
23 2025, the Ninth Circuit denied Petitioner’s motion to stay, lifted the temporary stay of removal,

1 and established a briefing schedule pursuant to which briefing should be concluded by early
2 2026. *Id.*, dkt. # 17.

3 A review of the materials submitted by Petitioner in this action made clear he was
4 attempting to raise herein issues that were the same as, or related to, those pending before the
5 Ninth Circuit. It was also apparent that the issues presented in Petitioner’s “Motion to Stay from
6 Removal” related to his removal proceedings. (*See* dkt. #18.)

7 After reviewing all relevant materials, this Court concluded it lacked jurisdiction to
8 consider the issues raised in this action and, on October 28, 2025, issued an Order directing
9 Petitioner to show cause why this action should not be dismissed. (Dkt. # 20.) The Order to
10 Show Cause explained that it would be improper for this Court to intervene in matters currently
11 pending before the Ninth Circuit and that it was beyond the scope of this Court’s authority to
12 grant a motion to stay Petitioner’s removal when the Ninth Circuit had recently denied the same
13 request. (*Id.* at 3.)

14 The Order to Show Cause further explained that under the REAL ID Act of 2005 (“the
15 Act”), 8 U.S.C. § 1252, a petition for review to the Ninth Circuit was the only mechanism
16 available for Petitioner to obtain review of matters relating to his removal proceedings. (*See* dkt.
17 # 20 at 3 (citing 8 U.S.C. § 1252(a)(5) (“[A] petition for review filed with an appropriate court of
18 appeals . . . shall be the sole and exclusive means for judicial review of an order of removal.”).)
19 The Order noted that other provisions of the Act, in particular § 1252(b)(9) and § 1252(g), also
20 made clear that review of matters relating to Petitioner’s removal proceedings was not available
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1 here.¹ (*See id.*) The Court granted Petitioner thirty days to show cause why this action should not
2 be dismissed for lack of jurisdiction. (*See id.* at 4.)

3 On November 24, 2025, the Court received Petitioner's response to the Order to Show
4 Cause.² (Dkt. # 22.) The response lacks clarity, but Petitioner appears to argue that this Court has
5 jurisdiction to review newly acquired evidence relevant to his motion to reopen his removal
6 proceedings, while the Ninth Circuit is constrained by the factual determinations made by the
7 immigration court in his underlying removal proceedings, some of which were based on
8 fabricated evidence. (*See id.* at 2-7.) Petitioner also appears to argue that this Court has
9 jurisdiction to consider various constitutional claims referenced in his response, though the
10 specific nature of those claims is unclear. (*See id.* at 7-9.) Nonetheless, this Court simply cannot
11 discern in Petitioner's response to the Order to Show Cause any issue unrelated to his removal
12 proceedings. Accordingly, § 1252 precludes this Court from exercising jurisdiction over this
13 matter.

14 Based on the foregoing, this Court recommends that this action be dismissed. A proposed
15 Order accompanies this Report and Recommendation.

16 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
17 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
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19 _____
20 ¹ Section 1252(b)(9) provides that “[j]udicial review of all questions of law and fact, including
21 interpretation and application of constitutional and statutory provisions, arising from any action taken or
22 proceeding brought to remove an alien from the United States under this subchapter shall be available
only in judicial review of a final order under this section.” Section § 1252(g) provides that, “[e]xcept as
provided in this section . . . , 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.”

23 ² Petitioner signed his response on November 17, 2025, and mailed it on November 19, 2025, just days
before he was scheduled to be removed. (Dkt. # 22 at 9, 11; *see also* C25-707-GJL-DGE, dkt. # 68 at 8.)
It is not known and this time whether Petitioner has been removed.

1 Report and Recommendation is signed. Failure to file objections within the specified time may
2 affect your right to appeal. Objections should be noted for consideration on the District Judge's
3 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
4 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
5 ready for consideration by the District Judge on **December 23, 2025**.

6 DATED this 2nd day of December, 2025.

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MICHELLE L. PETERSON
United States Magistrate Judge