

No. _____

19-5005

CLERK OFFICE

IN THE

SUPREME COURT OF THE UNITED STATES

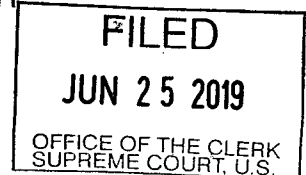
WASHINGTON D.C. 20543

PRO SE AHMADOU SANKARA — PETITIONER
(Your Name)

vs.

WILLIAM P. BARR, Att Gen, — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



ORIGINAL

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

AHMADOU SANKARA, A#097-528-851

(Your Name)

Buffalo Federal Detention Facility

(Address)

4250 Federal Drive, Buffalo, New York 14020

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

In order to establish a "well-founded fear" of persecution, an asylum applicant need only show a reasonable possibility that she or he will be persecuted. **INS v. Cardoza-Fonseca, 480 U.S. 421 (1987)**, The Supreme Court has stated that the following is sufficient to establish a well-founded fear having a fear of an event happening when there is less than a 50% chance that it will take place, and "establishing a 10% chance of being shot, torture, or...otherwise persecuted." **Cardoza-Fonseca, 480 U.S. 421**. An applicant who establishes past persecution by the government (or an entity the government cannot or will not control) on account of one of the five protection grounds has met that test and established a rebuttable presumption that she or he has a well-founded fear of future persecution. **8 C.F.R. § 208.13(b)(1), 8 C.F.R. § 208.13(b)(2), Ayele v. Holder, 564 F.3d 862, 868 (7th Cir. 2009)**.

I, Pro Se Petitioner was timely file to the Second Circuit of Appeals due upon Board of Immigration Court of Appeals Order August 1017, and March 2019, which he came to the United States in 2001 and left briefly, I returned again in 2002, due to fear future persecution in my Native Country Ivory Coast and Burkina Faso, and have been in the United States since then. I got married to my wife religious marriage in 2002, which she also came to United States in 2002, and have 2 beautiful United States citizen children with her. my Son Nouridine Sankara Nov. 4, 2003, and my Daughter Mahawa Sankara Nov. 5, 2006, I file my asylum application on 2006, I did not know 1 years timely asylum application due upon my Initial arrived, my wife case was Consolidate with my case on 2006, which she also untimely file her application on 2006, through my application, but she was granted asylum, through my application and I was denied due upon untimely file which she was also untimely file on 2006. and Board of Immigration of Appeals dismiss my Appeal on July 15, 2013, my Board of Immigration of Appeals brief never was file because ICE at Buffalo Federal Detention did not give me my brief Notification legal mail on 2013, and sent back my brief Notification to the Board of Immigration of Appeals. my Brief Notification was receive from the Board and the envelop was stamping which was never issue to me at Federal Facility. See Immigration Certify Administrative Records.

I, Ahmadou Sankara, petitioner born in Ivory Coast, July 18, 1970, and citizen of Burkina Faso, I make this declaration in support my asylum application claim upon due those both country citiation concerned my self and my family members, my uncle Thomas Sankara was born on December 21, of 1949 at his secondary studies where the Colege PMK of Ouagadougou Burkina Faso for his secondary studies where he met and knew a friend name Blaise Compaore. When my uncle thomas sankara he finished his edication he became Captain, along with his friend Blaise Compaore with who he received the same military formation at the formation center Commando de "PO", under their Commadant, Jan Baptiste Ouedrago, and Thomas Sankara went to jail in Burkina Faso because of political problems. His friend, Blaise Compaore with some others left prison center "PO" to help their friend, Thomas Sankara and in 1984 they took over the power with the C.N.R., my uncle Thomas Sankara became a new president of Burkina Faso from 1984 to 1987, Three years later."my uncle Thomas Sankara was assassinate murdered by some Burkina Faso Commando de PO military," because of the same political problems. his friend Blaise Compaore took over the power on 1987, with who he receive the same military formation.

Blaise Compaore, was sent by some of their companies as some body who got a vision of taking the power back. Among those who did not come back to Burkina Faso we got for example of uncle Thomas Sankara and his closed military friend, Aluna Traore a lot of others, and like this petitioner father "Yoro Arouna Sankara was shot in Burkina Faso after my uncle Thomas Sankara assassination, not in Ivory Coast." because they was contradiction on the Immigration decision July 20, 2012, that's how my father was shot in Burkina Faso not in Ivory Coast. which my father run to Ivory Coast, that's how my father Yoro Arouna Sankara was being gravely sick and hospital in Ivory Coast. my father Yoro Arouna Sankara never was shot in Ivory Coast, he was shot in Burkina Faso due my brother in law support letter Sworn Notary date October 23, 2010, was translate from french to english on November 29, 2010, after my uncle Thomas Sankara death, my family run from Burkina Faso to Ivory Coast due fear persecution. when get deported to Burkina Faso or Ivory Coast, I will be persecuted, Ivory Coast and Burkina Faso those Both Country are link.

Congress has "broad power over naturalization and immigration (permitting it to) make rules that would be unacceptable if applied to citizens," Demore, 538 U.S. at 521 (quoting *Mthews v. Diaz*, 426 U.S. 67, 79-80 (1976)).Accordinglly *Sankara v. Barr*-19-742,17-2257. Consolidate.

On 1999, durent Ivory Coast war my mother with my first daughter mother was murdered by security force coming from the market upon race discrimination with political problems, for the reason I run to come to the United States of America, while being in United of America the enemies continue came at my house asking for me, on 2010, the enemies target my young brother Adam Sankara in merdered him my family never saw his death body and on 2015, while being incarcerate my other young brother Alaji Sankara was target also in murdered due to same past political problems with race dicrimination, those enemies continue go a run my family looking for me because the hear from people that Iam in Immigration Custody for deportation proceeding, and other my family members has being even changing their last name, which even my other young brother Issa Conde phone Number# 225-06-74-34-46, informe on the phone that for me geting deported that's a death sentence for me including my health HIV Status medical treatment.

All the written decision issued on July 20,2012,was incorrect, respondent previous counsel provided ineffective assistance. Moreover,the respondent proceeded prose at all of his merits hearings August 18,2011,November 1,2011,and April 9,2012.final,Board of immigration decision in **Matter of Lozada,19 I&N dEC.637 (BIA1988),aff d, 857 f.2d 10 (1st Cir. `1988)** (1) that respondent motion be supported by an affidavit of the allegedly aggrieved respondent setting forth in detail the agreement that was entered into with counsel with respect to the actions to be taken and what representations counsel did or did not make to the respondent in this regard; (2)that counsel whose integrity or competence is being impugned be informed of the allegations leveled against respondent and be given an opprtunity to resond;(3)that the motion reflect whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel's ethical or legal responsibilities,for those reason my appeal was dismissed.

Asylum application with one year of arrival in the United States. petitioner did not know about one year asylum application due lack of school Education at the time of respondent arrival in United States,respondent beleive while being in United States he was safe, petitioner learn how to read and write incarceration from 2015 to 2018, due false arrest and wrongfully conviction. under **People v. Sankara, 2018 NY Slip op 00224.**

The Seventh Circuit has stated that persecution is behavior that " threatens death, imprisonment, or the infliction of substantial harm or suffering." **Sayaxing v. INS, 179 F.S3d 515, 519 (7th Cir. 1999).** The court has further noted that hallmarks of persecution are detention, arrest, interrogation, prosecution, imprisonment, illegal searches, confiscation of property, surveillance, beatings or torture. **Mitv v. INS, 67 F.3d 1325, 1330 (7th Cir. 1995).** Most recently, the Seventh Circuit has suggested that persecution involves "the use of significant force against a person's body, or the infliction of comparable physical harm without direct application of force... or nonphysical harm of equal gravity." **Stanojkova v. Holder, 645 F.3d 943, 948 (7th Cir. 2011).** The suffering or harm experience must amount to more than mere harassment. **Balazoski v. INS, 932 F.2d 638, 642 (7th Cir. 1991).** However, the Seventh Circuit has noted that the "line between harassment and persecution is the line... between wishing you were living in another country and being so desperate that you flee without any assurance of being given refuge in another country." **Stanojkova, 645 F.3d at 948.**

I was diagnosed with "HIV" in 2010. Based on the results of this diagnoses, the doctor told me I contracted the disease early 2010. The doctor informed me that the virus count in my body was significantly high. I was ordered deported by an immigration Judge in 2012, for 1 years asylum untamily file which on the Immigration Court record the Judge know I was diagnos with HIV, my medical name Atripla which 30 pill Cost \$3.500, American dollars, and I am currently at the stage of appealing my deportation order at the level of the United States Second Circuit Court of Appeals under "Sankara v.Barr,17-2257"-19-742, Consolidate Mandated Order June 6, 2019, As you can understand, I am truly concerned for my well being; that of my family and any community that I find myself inU.S., I am seriously concerned because I would have no access to the necessary health requirements for my condition (HIV POSITIVE) in Burkina Faso.Which Iam being receive in United States Of America.

I have now been living with the disease for 9 years. My health condition has continuously deterioraated since then. I live a very religious life these days, praying to God, for him to grant me good health and quality of life each day. It is rather unfortunate that I now find myself in the middle of removal proceedings initiated by the U.S. Department of Homeland Security. I have been ordered deported to Burkina Faso. Additionally, I do not have the resources in Burkina Faso to financially provide my daily dose of Atripla (my retro viral prescription drug). I do not have anyone who can assist me to buy this medication same quality in Burkina Faso. Removing me to Burkina Faso is a death sentence. the government of Burkina Faso is unable to provide me with financial assistance to buy my daily dose of Atripla. There are no assistance programs to provide counseling for people with my condition in Burkina Faso. I would have to live in secrecy as there is a human rights problem of discrimination against persons with HIV/AIDS in Burkina Faso. See the U.S. Department of state, Burkina Faso Country Reports on Human Rights Practices for 2006 and 2016 and 2017. As my condition deteriorates.

I have never harmed anyone in the past and I love people. I have the obligation to so live life. I am not a danger to the community and would only share love and add to any community I find myself in. My condition has also helped me to truly appreciate humanity and the need for love and care for my fellow man. I am additionally not a flight risk. I wish to be close to my United States Children and be a good Dad to them with all the time God gives me here with them.

Petitioner immigration case was consolidate with my wife case which she was grant asylum, petitioner Wife was granted asylum Wife name "Keita Tiguidake" through my application, See Herrera-Molina v. Holder, 597 F.3d 128, 132 (2d Cir. 2010), See Immigration Certify Admitrative Records.

Board of Immigration Court "BIA" **notice-Brief Scheduled date 3/22/2013**, was sent to petitioner at Buffalo federal detention while I was at Buffalo federal detention on 2013, See Certified Adminitrative Record sending from Respondent Attorney on February 1, 2019, due to this Court Order date January 4, 2019, ICE legal mail room officer never give petitioner this 3/22/2013, his legal mail and return to sender while I was still in Buffalo detention facility by violate my Board of Immigration Appeal rights which appeal was dismissed on July 15, 2013, See Certified Adminitrative Record page **187 and 188**, that will prove my claims. I did not receive 3/22/2013, legal mail. **was return to the Board of Immigration. Accordingly, Sankara v. Barr, 17-2257.Certify Admitrative Records.**

Protection of Refugees, Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system for granting refugee status was accessible but slow. The government generally provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Where immigration judge determined that alien was ineligible for relief under Convention Against Torture, because decision was not based on alien's conviction for crime involving moral turpitude, communication with minor for immoral purposes, but, rather, on merits, federal court of appeals had jurisdiction, pursuant to **8 U.S.C.S. § 1252(a)**, to determine proper legal standard, and, as to its resolution of factual issues, none of jurisdiction-stripping provisions, **8 USCS §§ 1231(b)(3)(B), 1252(a)(2)(B)(ii), 1252(a)(2)(C)**, **applied to divest it of jurisdiction. Morales v Gonzales (2007, CA9) 478 F.3d 972** In order to establish a "well-founded fear" of persecution, an asylum applicant need only show a reasonable possibility that she or he will be persecuted. **INS v. Cardoza-Fonseca, 480 U.S. 421 (1987)**. An applicant who establishes past persecution by the government (or an entity the government cannot or will not control) on account of one of the five protection grounds has met that test and established a rebuttable presumption that she or he has a well-founded fear of future persecution. **8. C.F.R. 208.13(b)(1). MAURICE LAVIRA, Petitioner v. ATTORNEY GENERAL OF THE UNITED STATES, Respondent UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT 478 F3d 158478 F.3d 158;2007 US App LEXIS 41492007 U.S. App. LEXIS 4149NO. 05-3334,{478 F.3d 159} OPINION OF THE COURT RENDELL, Circuit Judge.III. CONCLUSION, For the reasons stated above, we will GRANT Lavira's Petition for Review and REMAND this case so the IJ may squarely address Lavira's challenge to the particularly serious crime designation and his challenge based on the CAT. 13 (The panel will retain jurisdiction in the event review subsequent to the Lavira's.**

LIST OF PARTIES

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Immigration Hon. Judge Order of removal on July 20, 2012, and Board of Immigration of Appeals Hon. Judges Dismissed my Appeals on July 15, 2013, Board of Immigration of Appeals denied reopen and reconsider, See administrative Certify Records. and the Second Circuit Court of Appeals Hon. Judges Certified Copy of Order, dated May 5, 2019, determining the appeal to OIL, copy to pro se, ISSUED. [Mandate-2581226-17-2257, 19-742-Entered:June 6, 2019, 10:00 AM.

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Stanojkova, 645 F.3d at 948).
Balogun v. Ashcroft, 374 F. 3d 492, 499 (7th Cir. 2004).
Matter of S-A-, 22 I&N Dec. 1328, 1335 (BIA 2000).
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Escobar v. Hioolder, 657 F.3d 537 (7th Clir. 2011);
Sarhan v. Holder, 658 F. 3d 649 (7th Cir. 2011);
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Matter of Chen, 20 I&N Dec. 16 (BIA 1989).
Ahmed v. Gonzales, 467 F.3d 669, 675 (7th Cir. 2006).
Demore v. Kim, 538 U.S. 510, 516-17 (2003).
Wang v. Ashcroft, 320 F. 3d 130, 140 (2d Cir. 2003).
Morales v. Gonzales (2007, CA9) 478 F.3d 972).
People v. Sankara, 2018 NY Slip op 00224).
Mojsilovic v. INS,F.3d 743,748 (7th Cir.1998).
Margar et al v. Sessions, 19-cv-1956).
Mohamed v. Sessions, 15-3996).
Planes v. Holder, 652 F.3d 991, 995 (9th Cir. 2011)
Plyer v. Doe, 457 U.S. 202, 210 (1982).
Demore, 538 U.S. at 521 (quoting mathews v. Diaz, 426 U.S. 67, 79-80 (1977).
Bosede v. Mukasey, 512 F.3d 946 (7th Cir.2008)
Kim v. Schiltgen, No. C 99-2257 SI (538 U.S. 515) aUG. 11, 1999).
Jean-Pierre v. U.S. Attorney General, 500 F.3d 1315 (11th Cir. 2007)
Ahmed v. Gonzales, 467 F.3d 669, 675 (7th Cir. 2006).

STATUTES AND RULES

8 C.F.R. § 208.13(b)(1).
8 C.F.R. § 208.13(b)(2).
8 C.F.R. § 1003.2(c); 1003.23(b)(3).
8 C.F.R. § 1208.16(c)(2),
8 C.F.R. § 1208.18(a)(1)(5),
8 C.F.R. 208.13),
8 C.F.R. §§ 1003.1 (d)(3)(i),
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8 C.F.R. § 1208.21 (c),
8 C.F.R. § 208.13(b)(1)
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8 C.F.R. § 208.13(b)(3)(ii).
8 U.S.C. § 1229a(c)(6),
8 U.S.C. § 1229a(c)(7),
8 U.S.C. § 1229a(c)(C)(ii);
8 U.S.C. § 1229a(c)(7)(C)(iv),
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68 (1992) (UNHCR Handbook).
UNHCR Handbook 72.
UNHCR Handbook 74.
(IIRIRA, INA § 101 (a)(42)(B))

OTHER Petitioner respectfully requesting the United States Supreme Court Hon. Judges to Grant his Certiorari Constitutional.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is Attached as Exhibit. with other Exhibits.

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 8, 2019.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May 29, 2019, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In order to establish a "well-founded fear" of persecution, an asylum applicant need only show a reasonable possibility that she or he will be persecuted. **INS v. Cardoza-Fonseca**, 480 U.S. 421 (1987). The Supreme Court has stated that the following is sufficient to establish a well-founded fear having a fear of an event happening when there is less than a 50% chance that it will take place, and "establishing a 10% chance of being shot, torture, or...otherwise persecuted." **Cardoza-Fonseca**, 480 U.S. 421. An applicant who establishes past persecution by the government (or an entity the government cannot or will not control) on account of one of the five protection grounds has met that test and established a rebuttable presumption that she or he has a well-founded fear of future persecution. 8 C.F.R. 208.13(b)(1), 8 C.F.R. § 208.13(b)(2), **Ayele v. Holder**, 564 F.3d 862, 868 (7th Cir. 2009).

An applicant must show a nexus between the persecution and one of the protected grounds of asylum race, religion, nationality, political opinion, or membership in a particular social group. In addition, the applicant must establish that the protected grounds(s) "was or will be at least one central reason for persecuting the applicant," **INA § 208(b)(1)(B)(i)**; **Shaikh v. Holder**, 702 F.3d 897 (7th Cir. 2012). Nexus can be established through either direct or circumstantial evidence. **Martinez-Buendia v. Holder**, 616 F.3d 715 (7th Cir. 2010). political opposition is the reason an individual refuse to cooperate with a guerilla group, and that individual is persecuted for his refusal to cooperate, logic dictates that the persecution is on account of the individual's political opinion." **Ad. at 718**; see **Jabr v. Holder**, 711 F.3d 835 (7th Cir. 2013).

Petitioner respectfully requesting The United State Supreme Court to review de novo the Second Circuit Court of Appeals Mandated Order June 6, 2019, error de novo in entertain on his behalf by grant his Writ Of Certiorari, which he was timely file in Second Circuit Court of Appels August 2017 and March 2019, which his in custody pursuant under Immigration procedure court order July 20, 2012, and July 15, 2013, on the ground sought relief from removal deportation proceedings.

The Seventh Circuit has stated that persecution is behavior that " threatens death, imprisonment, or the infliction of substantial harm or suffering." **Sayaxing v. INS**, 179 F.3d 515, 519 (7th Cir. 1999). The court has further noted that hallmarks of persecution are detention, arrest, interrogation, prosecution, imprisonment, illegal searches, confiscation of property, surveillance, beatings or torture. **Mitv v. INS**, 67 F.3d 1325, 1330 (7th Cir. 1995). Most recently, the Seventh Circuit has suggested that persecution involves "the use of significant force against a person's body, or the infliction of comparable physical harm without direct application of force... or nonphysical harm of equal gravity." **Stanojkova v. Holder**, 645 F.3d 943, 948 (7th Cir. 2011). The suffering or harm experience must amount to more than mere harassment. **Balazoski v. INS**, 932 F.2d 638, 642 (7th Cir. 1991). However, the Seventh Circuit has noted that the "line between harassment and persecution is the line... between wishing you were living in another country and being so desperate that you flee without any assurance of being given refuge in another country." **Stanojkova**, 645 F.3d at 948.

In order to establish a "well-founded fear" of persecution, an asylum applicant need only show a reasonable possibility that she or he will be persecuted. *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987). The Supreme Court has stated that the following is sufficient to establish a well-founded fear having a fear of an event happening when there is less than a 50% chance that it will take place, and "establishing a 10% chance of being shot, torture, or...otherwise persecuted." *Cardoza-Fonseca*, 480 U.S. 421. An applicant who establishes past persecution by the government (or an entity the government cannot or will not control) on account of one of the five protection grounds has met that test and established a rebuttable presumption that she or he has a well-founded fear of future persecution. 8 C.F.R. 208.13(b)(1), 8 C.F.R. 208.13(b)(2), *Ayele v. Holder*, 564 F.3d 862, 868 (7th Cir. 2009).

"In Matter of *Jean-Pierre v. U.S. Attorney General*, 500 F.3d 1315 (11th Cir. 2007)-(pdf)-Good Convention against Torture decision finding that an HIV-positive man who faced imprisonment in Haiti has proven that he would be singled out for abuse amounting to torture by prison guards because of his AIDS-related mental illness".

Getting deported to Burkina Faso or Ivory Coast I will be persecuted due upon race discrimination with politic problems and with my ("HIV") Status I will not receive medical treatment which I am receive in United States Of America. unclud other political problems my brother Adams Sankara was target in murdered on 2010, and my other brother also get target in murdered on 2015 while being incarcerated. get deported to Ivory Cosat or Burkina Faso is death Sentence for me inquestionable above. See *Ke Zhen Zhao*, 265 F.3d at 90. and See *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

"In Matter of *Bosede v. Mukasey*, 512 F.3d 946 (7th Cir.2008) (pdf)-Withholding of Removal decision remanding the case of an HIV-Positive man from Nigeria who faced imprisonment and torture if deported due to his drug conviction in the United States and HIV status. the circuit court remanded the case to a different Immigration Judge, finding that the IJ in this case "cared little about the evidence" that the petitioner would be imprisonerd and be tortured and had suggested that petitioner bribe Nigerian officials to get out of jail." See *Ke Zhen Zhao*, 265 F.3d at 90.

The matter of Charles Demore, District Director, San Francisco District of Immigration and Naturalization Service, et al., petitioners v. Hyung Joon Kim, Supreme Court of the United States. Petitioner his continue detention and removal proceedings violates his substantive and procedural Due Process rights. those arguments foreclosed by *Demore v. Kim*, 538 U.S. 510 (2010). and *Kim v. Schiltgen*, No. C 99-2257 SI (538 U.S. 515) aUG. 11, 1999).

Although "even aliens whose presence in this country is unlawful have long been recognized as 'person' guaranteed due process of law by the Fifth and Fourteenth Amendments," *Plyer v. Doe*, 457 U.S. 202, 210 (1982). Congress has "broad power over naturalization and immigration (permitting it to) make rules that would be unacceptable if applied to citizens," *Demore*, 538 U.S. at 521 (quoting *Mthews v. Diaz*, 426 U.S. 67, 79-80 (1976)).

Protection of Refugees, Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system for granting refugee status was accessible but slow. The government generally provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

A more general right not to be returned to a country where there is a risk of torture or cruel or inhuman treatment is found, either explicitly or by interpretation, in international human rights instruments. The most prominent are Article 3 of the Convention against Torture 1984, Article 7 of the International Covenant on Civil and Political Rights 1966, and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950.

The matter of Charles Demore, District Director, San Francisco District of Immigration and Naturalization Service, et al., petitioners v. Hyung Joon Kim, Supreme Court of the United States. Petitioner his continue detention and removal proceedings violates his substantive and procedural Due Process rights. those arguments foreclosed by *Demore v. Kim*, 538 U.S. 510 (2010). and *Kim v. Schiltgen*, No. C 99-2257 SI (538 U.S. 515) aUG. 11, 1999), App. to pet. for Cert. 31a-51a. Although "even aliens whose presence in this country is unlawful have long been recognized as 'person' guaranteed due process of law by the Fifth and Fourteenth Amendments," *Plyer v. Doe*, 457 U.S. 202, 210 (1982).

Petitioner was timely file to the Second Circuit of Appeals due upon Board of Immigration Court of Appeals Order August 1017, and March 2019, which he came to the United States in 2001 and left briefly, I returned again in 2002, due to feir future persecution in my Native Country Ivory Coast and Burkina Faso, and have been in the United States since then. **I got married to my wife religious marriage in 2002, which she also came to United States in 2002, and have 2 beautiful United States citizen children with her. my Son Nouridine Sankara Nov. 4, 2003, and my Daughter Mahawa Sankara Nov. 5, 2006,** I file my asylum application on 2006, I did not know 1 years timely asylum application due upon my Initial arrived, my wife case was Consolidate with my case on 2006, which she also untently. file her application on 2006, through my application, but she was granted asylum, through my application and I was denied due upon untently file which she was also untently file on 2006. and Board of Immigration of Appeals dismiss my Appeal on July 15, 2013, my Board of Immigration of Appeals brief never was file because ICE at Buffalo Federal Detention did not give me my brief Notification legal mail on 2013, and sent back my brief Notification to the Board of Immigration of Appeals. my Brief Notification was receive from the Board and the envelop was stamping which was never issue to me at Federal Facility. See Immigration Certify Admitrative Records.

Petitioner has offered nothing to overcome that presumption that his removal is foreseeable. His actual removal is no longer reasonably foreseeable, See *Zadvydas*, 533 U.S. at 701. Although even alines whose presence in this country is unlawfull have long been recognized as persons guaranteed due process of law by the Fifth and Fourteenth Amendment. *Plyer v. Doe*, 457 U.S. 202, 210 (1982). Congress has Broad power over Naturalization and Immigration permitting it to make rules that would be unacceptable if applied to Citizen. *Demore*, 538 U.S. at 521 (quoting *mathews v. Diaz*, 426 U.S. 67, 79-80 (1977)).

The Second Circuit Grant review and the appeal is pending on the issue of whether a conviction is not final until the direct appeal is decided. See arguments in Brief of Amicus Curiae Immigration Defense Project in **Mohamed v. Sessions**, 15-3996-ag, available on the internet. Meanwhile, the Ninth Circuit has literally interpreted the unambiguous language of the status to mean that a conviction is final when the judgment is entered upon the sentence. **Planes v. Holder**, 652 F.3d 991, 995 (9th Cir. 2011) and "a rehearing en banc was denied with seven judges dissenting, 686 F.3d 1033, 1036-41 (Reinhardt, J). The panel decision refers to decisions of the second, fifth, and seven circuits that have made similar rulings. The previous decision of the Second Circuit involved an interpretation of the statutory definition of a conviction in the context of a naturalization case. **Puello v. Bureau of Citizen and Immigration Services**, 511 F.3d 324 (2nd Cir. 2007)."

And my Immigration case was transfer from federal plaza to Immigration court"201 Varick street new york,'201 varick street Judge deported me on July 20,2012, While being In U.S.on 2010, my young Brother Adams Sankara was target in kill in Ivory Coast, and while being incarceration 2015 my other Young brother Alidji Sankara gat kill also,Iam fair due enemies those African Country,when I got deported I will get kill by race enemies.

In Matter of **Margar et al v. Sessions**, 19-cv-1956, Temporary protection status who has lawful status as nonimmigrant' for purposes of adjustment in his status does not change § 1225(a)'s threshold requirement that he is eligible for adjustment of status only if he was initially inspected and admitted or parole. id- while these plaintiff attempt to distinguish Serrano on that the petitioner never disclose his illegally entered into the country on his TPS Application.

Panels of the Seventh Circuit have taken varying positions on the issue.Compare **Mojsilovic v. INS**,F.3d 743,748 (7th Cir.1998);("We have held that counsel at a deportation hearing may be so ineffective as to have impinged upon the fundamental fairness of the hearing in violation of the fifth amendment due process.

Notwithstanding the absolute terms in which the bar on relief is stated, even an alien subject to § 241(a)(5) may seek withholding of removal under 8 U.S.C. § 1231(b)(3)(A) (2000 ed.) (alien may not be removed to country if "the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion"), or under 8 CFR §§ 241.8(e) and 208.31 (2006) (raising the possibility of asylum to aliens whose removal order has been reinstated under INA § 241(a)(5)).

United Nations High Commissioner on Refugees, Handbook on Procedure and Criteria for Determining Refugee Status 68 (1992) (UNHCR Handbook). Persecution on account of religion can include the prohibition of public or private worship, membership in a particular religious community, or religious instruction. UNHCR Handbook 72. Serious discrimination towards a person because of her or his membership in a particular religion or religious community may also constitute persecution on account of religion. "Nationality race." UNHCR Handbook 74. with political opinion Act (IIRIRA, INA § 101 (a)(42)(B)) due to coercive population control programs, such as fear of persecution because of refusal to participate in such programs.

STATEMENT OF THE CASE

Pursuant to the provision of 28 U.S.C. § 1746, I, Pro Se Ahmadou Sankara petitioner, hereby declare and state as follows:

1. I am an Pro Se Petitioner currently detained at Buffalo Federal Detention Facility, Litigant with Immigration Proceeding Petitioner review in the Second Circuit Court of Appeals under Sankara v. Barr, 19-742, in this matter as Pro Se Litigant with the pleadings and proceedings had herein.
2. I make This declaration in support of Petitioner's motion to grant his writ of habeas corpus vacated conviction and dismissed the indictment, due to his asylum claim and to place before the Court information and documents relevant to this matter, wrongfully conviction has place petitioner in ICE Custody
3. a true copy of Immigration court proceedings records with my brother in law Support letters.

I declare under penalty of perjury that the foregoing is true and correct.

I, **Ahmadou Sankara**, petitioner born in Ivory Coast, **July 18, 1970**, and citizen of Burkina Faso, I make this declaration in support my asylum application claim upon due those both country citation concerned my self and my family members, my uncle Thomas Sankara was born on December 21, of 1949 at his secondary studies where the College PMK of Ouagadougou Burkina Faso for his secondary studies where he met and knew a friend name Blaise Compaore. When my uncle thomas sankara he finished his education he became Captain, along with his friend Blaise Compaore with who he received the same military formation at the formation center Commando de "PO", under their Commandant, Jan Baptiste Ouedrigo, and Thomas Sankara went to jail in Burkina Faso because of political problems. His friend, Blaise Compaore with some others left prison center "PO" to help their friend, Thomas Sankara and in 1984 they took over the power with the C.N.R., my uncle Thomas Sankara became a new president of Burkina Faso from 1984 to 1987, Three years later."my uncle Thomas Sankara was assassinated murdered by some Burkina Faso Commando de PO military," because of the same political problems. his friend Blaise Compaore took over the power on 1987, with who he receive the same military formation.

Blaise Compaore, was sent by some of their companies as some body who got a vision of taking the power back. Among those who did not come back to Burkina Faso we got for example of uncle Thomas Sankara and his closed military friend, Aluna Traore a lot of others, and like this petitioner father "Yoro Arouna Sankara was shot in Burkina Faso after my uncle Thomas Sankara assassination, not in Ivory Coast." because they was contradiction on the Immigration decision July 20, 2012, that's how my father was shot in Burkina Faso not in Ivory Coast. which my father run to Ivory Coast, that's how my father Yoro Arouna Sankara was being gravely sick and hospital in Ivory Coast. my father Yoro Arouna Sankara never was shot in Ivory Coast, he was shot in Burkina Faso due my brother in law support letter Sworn Notary date October 23, 2010, was translate from french to english on November 29, 2010, after my uncle Thomas Sankara death, my family run from Burkina Faso to Ivory Coast due fear persecution. when get deported to Burkina Faso or Ivory Coast, I will be persecuted, Ivory Coast and Burkina Faso those Both Country are link.

I, petitioner **Ahmadou Sankara**, one of is past persecution sufferent was muslim religions instruction for my first past persecution from 1982, to 1993, tha's how petitioner ending arabic school without his father consent ending being in the street Ivory Coast because was being torture from his teacher and his father when he was place in muslim religion school 1982. Because I was unable to memorazed the Quran arabic for the reason the muslims teachers was being me and torture me all the time. Also at my father house I was being torture by forcing me for to learn the arabic Quran and memorazed which I was unable to memorazed, for the same reason my Young brother Adams left my father house because he was being torture for him to memorazed the arabic Quran. tha's how petitioner left his father house, while he was in the street petitioner join government people for political opinion on 1997, In Ivory Coast, that's how petitioner brother Adams also join government for political opinion in 1998, one time my father beat me and torture me long perior of time pain cause petitioner asking his father if he father was his real dad due to torture, tha's how petitioner join political group in Ivory Coast. new my family members had problems in Ivory Coast and Burkina Faso, due to political opinion.

On 1999, durent Ivory Coast war my mother with my first daugther mother was murdered by security force caming from the market upon political opinion Nationalty race discrimination with political problems, for the reason I run to come to the United States of America, while being in United of America the enemies countinue came at my house asking for me, because petitioner and his brother Adams was part of Ivory Coast political opinion. On 2010, while being in the United States, the enemies target my young brother Adam Sankara in merdered him in Ivory Coast my family never saw his death body and on 2015, while being incarcerate my other young brother Aladji Sankara was target also in murdered due to same past political problems with race dicrimination which Aladji was not part of Ivory Coast political opinion, those enemies continue go a rund my family loking for me because the hear from people that Iam in Immigration Custody for deportation proceeding, and other my family members has being even changing their last name, which even my other young brother Issa Conde phone Number# 225-06-74-34-46, informe me on the phone that for me geting deported that's a death sentence for me due to enemies for political opinion with Natioality race discrimination, including my health HIV Status medical treatment.

From 2015 my carceration in United States I was able to read the Quran and memorazed some off with Bilbe without no one forcing me or torture me in United States, and the was beating me for to read the Quran and memorazed in africa, Bible and the Quran all is the Books of God why I should not read Biblie?, for the reason I was being beating and torture for not memorazing the Quran in arabic, I was place in arabic school on 1982 to 1993, and left my father house because being tortute, with other past fear persecution and future persecution. till petitioner entered in United States 2001, which I learn how to read the Bible and the Quran by myself without no one forcing me or torture me in United States in carceration with legal litigate procedure through the Courts. geting removal I will be arrest and target at Burkina Faso Air Port or Ivory Coast.

Congress has "broad power over naturalization and immigration (permitting it to) make rules that would be unacceptable if applied to citizens," **Demore, 538 U.S. at 521 (quoting Mthews v. Diaz, 426 U.S. 67, 79-80 (1976)).**Accordinglly Sankara v. Barr-19-742,17-2257. Consolidate.

All the written decision issued on **July 20,2012**,was incorrect, respondent previous counsel provided ineffective assistance. Moreover,the respondent proceeded prose at all of his merits hearings **August 18,2011, November 1,2011, nd April 9,2012. final,Board of immigration decision in Matter of Lozada,19 I&N dEC.637 (BIA1988),aff d, 857 f.2d 10 (1st Cir. `1988)** (1) that respondent motion be supported by an affidavit of the allegedly aggrieved respondent setting forth in detail the agreement that was entered into with counsel with respect to the actions to be taken and what representations counsel did or did not make to the respondent in this regard; (2)that counsel whose integrity or competence is being impugned be informed of the allegations leveled against respondent and be given an opprtunity to resond;(3)that the motion reflect whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel's ethical or legal responsibilities,for those reason my appeal was dismissed,

Asylum application with one year of arrival in the United States. petitioner did not know about one year asylum application due lack of school Education at the time of respondent arrival in United States,respondent beleive while being in United States he was safe, **petitioner learn how to read and write incarceration from 2015 to 2018, due false arrest and wrongfully conviction. under People v. Sankara, 2018 NY Slip op 00224.**

Petitioner was denied from the Board and the Second Circuit for appointment of Counsel for merits Appeal review, petitioner respectfully requesting the United States Supreme Court to Grant appointment of counsel pursuant to **18 U.S.C. § 300A**, and Grant stay of removal and vacated order deportation Date July 20, 2012, **See Nken v. Holder,556 U.S.418, 429 N.1 (2009).** grand my asylum claim Constitutional due my "HIV"TREATMENT on the U.S. CONSTITUTIONAL,and Geting deported I will be persecuted in Burkina faso or Ivory Coast due HIVstatus due upon discriminations. With respect to deficient performance, or ineffectiveness assistance of counsel, See: **Maravilla v. Ashcroft,381 F.3d 855,858 (9th Cir.2004).** respondent counsel was ineffective assistance.

This is post-traumatic stress disorder get deported in my Native Country, due removal proceeding in detention suffering depression and physical pain as result, while geting deported is a death sentence for this petitioner health problems credible fear of religious ground past persecution with political opinion past persecution and race Nationality, my mother and the mother of my first daughter was kill coming from the market durent Ivory Coast war, and my young brother Adams was tarket in kill on 2010, due to Ivory Coast war concerning my family enemies, and my other young brother aladji was tarket beat in kill by those same enemies in my Native Country, geting order of removal would violate the United States' obligations under Article 3 of the United Nations Convention Against Torture ("CAT"). as implemented by the Forreign Affairs Reform and Restructuring Act of 1988. that his in custody in violation of the Constitution or law or treaties of the United States.

And my Immigration case was transfer from federal plaza to Immigration court''201 Varick strret new york,'201 varick street Judge deported me on July 20,2012, While being In U.S.on 2010, my young Brother Adams Sankara was target in kill in Ivory Coast, and while being incarceration 2015 my other Young brother Alidji Sankara gat kill also,Iam fair due enenies those African Country,when I got deported I will get kill by race enemies.

REASON FOR GRANTING THE PETITIONER

Petitioner respectfully requesting The United State Supreme Court to review de novo the Second Circuit Court of Appeals Mandated Order June 6, 2019, **error** de novo in entertain on his behalf by grant his Writ Of Certiorari, **which he was timely file in Second Circuit Court of Appels August 2017 and March 2019**, for petitioner to help and support his U.S. Chilrent edication, which his in custody pursuant under Immigration procedure court order July 20, 2012, and July 15, 2013, on the ground sought relief from removal deportation proceedings on the ground his removal would violate the United States' obligations under Article 3 of the United Nations Convention Against Torture ("CAT"). as implemented by the Forreign Affairs Reform and Restructuring Act of 1988. that his in custody in violation of the Constitution or law or treaties of the United States.

The Board of Immigration Appeals has said that members of a particular social group must share a "common immutable characteristic." *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985). That characteristic should be something the group cannot or should not be required to change. Id. The Board subsequently added the additional requirement of "social visibility" and "particular" to the particular social group definition. See *Matter of S-E-G-*, 24 I&N Dec. 579 (BIA 2008), The U.S. Court of Appeals for the Seventh Circuit then issued several decisions that invalidate the social visibility requirement and broadened the particular social group definition. See *Escobar v. Holder*, 657 F.3d 537 (7th Cir. 2011); *Sarhan v. Holder*, 658 F. 3d 649 (7th Cir. 2011); *Ramos v. Holder*, 589 F.3d 426 (7th Cir. 2009); and *Gatimi v. Holder*, 578 F.3d 611 (7th Cir. 2009). In 2013, the Seventh Circuit issued a critical en banc decision regarding the particular social group definition in the case of *Cece v. Holder*, 733 F.3d 662 (7th Cir. 2013), and See 8 C.F.R. § 208.13(b)(1); *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989).

The burden of proof for "pattern or practice" claim is high and extremely difficult to meet " because once the court finds that a group was subject to a pattern or practice of persecution, every member of the group is eligible for asylum. *Ahmed v. Gonzales*, 467 F.3d 669, 675 (7th Cir. 2006). and 8 C.F.R. § 208.13 (b)(2)(ii). also 8 C.F.R. § 208.13(b)(3)(ii).

In order to establish a "well-founded fear" of persecution, an asylum applicant need only show a reasonable possibility that she or he will be persecuted. *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), The Supreme Court has stated that the following is sufficient to establish a well-founded fear having a fear of an event happening when there is less than a 50% chance that it will take place, and "establishing a 10% chance of being shot, torture, or...otherwise persecuted." *Cardoza-Fonseca*, 480 U.S. 421. An applicant who establishes past persecution by the government (or an entity the government cannot or will not control) on account of one of the five protection grounds has met that test and established a rebuttable presumption that she or he has a well-founded fear of future persecution. 8. C.F.R. § 208.13(b)(1), 8 C.F.R. 208.13(b)(2), *Ayele v. Holder*, 564 F.3d 862, 868 (7th Cir. 2009).

Congress has "broad power over naturalization and immigration (permitting it to) make rules that would be unacceptable if applied to citizens," *Demore*, 538 U.S. at 521 (quoting *Mthews v. Diaz*, 426 U.S. 67, 79-80 (1976)).Accordinglly *Sankara v. Barr*-19-742,17-2257. Consolidat

The Seventh Circuit has stated that persecution is behavior that " threatens death, imprisonment, or the infliction of substantial harm or suffering." **Sayaxing v. INS**, 179 F.3d 515, 519 (7th Cir. 1999). The court has further noted that hallmarks of persecution are detention, arrest, interrogation, prosecution, imprisonment, illegal searches, confiscation of property, surveillance, beatings or torture. **Mitv v. INS**, 67 F.3d 1325, 1330 (7th Cir. 1995). Most recently, the Seventh Circuit has suggested that persecution involves "the use of significant force against a person's body, or the infliction of comparable physical harm without direct application of force... or nonphysical harm of equal gravity." **Stanojkova v. Holder**, 645 F.3d 943, 948 (7th Cir. 2011).

The suffering or harm experience must amount to more than mere harassment. **Balazoski v. INS**, 932 F.2d 638, 642 (7th Cir. 1991). However, the Seventh Circuit has noted that the "line between harassment and persecution is the line... between wishing you were living in another country and being so desperate that you flee without any assurance of being given refuge in another country." **Stanojkova**, 645 F.3d at 948. In order to qualify for asylum, an applicant must establish that the persecution she or he suffered or fears was or will be perpetrated by either the government or a group the government cannot or will not control. **Balogun v. Ashcroft**, 374 F.3d 492, 499 (7th Cir. 2004). Thus, an applicant can establish asylum eligibility by showing her or he persecution was inflicted by a group- or even society at large-that the government refuse to control because it condones or tolerates the group' activity or unwilling to control her or he persecutor and requesting protection would have placed the applicant at a greater risk of harm. **Matter of S-A-**, 22 I&N Dec. 1328, 1335 (BIA 2000).

Protection of Refugees, Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system for granting refugee status was accessible but slow. The government generally provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

A more general right not to be returned to a country where there is a risk of torture or cruel or inhuman treatment is found, either explicitly or by interpretation, in international human rights instruments. The most prominent are **Article 3 of the Convention against Torture 1984**, **Article 7 of the International Covenant on Civil and Political Rights 1966**, and **Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950**. See **Hechavarria v. Sessions**, 2018 WL 4466052, at*4(W.D.N.Y. Nov. 2, 2018).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "SAHAR" followed by several slanted, parallel strokes.

Date: June 20, 2019