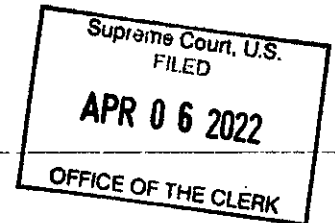


No. **21-7590**

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Onwuzulike I. Stephen PETITIONER
(Your Name)

vs.

Merrick Garland (esq.) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third Circuit En Banc
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Onwuzulike I. Stephen
(Your Name)

5 Manor Drive Apt 1B
(Address)

Newark, N.J. 07106
(City, State, Zip Code)

973-489-8547
(Phone Number)

QUESTION(S) PRESENTED

1. Inconsistency towards Interpretation of Immigration Jurisdiction powers of the Immigration Judge to adjudicate existing appeal I-130 application petition.
2. Due process violation of Suppressing a properly file appeal application of I-130 that there is no pending application to enable DHS/ICE to create a falsified charge against the plaintiff who lawfully married to U.S citizen.
3. Immigration judge lacks jurisdiction to adjudicate a case that is only BIA have jurisdiction to decide because of existing pending appeal of I-130 application on USCIS decision.
4. DHS/ICE used fabrication of charge by suppression of I-130 appeal application to enable the Immigration Judge to have jurisdiction over the case to unlawfully deport the plaintiff who is legally married to United State Citizen.
5. Immigration judge refused to stop adjudication of a case that his court lacks jurisdiction to adjudicate because it is only board of Immigration (BIA) have jurisdiction to adjudicate a pending appeal of I-130 application.
6. BIA engaged into suppression to protect DHS/ICE and USCIS by ^{not} correcting the wrongful adjudication of the Immigration Judge on a case that it's court lacks jurisdiction to decide.
7. Third Circuit affirmed the decision of the BIA claim that they provided decision on pending I-130 appeal to the plaintiff United State wife without investigation when and why the Immigration judge reach decision of deportation which led to appeal to BIA.

• Third Circuit affirmation decisions with BIA does not conform with federal Civil procedure of accepting evidence of BIA claim that evidence was issued to the plaintiff United State Citizen because BIA never provide the copy of Decision to Third Circuit or plaintiff wife to protect the plaintiff due process right. This is a vehicle to protect government egregious behavior of racial discrimination because the plaintiff and United State Citizen are blacks.

1. Third Circuit Court used wrong interpretation of jurisdiction and due process to protect BIA and DHS/ICE which the plaintiff pointed out during his application for rehearing because DHS/ICE used no pending appeal I-130 to craft a charge to jail the plaintiff for six months, and extend a jurisdiction advantage to the Immigration Judge to determine unlawful deportation of the plaintiff.
2. Third Circuit En Banc refuse to grant rehearing of the plaintiff on issue of jurisdictional error, falsified charge, suppression of existing I-130, falsified claim used in making review which violate due process right of the plaintiff.
11. Refusal for a rehearing for inconsistency with the Supreme Court previous decision on due process violation and jurisdiction error which is a pre-plan target on a plaintiff because he is a black and a foreigner.
12. Third Circuit En Banc refuse to rehear plaintiff petition application against miscarriage of justice which is not in conformance with Supreme Court due process determination.

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:

STEPHEN IZUCHUKWU ONWUZULIKE
MERRICK GARLAND (Esq.)

RELATED CASES

Wong Wing V. United States 163 US 228, 238 (1896)

Zadvydas V. Davis 533 U.S. 678, 693 (2001)

Mathews V. Davis 533 U.S. 67, 77 (1976)

Gutierrez V. Holder, 662 F.3d 1083

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Immigration Judge decision
APPENDIX B	Appeal against Immigration Judge decision to BIA
APPENDIX C	Board of Immigration (BIA) decision
APPENDIX D	Appeal against BIA Decision to third circuit court
APPENDIX E	Third circuit court decision
APPENDIX F	Petition appeal for rehearing En Banc
APPENDIX G	En Banc Denial for rehearing.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Herra-Reyes V. Attorney Gen. 952 F.3d 101, 106

Kham V. Attorney Gen. 448 F.3d 226, 233

Serrano-Alberto V. Attorney Gen. 859 F.3d 208, 223

STATUTES AND RULES

1. Suppression of properly appealed 1-130 application to BIA through USCIS to create a falsified charge by DHS/ICE which violates the doctrine of due process right of the plaintiff.
2. Miscarriage of justice to provide jurisdiction to Immigration Judge by using vehicle of suppression which violates the doctrine of due process right of the plaintiff.
3. Wrongful affirmation of Third Circuit Court using false BIA claim of issuing decision to pending 1-130 appeal application without providing evidence to the plaintiff which does not follow evidence rule of the federal civil procedure which is a due process violation of the plaintiff's right.

OTHER

4. Third Circuit En banc refusal to grant rehearing on issue of jurisdiction error, falsified charge that can not exist without suppression, and BIA false claim which is a due process violation against the plaintiff's right to a fair decision.

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 F to the petition and is

☒ reported at NO: 21-1626 (Third Circuit Court); 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 02-10-2022.

☐ 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: 03-30-2022, and a copy of the order denying rehearing appears at Appendix G.

☐ 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

1. Inconsistency towards Interpretation of Doctrine of Jurisdiction and due process.
2. Supremacy of Supreme Court determination on due process doctrine against third Circuit determination on due process over false charge crafted by Vehicle of suppression that there is no pending I-130 appeal to BIA
3. Immigration Judge lack of jurisdiction because of pending Suppress I-130 appeal to BIA which enable DHS/ICE to fabricate a falsified charge to detain the plaintiff in jail for six months in jail which due process violation of the plaintiff fundamental right to application adjudication.
4. BIA false presentation of evidence that decision was issued which is part of the appeal Court decision without providing the falsified evidence to the plaintiff which is violation of due process.
5. Third Circuit use of wrong interpretation of Immigration law to protect DHS/ICE and BIA decision which is a due process violation.
6. Refusal of En Banc Court to rehear the claim of the plaintiff request against violation of doctrine of jurisdiction and due process as stipulated by Supreme Court previous determinations.

7. Abuse of power by DHS/ICE to use suppression to fabricate a falsified charge on the plaintiff in order to start removal proceeding which is abortion of application process of the plaintiff who lawfully married to a United State of America Citizen, and who currently have a two years son which the third circuit continues to protect this egregious activities. This is racial discrimination because the plaintiff is black which violate the 14th amendment right to be treated equally without abortion of ~~app~~ pending I-130 application by suppression to fabricate a falsified charge against the plaintiff.

8. Suppression of I-130 appeal application to BIA through USCIS. This is wrongful act because application was properly paid but suppression of application is miscarriage of justice which third circuit court is protecting government. This is fraud, corruption, marginalization and racial discrimination of the petitioner because he is a black. I pray for justice of proper scrutiny on this level of racial wickedness to the petitioner because he is a black man.

STATEMENT OF THE CASE

~~The~~ The petitioner seeks for justice on an issue that DHS/ICE interferes in the application processing of I-130 application of the plaintiff at the peak of Covid 19, requesting USCIS to make a quick decision.

However, the USCIS made denial decision of I-130 application without following due process as stipulated by USCIS Covid 19 requirement because the document requested can not be submitted due to International Covid 19 restriction but because DHS/ICE contacted the director of USCIS about I-130 decision then the plaintiff United State of America quickly filled appeal of the I-130 application to board of Immigration (BIA) through USCIS on the grounds of non compliance of director decision to USCIS Covid 19 requirement and interference of DHS/ICE Attorney requesting for decision from USCIS director at the peak of Covid to enable DHS/ICE to fabricate a charge against the plaintiff.

In the same vein, after the plaintiff wife appeal the I-130 decision from USCIS director then DHS/ICE move quickly to suppress the appeal of the I-130 to fabricate a falsified charge to start the removal proceeding that will provide immigration judge jurisdiction to proceed the adjudication process of the plaintiff removal process. However, the plaintiff informed the Immigration judge that the Court lacks jurisdiction to adjudicate.

the case because there is an existing I-130 appeal to BIA through USCIS then the Immigration Judge ask DHS/ICE to verify the claim of the plaintiff then DHS/ICE attorney said there is no pending appeal of I-130 application to BIA which false statement and racial discrimination because the plaintiff is a black.

In the same proceeding, my wife quickly file Court Injunction to stop Immigration Judge from adjudicating the case because Immigration Court lack jurisdiction to adjudicate on I-130 appeal application to BIA but the Immigration Judge continue with a falsified charge of DHS/ICE using vehicle of suppression of pending I-130 appeal application. However, Government is using every instrument to suppress the plaintiff U.S. wife Court Injunction to force the Immigration Court to defend Constitutional violation of adjudicating I-130 appeal application, and not verifying the falsified charge of DHS/ICE. The case number for this case is 2:20-cv-14179 under Okunogbo v. Pope. BIA ignored and suppressed the case that appeal decision of I-130 was issued to the plaintiff wife when the plaintiff appealed the BIA decision to use wrong charge to protect the Immigration Judge, and DHS/ICE and USCIS which violates due process right of the plaintiff. In the same vein, third Circuit Court affirmed the decision of BIA without verifying the legitimacy of the charge, suppression of application and BIA false claim which is violation of due process right of the plaintiff because he is a black man, and nothing else.

REASONS FOR GRANTING THE PETITION

1. Correction on Inconsistency of application of doctrine of jurisdiction and due process violation.
2. it will help to stop fraudulent suppression and abortion of I-130 appeal application by the DHS/ICE and USCIS
3. it will help to stop false claim of BIA evidence without providing physical evidence to third circuit court that I-130 appeal decision was issued to the plaintiff U.S. Citizen wife.
4. it will help to stop protection of government agencies from dishonesty and abuse of fundamental human right in an attempt to conduct racial motivated unlawful deportation.
5. it will help the appeal court to always request evidence from BIA on every claim before reaching final decision
6. it will help the appeal court to stop protecting government against abuse of fundamental human right of the plaintiff by aborting existing I-130 appeal application to BIA in order to conduct unlawful removal proceeding that break family ties.
7. it will help other applicant in this situation from going to jail because plaintiff was locked in Essex County jail for six months because of this suppression and abortion of pending I-130 application to execute removal proceeding that gives the immigration judge an unlawful jurisdiction to deport

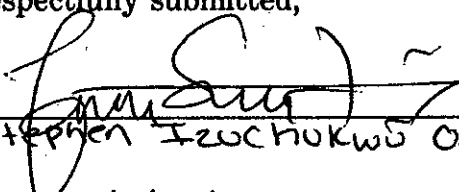
8. it will enable the petitioner to continue his marriage with his United States wife, and an opportunity for the plaintiff to take of his son who is currently two years old. The petitioner's son needs the presence of his father to have standard development that will make the son a better person in the society.
9. it helps the plaintiff to continue with ^{his} Engineering job because the plaintiff has a Bachelor's degree in Electrical ~~and~~ Engineering and working on enrolling into Master's in Electrical Engineering at New Jersey Institute of Technology before DHS/ICE suppressed and aborted the I-130 application of the plaintiff's wife to conduct a removal proceeding using unlawful procedure that violates the plaintiff's due process. The plaintiff wishes that this application will be accepted so he can get back to his previous engineering job in New Jersey so he can provide for his ^{year} two old son and U.S. Citizen wife because they are currently subjected to financial suffering as a result of this suppression and abortion of pending I-130 with BIA to construct unlawful removal proceeding.

The petitioner looks forward to receive the outcome of Justice to remain this case to Court because this unlawful suppression and abortion of pending appeal of I-130 application is maliciously design by DHS/ICE attorney and USCIS director to Construct a removal proceeding using falsified charge to put the plaintiff in jail and deport unlawfully without following due process. Government agencies are using vehicle of suppression of I-130 appeal to destroy the plaintiff application because he is a black man, and third circuit refuse to investigation Constitutional due process violation and jurisdictional error.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Stephen Izuchukwu Onwuzolike

Date: 4/2/2022