

CASE NO. 22-1667

IN THE SUPREME COURT OF THE UNITED STATES

GREGORY IFESINACHI EZEANI, Plaintiff - Appellant

V.

UNITED STATES

RESPONDENT

**ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATE
COURT OF APPEALS FOR THE 2nd CIRCUIT**

PETITION FOR WRIT OF CERTIORARI

Mr. GREGORY IFESINACHI EZEANI

80 VAN NES TERRACE

MAPLEWOOD, NJ 07040

PHONE: 8624529390

Plaintiff/Appellant

CIVIL LAWSUIT ON 4th, 8th and 14th AMENDMENT CONSTITUTIONAL RIGHT CASE

QUESTION PRESENTED

Briefly, the plaintiff who is a native and citizen of Nigeria arrived in United states from Canada for engineering graduate studies. The plaintiff since his arrival to united states have completed Master of science in industrial engineering at New Mexico state university located in New Mexico state, Master of science in Agile project management at Amberton university located in Texas, Master of science in business analytics at American public university located in west Virginia, Master of business Administration at American public university located in West Virginia. Currently, the plaintiff is working to complete Master of Science in environmental engineering at John Hopkins university located in Maryland and a Doctor of Business Administration in business administration at university of the Cumberland located at Kentucky. The plaintiff work at Essex County college located in New Jersey as adjunct professor starting from 2017 to 2019 before DHS/ICE unlawfully broke into the plaintiff residence with a gun pointing on the plaintiff to surrender his international Nigeria travelling passport. The plaintiff was arrest under gun duress and charged with immigration violation because there is no existing application of file with USCIS or BIA. The plaintiff is a VAWA candidate who filed an appeal application of I-360 denial application against the decision of USCIS director in Vermont field office in 2018 which was received and processed. The appeal process requires that the plaintiff will submit the EOIR-29 appeal application through USCIS then USCIS office will issue receipt of appeal petition to the plaintiff and forward the completed appeal application of EOIR-29 to BIA (**See exhibit 1 showing copy of the plaintiff copy of plaintiff appeal application (EOIR-29) and Exhibit 2 showing the**

receipt EOIR-29 issued by USCIS after receiving plaintiff complete application with \$110 application fee). The plaintiff was issued a receipt notice of his application in 2018 when all the application process requirement and briefs was completed then the USCIS district director office in Vermont instead forwarding the application as required by law but suppressed the plaintiff appeal application (EOIR-29) from transfer to BIA as required by the statutory law of 8 CFR 1003 .5(b). This is egregious behavior for federal authorities to use position of their office to inflict wickedness on the public.

Concisely, On 28th of May 2019 DHS/ICE broke into the plaintiff's residence unlawfully with a gun pointing at the plaintiff and arrested the plaintiff for immigration violation because there is no existing application with USCIS or BIA. The plaintiff was sent to the Essex County correction jail facility where he was detained for about 10 months because the USCIS director in Vermont suppressed the plaintiff appeal application that supposed to be forward to BIA as required by the immigration law. 8 CFR 1003(b). The plaintiff who has not committed any crime against any state or federal law was sent to prison where he was infected with irreparable diabetes disease that the plaintiff will suffer diabetes pain disease for the rest of his life on earth because the USCIS director office suppression the plaintiff appeal application (EOIR-29) in 2018. The plaintiff was released on March 24th, 2020, at the peak of covid 19 because the plaintiff was vulnerable to covid 19 death and, the government don't want to treat the plaintiff diabetes or be responsible to plaintiff pain and sufferings. The plaintiff came back from jail in March 24th 2020 and start pursuing for the forwarding of his appeal application (EOIR-29) to BIA. On May 4th, 2022, the plaintiff application appeal (EOIR-29) was forwarded to BIA **(See Exhibit 3 showing the day the plaintiff appeal application of 2018 was transferred to BIA in 2022)**. The plaintiff filed a lawsuit that the

defendant action violated his 4th amendment constitutional law by act of suppression which amount to unlawful seizure that cause the plaintiff to be arrested and sent to jail for about 10 months at Essex County correction facility which result in causing the plaintiff to be inflicted with irreparable diabetes disease that he will suffer in pain for the rest of his life on earth. The plaintiff also argued that the action of the USCIS director violated his 8th and 14th amendment right as a matter of law. The case was dismissed in district court and plaintiff file appeal in second circuit appeal court for due process violation and abuse of discretion by the district court judge. The second circuit appeal honorable circuit court judges dismissed the case stating that the case "lacks an arguable basis either in law or in fact". The plaintiff filed an appeal motion for reconsideration in second circuit En banc arguing that federal officials are not immune to be accountable for constitutional right violation of the plaintiff in this circumstance of intentional suppression that result to seizure and the case was denied. The plaintiff humbly wishes to file a certiorari for further review in supreme court because this is a constitutional right due process violation by second circuit appeal court not to hold a federal employee accountable on action that is void by the constitution because it is wrong for federal official to intentionally violate federal laws using the virtue of her position. The decision of the second circuit appeal court is not consistent with previous court decision because claims requesting injunctive relief from federal officials are not barred by sovereign immunity. See *Simmat v. U.S Bureau of Prisons*, 413 F.3D 1225, 1233 (10th Cir. 2005); *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326-27(2015) (stating that "we have long held that federal courts may in some circumstances grant injunctive relief against violations of federal law by federal officials").

THE FOLLOWING QUESTION ARE PRESENTED

1. The plaintiff presented that the action of the USCIS district director in Vermont field office not to transfer plaintiff appeal application (EOIR-29) in 2018 as required by the federal statutory law of 8 CFR 1003 .5(b) led to DHS/ICE arrest of the plaintiff on May 28th, 2019 and 10months detention of the plaintiff at Essex county jail correction facility violated plaintiff constitutional right of 4th, 8th and 14th amendment right.
2. The plaintiff presented that the action of the USCIS director in Vermont not to transfer plaintiff application to BIA is suppression which amount to seizure of plaintiff property of appeal application (EOIR-29) which violates plaintiff 4th amendment constitutional right.
3. The plaintiff presented that the action of suppression of plaintiff appeal application (EOIR-29) from transfer to BIA after issue of receipt in 2018 when appeal application was completed was a clear action of cruelty that violates plaintiff 8th amendment constitutional right.
4. The plaintiff presented that this is an intentional act of maliciousness retaliatory attack and cruelty because the plaintiff appealed the decision of the USCIS director office in Vermont which the director acknowledged that the prima Facie issued by USCIS director office in Vermont will expires on April 13th, 2019, so it is pre planned set up for DHS/ICE arrest attack. **(See exhibit 4 showing the Prima facie issued by the USCIS directors' office in Vermont which protect the plaintiff from any immigration violation as a VAWA applicant, and it expired on April 13th, 2019, then DHS/ICE attack the plaintiff on 28th may, 2019; See also Exhibit 5 where the plaintiff was locked on 28th may, 2019 after arresting the plaintiff by**

DHS/ICE at Essex County jail correction facility). Therefore, not transferring the appeal application (EOIR-29) of the plaintiff in 2018 is pre-planned by the USCIS director to create access to probable cause to attack the plaintiff by DHS/ICE and this egregious action violates plaintiff 8th and 14th amendment constitutional right to due process.

5. The plaintiff presented that the action of USCIS district director does not conform to appeal forwarding/transfer policy of 8 CFR 1003 .5(b) to BIA which violated the plaintiff 4th, 8th and 14th amendment right to due process. Clearly, the statutory law of 8 CFR 1003.5(b) stipulated that appeal shall be forwarded to BIA promptly upon receipt of the briefs, unless the officer reopens and approves the petition. The plaintiff presented that the plaintiff appeal application of 2018 was transferred to BIA on May 4th, 2022, which violates plaintiff constitutional right because the plaintiff was unlawfully arrested and detained at Essex County jail correction facility for 10 months where he was infected with irreparable diabetes disease that the plaintiff will suffer for the rest of his life on earth. The DHS/ICE charged that the plaintiff lost his immigration status because there is no application on file with USCIS or BIA. The Plaintiff filed a lawsuit against the defendant (USCIS Director in Vermont) and the case was dismissed by the district court. The plaintiff filed an appeal at the second circuit court of appeal and the case was dismissed by the second circuit appeal court supported by second circuit En banc appeal on the grounds that the case "Lacks an arguable basis either in law or facts." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); See also 28 U.S.C. 1915(e). The plaintiff seeks for the supreme court review de novo on 28 U.S.C 1915 (e) to determine whether the defendant (USCIS director in

Vermont) is entitled to immunity to suppress forwarding of plaintiff appeal application of 2018 to may 4th 2022 which cause the plaintiff injury of unlawful arrest by the DHS/ICE, 10 months detention at Essex county correction jail facility and infliction of irreparable diabetes disease that was contaminated while in jail at Essex county correction which the plaintiff will suffer for the rest of his life on earth.

6. The plaintiff presents that the case is arguable in law and in facts before the federal court because the plaintiff is entitled to injunctive relief because federal officials are not barred by sovereign immunity. See Simmat v. U.S Bureau of Prisons, 413 F.3d 1225, 1233 (10th Cir. 2005); Armstrong v. Exceptional child Ctr., Inc., 575 U.S. 320, 326-27 (2015) (stating that “we have long held that federal courts may in some circumstances grant injunctive relief against.... Violations of federal officials).
7. The plaintiff seeks for the supreme court review de novo on the case law Neitzke v. Williams, 490 U.S. 319, 325 (1989) used by the second circuit because it is not applicable law because new case law have override this authority See Simmat v. U.S Bureau of Prisons, 413 F.3d 1225, 1233 (10th Cir. 2005); Armstrong v. Exceptional child Ctr., Inc., 575 U.S. 320, 326-27 (2015) (stating that “we have long held that federal courts may in some circumstances grant injunctive relief against.... Violations of federal officials).

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I.**PETITION FOR WRIT OF CERTIORARI**

I Gregory Ifesinachi Ezeani petitions the court for a writ of certiorari to review the judgement of the united state court of appeal for the second circuit.

II.**OPINIONS BELOW**

The opinion of the second circuit court En banc was dismissal and denial of the plaintiff appeal against the second circuit appeal court opinion that the plaintiff case "lacks an arguable basis either in law or in fact". The dismissal violates the plaintiff's due process because the court is protecting a federal government employee who is the director of USCIS field office unlawfully because the statutory law and case law did not satisfy constitutional due process of immunity to a federal authority. The defendant never refutes any of the evidence presented which the plaintiff also presents in this review, so the basis of this dismissal determination violates due process right of law because the defendant clearly inflicts injury on the plaintiff by action that violates forwarding of appeal application to BIA under 8 CFR 1003.5(b) which is federal violation that voids the constitutional fundamental right. The decision of the appeal court never refutes or cite one portion of the constitutional law that states that suppression that result to seizure did not violates plaintiff constitutional right, or the action does not violate 4th amendment constitutional right of the plaintiff. Also, the second circuit appeal court decision never explain if the action of the USCIS district in Vermont to violate forwarding of appeal under 8 CFR 1003.5(b) did not violate the plaintiff 4th, 8th and 14th amendment constitutional right so the basis of this determination by second

circuit court is improperly determined. The plaintiff presents that opinion of the second circuit court requires review de novo because it is not consistent with previous federal court determination under injunctive relief because federal officials are not barred by sovereign immunity. See *Simmat v. U.S Bureau of prisons*, 413F.3d 1225, 1233 (10th Cir., 2005); *Armstrong v. Exceptional Child Ctr. Inc.*, 575 U.S. 320, 326-27(2015). Moreover, the plaintiff presents clear verifiable evidence and this evidence has not been refuted by the defendant so the basis of this determination by the second circuit appeal that the plaintiff case "lacks arguable basis in law or in fact" violates due process right of the plaintiff because it is a bad faith decision to protect and exonerate the federal government employee (USCIS director in Vermont) from accountability of constitutional violation of the plaintiff to receive monetary relief for the damage inflicted on the plaintiff. This decision of the second circuit appeal court is clearly providing growth of cruelty in a federal system that will continue to impact the public if the supreme court fail to conduct review de novo on these important conflicts of statutory law and constitutional due process right of law that currently affecting not only the plaintiff but public interest. The supreme court should look and review this present public evil by federal authorities. I Gregory Ifesinachi Ezeani who is doctorate degree student who never commit no crime against any federal or state law for more than 10 years of living in USA suffered 10 months in jail at Essex County jail facility because of the egregious action of USCIS director cruelty not to comply with federal law of forwarding appeal petition application to BIA as required by the statutory law of 8 CFR 1003.5(b) , Moreover, I personally witnessed horrible constitutional right violation of federal prisoners on this issue of federal official using position of their office on the grounds of immunity to violated public fundamental human right which requires appropriate supreme court review to protect

safety of public interest of United State residents. This is abuse of fundamental human right must stop because someone working with federal authority does not give sovereign immunity to violate another person constitutional right. The constitution said no one is above the law and we are equal before the law so why should an individual of federal authorities have sovereign immunity to violates federal laws in other to attack the public and subdue them to their choice. This is not democracy but Autocracy in practice. The supreme court need a review in this issue because this is a matter of public policy because fundamental constitutional human right is in contention in this matter.

III. JURISDICTION

The second circuit appeal court enter decision on 9th December 2022 and second circuit En banc appeal court enter Judgement on March 6th, 2023. **See Appendix A and Appendix B.** This petition is timely filed in pursuant to supreme court Rule 13.1. this court has jurisdiction under U.S.C 1254(1).

IV. STATUTORY PROVISION INVOLVED

This case involves “review under 8 CFR 1003.5(b) which stipulated that appeal shall be forwarded to BIA promptly upon receipt of the briefs, unless the officer reopens and approves the petition. The plaintiff submitted application with briefs and application fee of \$110 as required and receipt was issued to the plaintiff in Dec. 2018. The USCIS district director suppress the forwarding/transfer of the plaintiff appeal application of 2018 which amount to seizure of plaintiff appeal application (EOIR-29) property so that the plaintiff current PRIMA FACIE DETERMINATION will expires on April 13th, 2019, so DHS/ICE will have probable cause to attack the plaintiff because

he appealed the USCIS director decision. Moreover, after the expiration on 13th April 2019, DHS/ICE unlawfully broke into the plaintiff residence then arrested the plaintiff for violation of his immigration law because there is no existing application with USCIS or BIA. The plaintiff spends 10 months at Essex County jail before he was released on March 24th, 2020 (**See exhibit 6 showing the day the plaintiff was released from jail**). The plaintiff came out then pursued for the submission of the plaintiff appeal application of 2018 to BIA. The director of USCIS in Vermont then submitted plaintiff appeal application of 2018 on May 4th, 2022.

The plaintiff filed lawsuit against the USCIS director alleging violation of the plaintiff 4th, 8th and 14th amendment right by act of suppression which amount to seizure that inflict injury of DHS/ICE arrest from his residence, 10 months in jail and infection of irreparable diabetes disease that the plaintiff will suffer in pain for the rest of his life on earth. The plaintiff argued that the action the USCIS district director violates the statutory law of 8 CFR 1003.5(b) which stipulated that appeal shall be forwarded to BIA promptly upon receipt of the briefs unless the officer reopens and approves the petition. Plaintiff appeal of 2018 was transferred on May 4th, 2022, by the director of USCIS in Vermont which is an intentional malicious act of cruelty because the office of the director issue PRIMA FACIE DETERMINATION which expired on April 13, 2019 and DHS/ICE arrested the plaintiff on May 28th, 2019 for immigration violation because there is no existing application with USCIS or BIA. The director of USCIS carried out a retaliatory attack on the plaintiff because he appealed the decision of the director to BIA because the director's office issued PRIMA FACIE DETERMINATION to the plaintiff which expires on April 13, 2019. The director did

not forward the plaintiff appeal application in 2018 so that the plaintiff will be out immigration status in other to create probable cause for DHS/ICE to unlawfully arrest the plaintiff who have not committed any crime since his life.

In the same vein, the second circuit court of appeal determines that the plaintiff case under 28 U.S.C. § 1915 (e) "lacks an arguable basis either in law or in facts". The basis of this determination which was supported by second circuit court En banc requires review de novo because there is an error in this determination in the sense that the statutory law did not satisfy any portion of the statutory requirement as used in the judgement by the second circuit appeal court. The statutory law of 28 U.S.C. § 1915 (e) requirement is stated below as follows:

- (1)** The court may request an attorney to represent any person unable to afford counsel.
- (2)** Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—**(A)**the allegation of poverty is untrue; or
- (B)**the action or appeal—
 - (i)**is frivolous or malicious.
 - (ii)**fails to state a claim on which relief may be granted; or
 - (iii)**seeks monetary relief against a defendant who is immune from such relief.

10. Concisely, looking at the requirement chronologically the plaintiff never requests for an attorney, so this reason is not applicable to the plaintiff. The court has not determined that the plaintiff' s allegation of poverty to obtain forma pauperis is untrue, so it is not applicable to the plaintiff. The plaintiff provided verifiable evidence

that the plaintiff appeal application was suppressed from transfer to BIA because plaintiff appeal application of 2018 was transferred on May 4th, 2022 which violates statutory law of 8 CFR 1003.5(b) so the appeal is clearly not frivolous or malicious in any form so it is not applicable to the plaintiff. The plaintiff state claim that the defendant violated the plaintiff constitutional right of 4th, 8th and 14th amendment right by act of suppression that amount to seizure that inflicts injury of 10months in detention at Essex County correction jail facility and infliction of irreparable diabetes disease that the patient will suffer for the rest of his life. Therefore, failure to state a claim is not applicable to plaintiff because claim of constitutional right violation was clearly stated. The plaintiff seeks monetary relief against the defendant because claims requesting injunctive relief from federal officials are not barred by sovereign immunity. See Simmat v. U.S Bureau of prisons, 413 F.3D 1225, 1233 (10TH Cir. 2005); Armstrong v. Exceptional Chid Ctr., Inc., 575 U.S. 320, 326-27 (2015). Therefore, the defendant is not immune from monetary damages from the plaintiff on claims requesting injunctive relief because the USCIS director act of intentional suppression of plaintiff appeal application amounts to legal injury that inflicts suffering on the plaintiff for the rest of his life. The second circuit dismissal and denial were a clear violation of constitutional due process right of the plaintiff to hold individual federal authorities that hides under the federal government immunity to commit constitutional heinous crimes against the public by virtue of the powers of their position. The plaintiff request for review de novo of the statutory law of 8 CFR 1003.5(b) violated by the defendant and 28 U.S.C. § 1915 (e) used by the second circuit court to exonerate the defendant from the plaintiff alleged constitutional right

violation. Also, the plaintiff wants the court to review claims requesting injunctive because federal officials are not barred by sovereign immunity. The plaintiff request for review de novo on the case law (Neitzke v. Williams, 490 U.S. 319, 325 (1989)) used as a standing authority because it have been overridden by modern judgement that supersedes the old judgements. See Simmat v. U.S Bureau of Prisons, 413 F.3d 1225, 1233 (10th Cir. 2005); Armstrong v. Exceptional child Ctr., Inc., 575 U.S. 320, 326-27 (2015) (stating that “we have long held that federal courts may in some circumstances grant injunctive relief against.... Violations of federal officials).

V.

STATEMENT OF THE CASE

Concisely, the USCIS director in Vermont field office suppressed plaintiff appeal application (EOIR-29) against the director's decision which supposed to be forwarded to BIA for adjudication after issue of receipt in 2018. The USCIS director in Vermont violated the statutory law of 8 CFR 1003.5(b) which stipulated that appeal shall be forwarded to BIA promptly upon receipt of the briefs, unless the officer reopens and approves the petition. The plaintiff submitted application with briefs and application fee of \$110 as required and receipt was issued to the plaintiff in Dec. 2018. The plaintiff's application was transferred to BIA on May 4th 2022. The plaintiff was arrested in his house after DHS/ICE broke into the plaintiff house with a gun for violation of immigration law because there is no existing immigration application with USCIS or BIA. The plaintiff was detained at Essex County jail facility for about 10 months because of not having any application with USCIS or BIA. The plaintiff was inflicted with diabetes disease while detained in Essex County jail which the plaintiff will suffer for the rest of his life on earth.

The plaintiff file lawsuit against the USCIS director in Vermont alleging violation of plaintiff constitutional right by act of suppression of plaintiff application which amount to seizure of the plaintiff application property that cause the plaintiff to be arrested by DHS/ICE and detained in Essex County jail facility for about 10 months. The plaintiff asks for monetary damage for violation of plaintiff constitutional right because the plaintiff was inflicted with irreparable diabetes injury while in 10 months detention in jail at Essex County correction which the plaintiff will be in pain and suffering for the rest of his life on earth. Moreover, the action of seizure committed by the USCIS director in Vermont that led to DHS/ICE arrest of the plaintiff in his house of residence in New Jersey is violation of plaintiff constitutional right. The district court in Vermont dismissed plaintiff case and the plaintiff filed appeal to the second circuit appeal which was also dismissed and denied supported by the second circuit En banc. The second circuit appeal court dismissed and denied the plaintiff appeal on the grounds that the case "lacks an arguable basis either in law or in fact". The plaintiff filed certiorari to supreme court on the grounds that the statutory law of 28 U.S.C. § 1915 (e) used by the second circuit court to exonerate the defendant from the plaintiff alleged constitutional right violation is improper because claims under injunctive relief from federal officials are not barred by sovereign immunity. See Simmat V. U.S Bureau of prisons, 413 F.3d 1225, 1233 (10th Cir. 2005); Armstrong v Exceptional Child Ctr., Inc., 575 U.S. 320, 326-27 (2015). Also, no aspect of the statutory used in appeal determination fulfil the legal requirement to dismiss or deny the plaintiff appeal. The idea of using unapplicable statutory to exonerate a federal authority violates plaintiff constitutional due process right to fairness as a

matter of Rule of law. The case law used as authority in the final judgement was not applicable to plaintiff.

VI.

REASON FOR GRANTING THE WRIT

The appeal decision of second circuit court of appeal used two vehicle of determination which consist of case law *Neitzke v. Williams*, 490 U.S. 319 and statutory law of 28 U.S.C. § 1915 (e) and this authority does not provide any legal stand to dismissal and denial of the plaintiff case because the defendant intentionally violated the statutory law of 8 CFR 1003.5(b) on forwarding of appeal to BIA which violates plaintiff constitutional right of 4th, 8th and 14th amendment right. Also, claims requesting injunctive relief from federal officials are not barred by sovereign immunity. See *Simmat v. U.S Bureau of prisons*, 413 F.3D 1225, 1233 (10th Cir. 2005); *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 326-27 (2015) (Stating that “we have long held that federal courts may in some circumstance grant injunctive relief against violation of federal law by federal officials”). Additionally, previous supreme court decision specify that plaintiff can bring suit for a specific relief against federal officer as an individual if the action of the officer is constitutionally void. See *Larson V. Domestic & Foreign Com. Corp.*, 337 U.S. 682, 702 (1949). Therefore, the action of the USCIS director to suppress plaintiff appeal application (EOIR-29) which amount to seizure violates federal statutory law of 8 CFR 1003.5(b) which violates plaintiff's constitutional right of 4th, 8th and 14th amendment right. The action of the USCIS director In Vermont cause the plaintiff to be arrested by DHS/ICE, spent 10 months in jail at Essex correction facility and infected

with irreparable diabetes disease that the plaintiff will be in pain and sufferings for the rest of his life on earth.

Furthermore, as a matter of public interest under public policy it is wrong for the court to pretend that constitutional violation was not committed by federal authorities claiming that it is protected by immunity which is wrong because nobody is above the law or have immunity to violate federal law because of their position. Moreover, any negligence to review this public policy problem will continues to encourage practice of heinous constitutional human right violation by the federal authorities and this egregious practice impact public society well-being of United States. The plaintiff who lived in United States for over 10 years without committing any crime against any state or federal laws was sent to Jail at Essex County correction facility where he was inflicted with irreparable diabetes disease because the director suppresses transfer of the plaintiff appeal application (EOIR -29) to BIA as required by the statutory law of 8 CFR 1003.5(b). The plaintiff was release at the peak of covid 19 because the plaintiff was vulnerable to Covid 19 death and the federal court made decision that the USCIS director Vermont is immune because they are member of the federal authority, and the plaintiff will be in pain and suffering for the rest of his life on earth because he is not member of the federal authority. Supreme court need revision on this wrong determination of the second circuit appeal court decision because being part of the federal authority does not grant authority to violate constitutional right of the public because no individual is above the law as a matter of Rule of law of United States.

VII.

CONCOLUSION AND PRAYERS FOR RELIEF

The plaintiff prays that this petition for review by the supreme court will be accepted to determine conflict of statutory laws and constitutional right of the plaintiff in relation to sovereign immunity because nobody is above the law as a matter of Rule of law of the United States. Plaintiffs injunctive relief claims on Federal authorities are not barred by sovereign immunity. *See Simmat v. U.S Bureau of prisons, 413 F.3d 1225, 1233 (10th Cir. 2005); Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320, 326-27 (2015) (stating that "we have long held that federal courts may in some circumstances grant injunctive relief against ... violations of federal law by federal officials); See Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).* The plaintiff provides verifiable evidence that have never been refuted by the defendant so the basis of federal court protecting federal authorities from constitutional right violation of the plaintiff by USCIS director is due process right violation as a matter of Rue of law. Therefore, the plaintiff prays for a fair decision determination of the plaintiff constitutional right violation because he is not a member of federal authority does not mean that he does not have right to his entitled constitutional right as a matter of law.

Regards



Gregory Ezeani