

UNITED STATES SUPREME COURT
WASHINGTON, D.C 20543

Gregory Ezeani)
Plaintiff)

Vs.)
JIMENEZ et al.)
DHS/ICE Officers)
Defendant) Case no: 24-2389

)
)
_____)

“Motion to allow 90 days for the plaintiff to file writ of Certiorari

Petitioner, Gregory Ezeani, respectfully file an emergency request for the supreme court to grant the plaintiff at least 90 days starting from February 11th, 2025, so that the plaintiff will have time to prepare writ of Certiorari on a case that DHS/ICE officers unlawfully break into the plaintiff house, Use gun duress to confiscate three international passports of the plaintiff, use falsified charge to detained the plaintiff for 10 months in Essex county jail, inflicted irreparable diabetic disease to the plaintiff, refuse to treat the plaintiff and permanently seized the international passport of the plaintiff for over five years which is not an American property, and this constitutional right violation in America and international treaty.

The plaintiff was unlawfully arrested from his house without committing any crime against federal law, state law or immigration law by DHS/ICE. The plaintiff was detained for 10months at Essex County jail using falsification of charge on the plaintiff immigration document who is a VAWA applicant. DHS/ICE officers falsified that the plaintiff does not have any existing application with USCIS to reclassify the plaintiff immigration status as arriving alien to unlawfully detain the plaintiff in jail which is a criminal falsification. DHS/ICE Falsified that

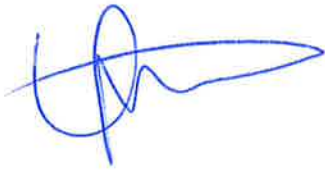
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SUPREME COURT, U.S.

the plaintiff committed marriage fraud in 2019 charge with providing any court or USCIS charge, but the truth is that the plaintiff divorced the American Wife in 2017 because of ex marital affair. The plaintiff was a VAWA applicant issued by USCIS, but the plaintiff document was falsified as arriving alien that does not have any status. The plaintiff was infected with irreparable Diabetes while detained at Essex County jail and the federal government refused to treat the plaintiff after the release of the plaintiff to this date. The plaintiff filed a lawsuit demanding for release of his three international Nigerian passports with three different expiration date confiscated at a gun point from the unlawful arrest in his house, compensation for unlawful detention for 10 months, and irreparable diabetic treatment of the plaintiff to this date. The case was denied at the district court and the plaintiff appealed the case to third circuit and the case was remanded in part directing the court to direct the DHS/ICE to release the plaintiff personal international Nigeria passport property. The district court dismissed the case upon the fact that the case failed to state claim, and it is conclusionary allegation which is not true because the case is plausible case that cannot be dismissed base on supreme court standard. The plaintiff filed appealed to the third circuit for the second time arguing that the district court violated his due process right because the district court failed to apply Supreme Court Rule 8 standard requirement on plausible claims determination. The plaintiff submitted a copy of falsified charge document submitted in court by DHS/ICE officer, which is public verifiable irrefutable evidence, that was used to unlawfully break into the plaintiff house, confiscate the plaintiff three international Nigeria passport. arrested the plaintiff, detained the plaintiff for 10months and inflicted irreparable diabetic treatment on the plaintiff without treatment. The court refused to honor the submitted falsified document submitted by DHS/ICE officers in court as a reason to violate plaintiff 4th, 8th and 14th amendment right that makes the claim of the plaintiff plausible that it cannot be dismissed. The appeal court dismisses the case without using the supreme court standard of determination of statement of claim when it involves plausible claim.

The third circuit used a false statement that the plaintiff consent to open the door for the DHS/ICE to enter his house before 6am in the morning which is miscarriage of justice to protect federal DHS/ICE agent for unlawful acts that violate the constitution law of the United States. The defendant never submit any appeal response that the plaintiff consent to open door to DHS/ICE to enter into his house. The plaintiff humbly asked for an extension of time to submit this case to the supreme court because the plaintiff was a doctoral student in Business administration and Doctor of Industrial Engineering that he expected to complete in 2024. The plaintiff was able to complete and graduated with Doctor of Business Administration only, but the plaintiff was unable to complete the journal publication requirement in Doctor of Industrial Engineering program to entirely complete the program requirement. The plaintiff is working on completing the journal publication requirement to collect his second doctorate by march/April 2025 so the plaintiff can collect his Doctor of Industrial Engineering certificate that he has completed the dissertation and defense in November2024. The plaintiff is also currently working on submitting another separate case to a supreme court with application number: 24A544 which was granted for extension to March 20, 2025, by Supreme court Justice Alito. The plaintiff plead before the court to grant this time extension to allow the doctoral student to have enough time to present argument on the case (No 24-2389) because the plaintiff personal property of three different international passport that have visa from Finland, Norway, Canada, United State and Germany has been unlawfully and permanently confiscated using criminal falsification of charge by DHS/ICE and government fire power to violate plaintiff 4th amendment right. The plaintiff international passport property is property of Nigeria that belong to the plaintiff that help the plaintiff to travel globally without restriction because of the travelling history and this document is very important and irreplaceable property of the plaintiff. The united State has no right to permanently and unlawfully seize international travelling passport of the plaintiff who is not a citizen of United State for over six years and refuse to release the passport to plaintiff. This is against international

constitutional right for the united state to permanently seize an international property that does not belong to United state without justification of the plaintiff committing any crime against federal, state or immigration or local laws. This is unlawful seizure of plaintiff personal property to protect DHS/ICE from the evil did to the plaintiff which requires supreme court review. I attached here with a copy of my doctorate certificate to show that I completed the Doctor of Business Administration in Exhibit 1 and copy of another case that I am currently working to submit to supreme court as exhibit 2. The plaintiff is working on completing the journal paper publication requirement of his completed Doctor of Industrial Engineering dissertation requirement to collect his second doctoral engineering degree certificate on April 2025 graduation. The plaintiff also attached a copy of the appeal court second decision on remand. The plaintiff will be grateful if the supreme court will grant this humbly time request.

Regards



Gregory Ezeani

CERTIFICATE OF SERVICE

I, Gregory Ezeani, hereby certify that a copy of this motion to grant a plaintiff 90 days to prepare certiorari which was served to court clerk of supreme court and defendant attorney of Merrick Garland at the address below to the on-11th day of February 2024.

Date: 02/11/2025: Signature ...G E.

Mr. Gregory Ezeani

80 Van Nes Terrace

Maplewood, NJ 07040

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

UNITED STATES COURT OF APPEALS

TELEPHONE

CLERK

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET

215-597-2995

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov



January 27, 2025

Melissa E. Rhoads
United States District Court for the District of New Jersey
Martin Luther King Jr. Federal Building & United States Courthouse
50 Walnut Street
Newark, NJ 07102

RE: Gregory Ezeani v. Jimenez, et al
Case Number: 24-2389
District Court Case Number: 2:22-cv-05165

Dear District Clerk,

Enclosed herewith is the certified judgment together with copy of the opinion in the above-captioned case. The certified judgment is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order shows costs taxed, if any.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

s/ pdb Case Manager

cc:
Gregory Ifesinachi Ezeani

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2389

GREGORY IFESINACHI EZEANI,
Appellant

v.

JIMENEZ, DHS/ICE Arresting Officer; JANNELLE MALONEY, DHS/ICE Arresting
Officer; MARK RAMOTOWSKI, DHS/ICE Arresting Officer; JOHN TSOUKARIS,
DHS/ICE Field Office Director

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:22-cv-05165)
District Judge: Honorable Brian R. Martinotti

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
on November 19, 2024

Before: BIBAS, FREEMAN, and NYGAARD, Circuit Judges

(Opinion filed: December 4, 2024)

OPINION*

PER CURIAM

Gregory Ifesinachi Ezeani, proceeding pro se, appeals from an order of the United States District Court for the District of New Jersey dismissing his amended civil rights complaint for failure to state a claim upon which relief may be granted. For the following reasons, we will affirm.

In August 2022, Ezeani filed a complaint raising claims stemming from his arrest by immigration officers and the seizure of his passports. He also applied to proceed in forma pauperis (IFP). Ezeani named as defendants the officers who arrested him and a DHS/ICE field office director, suing them in their official capacities only. As relief, Ezeani sought \$10 million and “return of his international travelling passports . . . which w[ere] seized under gun duress.” ECF 1, at 5. The District Court denied the IFP application, explaining that Ezeani “name[d] defendants that are immune from suit.” ECF 3. Ezeani appealed. We affirmed the District Court’s judgment in part and vacated in part, holding that “Ezeani’s request for the return of his allegedly unconstitutionally seized passports is not barred by sovereign immunity.” *Ezeani v. Jimenez*, No. 22-3182, 2023 WL 3244577, at *1 (3d Cir. May 4, 2023) (not precedential).

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

On remand, the District Court dismissed Ezeani's claim for injunctive relief, holding that his allegations were "wholly conclusory" and did not sufficiently allege an unreasonable seizure in violation of the Fourth Amendment. ECF 17, at 5. According to the District Court, Ezeani's "blanket allegation" that "holding him at gunpoint while seizing his passports was *per se* unreasonable . . . cannot be sustained." *Id.* In addition, the District Court concluded that Ezeani's "mere recitation of Fourth Amendment law provides no information regarding why the seizure was unlawful or how probable cause was lacking." *Id.* But the District Court dismissed the claim without prejudice, permitting Ezeani to file an amended complaint curing the identified deficiencies.

Ezeani filed an amended complaint, again asserting that immigration officers violated his Fourth Amendment rights by using "criminal falsified material" to seize "three different Nigeria[n] passport[s] in one set without a probable cause."¹ ECF 25-1, at 3–4. The District Court concluded that Ezeani's amended complaint "contains the same conclusory allegations as his initial complaint, merely reiterating his factual allegations in a different form, as previously reviewed by the Court." ECF 26, at 5. Because the amended complaint "fail[ed] to provide any additional facts that would cure the deficiencies noted in the Court's [earlier opinion]," the District Court dismissed the amended complaint in its entirety with prejudice under 28 U.S.C. § 1915(e)(2)(B). *Id.* at 6. Ezeani timely appealed.

¹ Ezeani filed the amended complaint beyond the 30 days provided by the District Court, but the District Court "afford[ed] him leniency" and accepted the late-filed amended complaint.

We have jurisdiction under 28 U.S.C. § 1291, and our review of the District Court’s sua sponte dismissal of the amended complaint is plenary. *See Dooley v. Wetzel*, 957 F.3d 366, 373 (3d Cir. 2020). When, as here, a plaintiff proceeds in forma pauperis, a court may dismiss claims sua sponte if they fail to state a claim upon which relief may be granted and amendment would be inequitable or futile. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002). To avoid dismissal for failure to state a claim, a complaint must set out “sufficient factual matter” to state a plausible claim for relief. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The Fourth Amendment provides that the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” U.S. Const. amend. IV. Whether a government seizure violates the Fourth Amendment depends on its overall reasonableness, which must be based upon a “careful balancing of governmental and private interests.” *Soldal v. Cook County*, 506 U.S. 56, 71 (1992) (quoting *New Jersey v. T.L.O.*, 469 U.S. 325, 341 (1985)). The reasonableness of a seizure “depends on not only when a seizure is made, but also how it is carried out.” *Tennessee v. Garner*, 471 U.S. 1, 8 (1985).

We agree that Ezeani failed to state a claim upon which relief can be granted. Ezeani alleged that immigration officers, relying on “criminal falsified material,” “broke into [his] house with a gun and subject[ed] [him] under gun duress to bring his passport at about 20mins before 6am in the morning which is sleeping time.” ECF 25, at 3. According to Ezeani, his passports were seized “without a probable cause.” ECF 25-1, at 3. Notably, however, Ezeani did not explain what allegedly “criminal falsified material” was used to

effectuate the arrest and seizure of his passports. *Cf. Franks v. Delaware*, 438 U.S. 154, 171 (1978) (explaining that an individual challenging a warrant affidavit must “point out specifically the portion of the warrant affidavit that is claimed to be false,” and that this showing “should be accompanied by a statement of supporting reasons”). Although Ezeani asserted that the immigration officers possessed guns and arrived at his home early in the morning, nothing in his description of the manner in which the seizure was carried out suggested that it was unreasonable. He merely pointed to the Record of Deportable/Inadmissible Alien, which indicated that he gave consent for the officers to enter his home, where he was arrested for being in violation of the Immigration and Nationality Act. ECF 25, at 3; ECF 25-1, at 9.

In sum, because Ezeani did not plead facially plausible facts demonstrating the unreasonableness of the seizure, the District Court properly dismissed his amended complaint. We further conclude that providing Ezeani with further leave to amend his complaint would have been futile. *See Grayson*, 293 F.3d at 108; *cf. Vorchheimer v. Philadelphia Owners Ass’n*, 903 F.3d 100, 113 (3d Cir. 2018) (concluding that amendment would be futile where the plaintiff-appellant “had already amended her complaint once and did not move to amend again or suggest what she might add”). Finally, we note that Ezeani fails in his brief to indicate how he would have stated a plausible claim for relief if provided with another chance to amend his complaint.

For the foregoing reasons, we will affirm the judgment of the District Court.

**Additional material
from this filing is
available in the
Clerk's Office.**