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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BANGALLY FATTY,  
  
  Petitioner,  
  
          v.  
  
ELAINE DUKE, et al.,  
  
  Respondents.

CASE NO. C17-1535-MJP-BAT  
  
**ORDER DIRECTING  
SUPPLEMENTAL BRIEFING AND  
GRANTING UNOPPOSED MOTION  
TO SUPPLEMENT THE RECORD**

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Having considered the pending motions and the balance of the record, the Court

**ORDERS:**

(1) The Government’s motion to dismiss argues the Court does not have jurisdiction to consider Mr. Fatty’s claim that he has a due process right to adjudication of his pending T visa application, and that even if the Court does have jurisdiction, Mr. Fatty has not been denied a meaningful opportunity to be heard. The parties’ briefing, however, does not address the threshold requirement of a due process claim: a protected liberty or property interest. *See Ching v. Mayorkas*, 725 F.3d 1149, 1155 (9th Cir. 2013). By **March 9, 2018**, the Government shall file a supplemental brief that addresses whether Mr. Fatty has asserted a protected liberty or property interest. By **March 16, 2018**, Mr. Fatty shall file a supplemental response. The Government may file a supplemental reply by **March 23, 2018**.

ORDER DIRECTING SUPPLEMENTAL  
BRIEFING AND GRANTING UNOPPOSED  
MOTION TO SUPPLEMENT THE RECORD -

1 (2) Mr. Fatty's motion to supplement the administrative record, which is unopposed,  
2 is **GRANTED**. Dkt. 20.

3 (3) The Clerk is directed to **RE-NOTE** the Government's motion to dismiss, Dkt. 14,  
4 for March 23, 2018.

5 DATED this 23<sup>rd</sup> day of February, 2018.

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9 BRIAN A. TSUCHIDA  
10 United States Magistrate Judge  
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