

THE LAW OFFICE OF
WILLIAM FRICK

7 NOVEMBER, 2011

Turgut Tarhan
2308 188th Place SW
Lynnwood WA 98036

Via email: tarhanturgut@gmail.com
tarhanrevna@gmail.com

Requires Your Immediate Attention

Dear Turgut:

This letter is in follow-up to and also memorializes our telephone discussions, correspondence and my meetings with you and your family with regard to your current immigration status and my concerns.

On October 17, 2011, the Ninth Circuit Court of Appeals *denied* your Petition for Review. I have discussed with you the significance of this denial and my concern that you have very little to no relief based on this denial. You are not married to a U.S. citizen, which prevents you from applying for adjustment of status (Form I-485).

You and your sister, Revna, have advised me that she has filed Form I-130, Petition for Alien Relative on your behalf, but I have not seen a copy of a notice of receipt from the US Immigration Service indicating that the petition has been filed. This filing will *not* provide you immediate relief, which is what you require now in order to remain in the United States.

Turgut, you have 45 days from the date of the denial to file an appeal of the Ninth Circuit Court of Appeals. This appeal is called a 'Petition for Panel Rehearing' and may also include a second appeal titled 'Petition for Rehearing *En Banc*'.

As we discussed on the phone, the issue on appeal, should you want to appeal, is a difficult one – we can appeal the Immigration Court's refusal to grant a continuance in order to allow you to wait for comprehensive immigration reform.

Please contact by Thursday November 9, 2011 and let me know whether or not you want to continue to represent you in the Ninth Circuit Court of appeals on this matter.

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Mercer Island, Washington 98040
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MEMBER OF THE BAR: PENNSYLVANIA WASHINGTON STATE
MEMBER: AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Turgut, both Christine and I have had multiple discussions with you and your family regarding to payment of attorney fees and costs; you have signed retainer letters, yet you have not followed through on payment per our agreement.

I currently have only represented you in the Ninth Circuit Petition for Review, and I have not represented you in any other matter.

I have kept my agreement with you Turgut, to diligently and vigorously represent you, and I have spent many hours in filing briefs and other documents in support of your desire to remain in the United States. We have obtained a stay of removal for you and have kept you from being detained.

Unfortunately, you have not shown me the same diligence. You have not followed through with your promise to pay the legal fees required to represent you in this very complicated matter.

According to our records you have not made payments, as promised, for October and now November 2011 – despite our filing briefs and other representation on your behalf before the Ninth Circuit Court of Appeals, and keeping your stay or removal in effect.

I have had more than one conversation with you in which you indicate a desire to simply go back to Turkey. At the close of our last conversation you told me that you will inform me of your plans. I have not heard from you yet, on your decision.

If you want me to continue to represent you, in any capacity, I will also expect you to bring your account current with my office.

Forty-five days after October 17, 2011, the Ninth Circuit Court of Appeals will enter a Mandate (making the Denial of your Petition for Review final), unless you file an appeal.

As the Court states in the Order that we provided you, when the mandate issues, the Stay of Removal that we have obtained for you will end and it is possible that ICE will seek to detain you prior to removing you.

There is no relief available to you once 45 days passes from October 17, 2011, if you do not appeal prior to that date.

Please contact me at (206) 714-2514 or you may contact Christine at (206) 979-3514 to schedule a time to meet with us, if you want my office to continue to represent you. Otherwise I will withdraw as your attorney when the mandate issues, or prior to that.

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I do not currently represent you for the purpose of any appeal of the October 17, 2011 Order Denying the Petition for Review, and currently will not appeal the denial on your behalf.

Lastly Turgut, you are a good person. Both Christine and I see that. And perhaps partly because of the obstacles that you have faced, you have the potential to be a strong and good force in this world, wherever you may be.

You have endured some very tough times during the past few years. In my observation you clearly have the strength, the intelligence, and the positive attitude to overcome the unfairness of the obstacles that have been put in your way. Christine and I fully expect to hear, in the future, that you have made a happy, successful and productive place for yourself in this world.

I wish the very best for you.

Sincerely,

A handwritten signature in blue ink that reads "William Frick". The signature is written in a cursive style with a large, sweeping initial "W".

William Frick

cc: Ms. Revna Tarhan (w/enclosure)

Enclosure Order dated 17 October 2011

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FILED

UNITED STATES COURT OF APPEALS

OCT 17 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TURGUT TARHAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 11-71854

Agency No. A088-737-523

ORDER

Before: GRABER, RAWLINSON, and BEA, Circuit Judges.

Petitioner seeks review of the Board of Immigration Appeals' decision affirming the Immigration Judge's ("IJ") order denying petitioner's request for a continuance. We review for abuse of discretion the denial of a continuance. *See Sandoval-Luna v. Mukasey*, 526 F.3d 1243, 1246 (9th Cir. 2008).

We deny the petition for review because we find the IJ did not abuse his discretion in denying petitioner's motion for a continuance to await Congress' enactment of immigration reform. *Id.* at 1246.

Petitioner's remaining arguments are unavailing.

The temporary stay of removal will terminate upon issuance of the mandate.

PETITION FOR REVIEW DENIED.