Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

September 21, 2018

Jacqueline Stevens
Northwestern University
Dept. of Political Science
601 University Place
Evanston, IL 60208

Re: FOIA 2015-27249

Dear Prof. Stevens,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek investigatory materials relating to certain complaints against immigration judges (IJs). We apologize for the delay in providing this response; the response was delayed both by the complexity of the request, and the litigation surrounding *AILA v. EOIR.*

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U. S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy, and/or 5 U. S.C. § 552(b)(5) to protect privileged information. The reason for redaction is clearly marked on each redacted portion. Additionally, each complaint was evaluated for release in conformity with *AILA v. EOIR,* No. 13-840 (D.D.C. filed June 6, 2013). In each case, it was determined that the public interest in release did not outweigh the privacy interest of the immigration judge.

There will be no charge for the enclosed documents.

Please note that the following complaint numbers did not contain any responsive records: 253, 513, 678, 682, and 718. These complaints may have been combined with other complaints, or may have been expunged from the record pursuant to an agreement or order.

In the following cases, documents not created or maintained by EOIR were referred to other agencies for direct response to you:

#789: Report of Investigation (Office of the Inspector General)
#770: Memorandum of 6/4/2013 w/attachment (Office of the Inspector General)
#731: Report of Investigation (Office of the Inspector General)

#762: E-mails and documents Oct 2012 (ICE)
E-mail of 2/11/2013 (Office of Professional Responsibility)
Letter of 8/8/2014 (Office of Professional Responsibility)
E-mail of 7/12/2012 (ICE)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* http://www.justice.gov/oip/foiapost/2012foiapost9.html.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline. regulations.gov/foia/action/public/home. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph R. Schaaf
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2015-27249

Single Complaint Detail

Complaint Number: 672 **Immigration Judge:** (b) (6) **Complaint Date:** 09/28/12

Current ACIJ	Base City	Status	Final Action	Final Action Date
Davis, John W.	(b)	CLOSED	Complaint concluded -- IJ retirement made action unnecessary	08/03/14

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
(b) (6)	In-court conduct	EOIR

Complaint Narrative: Matter of (b) , the IJ and DHS counsel decided the case off the record.

Complaint History	
10/01/12	ACIJ requested ROP for review
10/01/12	Database entry created
10/18/12	Complaint referred to OPR
02/11/13	Matter is under review by Associate Counsel McCarty
03/25/13	OPR opens an inquiry
04/01/13	OGC asks IJ to respond to OPR; response due 4/12
05/21/13	OPR awaiting IJ response
08/03/14	Complaint concluded -- IJ retirement made action unnecessary (b) (6)

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Friday, September 28, 2012 11:15 AM
To: Keller, Mary Beth (EOIR); Rosenblum, Jeff (EOIR)
Cc: Kelly, Ed (EOIR); Scheinkman, Rena (EOIR); Carbone, Nina (EOIR); Weil, Jack (EOIR)
Subject: IJ (b) (6) Off record discussions & lack of advisals remand
Attachments: (b) (6) off record.pdf

Importance: High

Hello Everyone,

I received the attached BIA decision on Friday, (b) (6) In the decision the BIA remands the matter back to IJ (b) (6) because of an allegation that the IJ and DHS decided the case during an off record discussion between the IJ, DHS, and Respondent's counsel. The second basis for the remand is the failure of IJ (b) (6) to give any of the required voluntary departure advisals,

I am concerned about this matter. The Board in its decision references an affidavit that respondent's counsel submitted, but then goes on to say that DHS never responded to the allegation. I do not care what the DHS explanation might be, but an allegation that an IJ is deciding cases off record, and then not recounting the off record discussion on the record is an extremely serious matter! (b) (5) (b) (5) . IJ (b) (6) numerous off record sessions has been a matter of complaint by DHS, and I addressed that with IJ (b) (6) when I visited with (b) during the (b) (6) court site trip.

I will be on leave next Mon. Tues., and Wed. but I would like to discuss this further with you. (b) (5)

Thanks to all!

Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

File: A(b) (6) [redacted] Date: (b) (6) [redacted]

In re: (b) (6) [redacted]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: (b) (6) [redacted] Esquire

ON BEHALF OF DHS: (b) (6) [redacted]
Assistant Chief Counsel

APPLICATION: Cancellation of removal under section 240A

The respondent, a native and citizen of Mexico, has filed a timely appeal of the Immigration Judge's decision issued May 3, 2011, denying his application for cancellation of removal, and granting voluntary departure with an alternative order of removal. The respondent filed a timely brief on appeal. The Department of Homeland Security ("DHS") filed a response brief and motion requesting summary affirmance; however, we find that summary affirmance is not warranted in this case. The record will be remanded.

On appeal, the respondent alleges that the Immigration Judge allowed the DHS to decide the outcome in this case (Respondent's Appeal Brief, at 11-12). Counsel for the respondent attaches an affidavit regarding off-the-record discussions between the Immigration Judge, DHS counsel, and counsel for the respondent. The DHS has not addressed these assertions on appeal. We will remand the record for the Immigration Judge and both parties to review and address these assertions.

Furthermore, the record before the Board does not indicate that the respondent submitted timely proof of having paid the voluntary departure bond. However, it does not appear that the respondent was provided with all the required advisals of the bond conditions relating to voluntary departure when an appeal is filed. *See* 8 C.F.R. § 1240.26(c)(3). Therefore, the record will be remanded for the Immigration Judge to provide a new period of voluntary departure, if appropriate, setting forth the required advisals in his decision, including but not limited to the consequences of failing to timely post bond, or (if an appeal is filed) of failing to timely submit proof of such filing. *Matter of Gamero*, 25 I&N Dec. 164 (BIA 2010).

Therefore, the record will be remanded. Upon remand, the parties may also submit updated evidence regarding the respondent's application for cancellation of removal and any other forms of relief for which the respondent may be eligible at that time.

Accordingly, the following order will be entered.

ORDER: The record is remanded for further proceedings and the entry of a new decision not inconsistent with the foregoing opinion.

Molly Randall Clark

FOR THE BOARD

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
(b) (6) [redacted]

(b) (6) [redacted]

File A (b) (6) [redacted]

May 3, 2011

In the Matter of

(b) (6) [redacted]

Respondent

IN REMOVAL PROCEEDINGS

CHARGE: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (Act), as amended; an alien present in the United States without admission or parole, or who arrived in the United States at any time or place other than as designated by the Attorney General.

APPLICATION: (b) (6) [redacted] cancellation of removal for certain non-permanent residents, and post conclusion voluntary departure.

ON BEHALF OF THE RESPONDENT:

(b) (6) [redacted] Esquire

ON BEHALF OF THE DEPARTMENT OF HOMELAND SECURITY:

(b) (6) [redacted]
Assistant Chief Counsel

ORAL DECISION OF THE IMMIGRATION JUDGE

I. Procedural History

This removal proceeding was initiated by Immigration and Customs Enforcement, a component of the Department of Homeland Security (DHS), issuing to the respondent a Notice to Appear dated July 1, 2002. Exhibit 1. The NTA alleges the respondent is a removable alien under Section 212(a)(6)(A)(i) of

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the ~~Immigration and Nationality Act~~ Act, ~~as amended.~~

Subsequent to the filing of the NTA in Immigration Court various hearings were convened, during which the respondent admitted removability with regards to the aforementioned removal charge. Hence, it is determined by the Immigration Judge that the respondent is removable, pursuant to clear and convincing evidence, with reference to the same charge.

The respondent has declined to designate a country should his removal from the United States ultimately be required. For this reason the Immigration Court has ~~directed~~ designated on behalf of the respondent the country of citizenship, Mexico.

The respondent has disclosed an intention to attempt to lawfully remain in the United States. On this topic, he has withdrawn from further consideration a previously filed Form [redacted] Exhibit 6. The respondent then has disclosed an intention to actively pursue relief from removal consisting of cancellation of removal for certain non-permanent residents on a Form EOIR-42B. Exhibits 13-18.

In the event the respondent is unable to obtain relief from removal permitting him to lawfully remain in the United States, on this basis he is requesting an opportunity to leave the United States by receiving post conclusion voluntary departure.

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It was on February 3, 2010 and May 3, 2011 that individual hearings were convened for the purpose of receiving evidence and evaluating whether there is relief from removal the respondent can be provided as a means for him to avoid removal from the United States.

II. Applicable Law

To prove eligibility for cancellation of removal for certain non-permanent residents, under Section 240A(b)(1) of the Act, an alien must establish their physical presence in the United States continuously for at least the immediate 10 years preceding the issuance date of their NTA. In addition there must be proof of good moral character during the 10-year period ending with the issuance date of a final decision in the removal proceeding. The alien must otherwise establish that their departure from the United States will result in an exceptional and extremely unusual hardship to a spouse, parent, or child who is either a lawful permanent resident or a United States citizen.

To prove eligibility for post-conclusion voluntary departure, under Section 240B(b) of the Act, an alien must establish they can depart from the United States at their own expense; have been a person of good moral character for the five-year period preceding the request for this relief; are not removable under Sections 237(a)(2)(A)(iii) or 237(a)(4) of the Act; have been present in the United States for at least one year prior to the date of service of the NTA; are able to post a

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voluntary departure bond; and previously were not provided voluntary departure after a finding of inadmissibility under Section 212(a)(6)(A) of the Act.

III. Evidence Considered

When addressing the issues regarding this removal proceeding the Immigration Court has relied on all documents in evidence. Exhibits 1-18. Moreover, the Immigration Court ~~likewise~~ has relied on the testimony presented by the witnesses who appeared at the individual hearings convened both on February 3, 2010 and May 3, 2011.

IV. Credibility Determination

In the course of resolving the issues that pertain to this removal proceeding the Immigration Court ~~also~~ has undertaken to assess the credibility of the witnesses who presented testimony. On this topic, the Immigration Court is mindful that whenever witnesses testify it is human nature for their self interest to color what is said in a manner favorable to themselves. Similarly, when testifying witnesses are prone to diminish the importance of considerations that are contrary to their self-interest. Despite these limitations on the ~~value~~ prospect of receiving reliable testimony, ~~in a courtroom,~~ the Immigration Court concludes that each of the three witnesses who testified, either on February 3, 2010 or May 3, 2011, ~~at individual hearings,~~ were credible with reference to all issues of consequence. Still, the Immigration Court notes that even

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credible testimony is but one aspect of the evaluation process when considering whether an alien is entitled to ~~receive~~ relief from removal.

V. Analysis

The Immigration Court first turns to the application presented by the respondent requesting that he obtain authorization to lawfully remain in the United States through cancellation of removal for certain non-permanent residents. Concerning this application, the Immigration Court has seen that there are several eligibility requirements for this relief from removal, that ~~is~~ are not disputed between the parties. Thus, DHS has indicated there is no dispute ~~that~~ the respondent satisfies the 10 year domicile requirement. Further, the Immigration Court has learned of no specific concern by DHS regarding the question of whether the respondent has possessed good moral character for the requisite period, although it nonetheless is observed that the biometric security checks are not current, ~~in this removal proceeding.~~

Additionally, DHS has agreed that the respondent's three qualifying relatives are comprised of his United States citizen spouse and two children. On the other hand, DHS has informed the Immigration Court there is an objection to a contention by the respondent that he has one or more qualifying relatives who will experience an exceptional and extremely unusual hardship with his departure from the United States. It

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is this last eligibility requirement for cancellation of removal for certain non-permanent residents, pertaining to the hardship question, that now requires added scrutiny by the Immigration Court.

As the Immigration Court undertakes the necessary scrutiny of the cancellation-related requirement, the qualifying relatives are seen to fall into two categories. The first category is comprised of the respondent's spouse. The second category is comprised of the respondent's two children. However, there are some relevant factors that these two categories of qualifying relatives share in common. For instance, it is seen that the respondent has a work history in the United States wherein he doubtlessly has acquired work skills that can be utilized in the labor market of Mexico.

The respondent also is considered by the Immigration Court to be healthy and ~~having~~ has no particular limitations with regards to his ability to compete in the labor market of Mexico. The ability of the respondent to compete in the labor market of Mexico is enhanced by his years previously living in that country, that includes an apparently command of the Spanish language spoken in his homeland.

The Immigration Court draws the conclusion from these considerations that the respondent does have the capacity to obtain employment in Mexico that would provide an opportunity for him to meet the economic needs not only of himself, but also the

three referenced qualifying relatives.

Another quality shared by the three qualifying relatives concerns the ~~similar~~ separate opportunity that the respondent's spouse has to be employed in her homeland, Mexico. On this topic, although the spouse of the respondent now is a United States citizen, nevertheless, it is presumed she has a continuing ~~the~~ opportunity to obtain employment in her homeland, Mexico. What is more, the spouse of the respondent is apparently healthy and experiences no limitations that would suggest an inability to be employed in that country. Her years of employment in the United States, of a varied nature, is an indication of her ~~the~~ work skills obtained in the United States that doubtlessly can be utilized in the labor market of Mexico.

The years of education obtained in the United States by her ~~the respondent~~, culminating in a college degree in sociology, is yet another illustration of the extent ~~degree~~ to which the spouse of the respondent will be competitive in the labor market of Mexico. To summarize, the Immigration Court is satisfied that where the respondent is accompanied to Mexico by his three qualifying relatives, the spouse also will have the opportunity to contribute economically to the needs of this immediate family group of four. It then is the further conclusion of the Immigration Court that with a relocation of the respondent and his three qualifying relatives from the United States to Mexico, in that country their economic needs will be fulfilled.

Another factor shared by the three qualifying

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relatives, should the respondent relocate from the United States to Mexico, are family ties in that country ~~that are~~ attributable to him. Here, the Immigration Court relies upon evidence indicating the respondent's parents and ~~as well as~~ two adult siblings remain in the town of his birth in the Mexican state of (b)(6). The understanding of the Immigration Court is the respondent's parents are retired. It is additionally understood that the respondent's brother is employed and engaged to be married ~~and employed~~. The respondent's sister is said to be married and her husband likewise is employed. This family group, already located in Mexico, is viewed by the Immigration Court as a potential resource for the respondent and his three accompanying qualifying relatives to gain assistance from during a ~~as they make the~~ transition from living in the United States to living in Mexico.

The Immigration Court recognizes that yet another factor shared by all three qualifying relatives are assets available for the respondent to exploit in connection with a relocation from the United States to Mexico. To illustrate, the evidence has indicated the respondent possesses two motor vehicles that are owned free ~~and clear~~ of loans. Though the evidence otherwise indicates ~~that~~ the savings of the family is comprised of $1,000, this is an amount that similarly will be of importance when a relocation is likely to involve added costs to the immediate family group.

The Immigration Court next addresses, with greater

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specificity, the two categories of qualifying relatives. Concerning the respondent's spouse, as noted she was born in Mexico and appears to be a competent Spanish speaker. ~~While she~~ Having departed from Mexico at [redacted] years of age, in [redacted] she returned for a visit while accompanied by her older child. Simply put, the Immigration Court is satisfied that the spouse of the respondent has an adequate capability ~~of~~ for coping with adjusting from living in the United States to living in Mexico. ~~in the future.~~

Concerning the respondent's two qualifying relative children, these youngsters likewise share some traits. In particular, both are relatively young and doubtlessly have a great capacity for adjusting from living in the United States to ~~beginning~~ living their lives in Mexico. That both children are accustomed to the languages ~~being~~ spoken in their household, both ~~in~~ Spanish and English, persuades the Immigration Court that the adjustment of the two children to living in Mexico will be ~~the~~ more readily accomplished for this reason.

Another consideration for the Immigration Court is that neither child has had any meaningful participation in a school system due to their young age. This presents the prospect that both children can receive a complete education in one country, Mexico.

Concerning the health of each child, here there are differing considerations. The ~~evidence~~ record indicates there is no dispute the older child, [redacted], enjoys good health. But, there are concerns about the state of health of the younger

child, (b) (6). As the Immigration Court for the moment focuses on (b) (6), it is seen that this child is (b) (6) years of age. The medical history of this child discloses ~~that~~ that earlier there apparently was a congenital heart defect that has now resolved itself without any resulting difficulties currently ~~existing~~ occurring.

~~However,~~ An ongoing medical concern regarding (b) (6) is a non-malignant tumor on the surface of her skin, ~~that~~ otherwise ~~is~~ referred to in the ~~evidence~~ record as a hemangioma. According to the understanding of the Immigration Court, this tumor occurs on both sides of (b) (6). The Immigration Court has devoted considerable time, and interest, to the consideration of what significance this tumor has. This has led to the Immigration Court developing an understanding that, though doubtlessly a cause for concern and requiring treatment, this tumor certainly is not life threatening. Moreover, it is understood that this tumor will have a limited duration with the continuation of medical treatment that is now occurring.

The treatment for this tumor is a single medication, known by the generic name Inderal and more specifically referred to as Propranolol. The Immigration Court is uncertain whether this medication is taken by the child orally or topically. Regardless, the Immigration Court has confidence from the medical evidence of record that the treatment plan for this tumor has been successful.

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The Immigration Court also observes that in the absence of evidence to the contrary, it is presumed ~~that~~ the continued treatment for (b) (6) tumor can occur without interruption in Mexico. Though the testimony presented by the respondent and his spouse suggests there would be great expense where health insurance was not available to subsidize the treatment of ~~this~~ the child's tumor, the ~~medical evidence of~~ record is silent on this point. However, the character of the medical evidence, as this relates to a description of the treatment and periodic physician check-ups that occur, lead to the conclusion that no great financial outlay ~~is~~ will be required ~~for~~ to achieve success in overcoming the child's tumor.

On this basis it is the opinion of the Immigration Court that the tumor (b) (6) currently is diagnosed with has significance, but creates no particular limitation in the life of this child.

For the reasons stated above it is the determination of the Immigration Court that the respondent has failed to meet his burden of proving ~~that~~ he has a qualifying relative who will experience an exceptional and extremely unusual hardship with his departure from the United States. To the contrary, the ~~evidentiary~~ record establishes that with his departure from the United States the three referenced qualifying relatives all will experience nothing greater than the routine and ordinary hardship that occurs when a family group relocates from one country to

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another.

It follows that the respondent must be denied cancellation of removal for certain non-permanent residents as he has failed to meet his burden of proving eligibility to receive this form of relief from removal.

The remaining form of relief from removal sought by the respondent concerns post-conclusion voluntary departure. The Immigration Court considers it noteworthy that DHS does not oppose the respondent receiving this form of relief from removal. The Immigration Court is in agreement ~~that~~ the respondent is entitled to receive post conclusion voluntary departure under the conditions that follow. The respondent must post a $500 voluntary departure bond with DHS by a deadline of May 10, 2011. In the event the respondent does not timely post ~~that~~ this voluntary departure bond, any voluntary departure that otherwise would be available for him to receive ~~occurring~~ after May 10, 2011 will no longer be accessible. Moreover, under this first voluntary departure alternative, after May 10, 2011 the respondent will become the subject of an alternate order of removal from the United States to Mexico.

Should the respondent succeed in timely posting the same voluntary departure bond, with this the respondent will receive a 60-day period of voluntary departure ending July 5, 2011. Under this second voluntary departure alternative, failure of the respondent to voluntarily depart timely will result in his

becoming the subject of the same alternate order of removal from the United States to Mexico after July 5, 2011.

VI. Orders

IT IS HEREBY ORDERED that the respondent shall be denied cancellation of removal for certain non-permanent residents.

IT IS HEREBY FURTHER ORDERED that the respondent shall be granted post-conclusion voluntary departure consistent with the terms of this decision.

(b) (6)

Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before [redacted] in the matter of:

[redacted]

was held as herein appears, and that this is the original transcript thereof for the file of the Executive Office for Immigration Review.

[redacted] (Transcriber)

[redacted]

July 5, 2011
(Completion Date)

Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Monday, October 01, 2012 10:08 AM
To: Newsome, Rachel (EOIR)
Cc: Davis, John (EOIR); Keller, Mary Beth (EOIR)
Subject: (b) (6)

Good Morning Rachel,

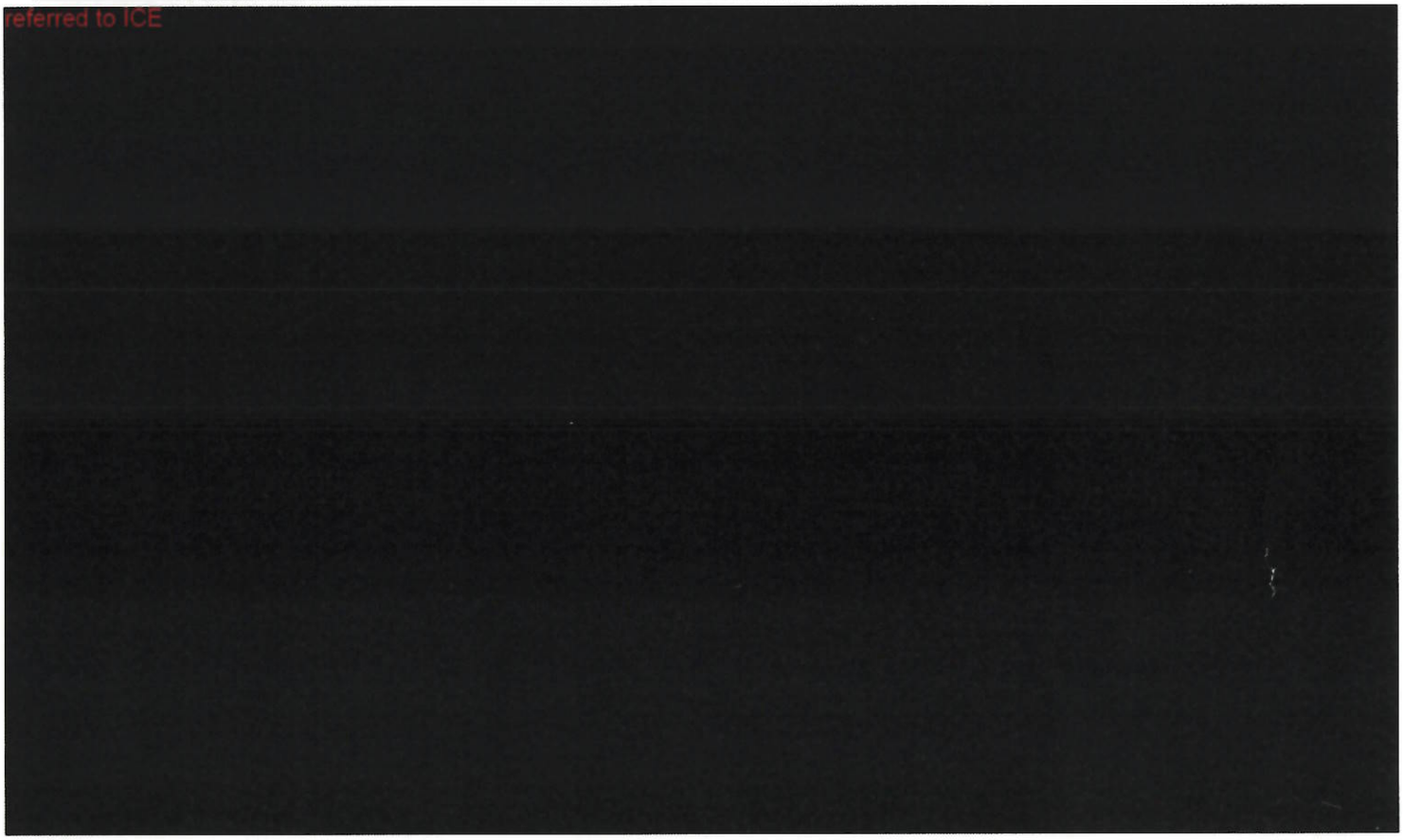
On [redacted], the BIA forwarded the above mentioned ROP to the (b) (6) Court. Per the request of ACIJ MaryBeth Keller the ROP should be forwarded onto ACIJ John Davis for his review.

Thank you
Deborah

Deborah M. Moutinho

Staff Assistant
Office of the Chief Immigration Judge
Executive Office for Immigration Review
(b) (6)

Processing, FOIA (EOIR)



From: Davis, John (EOIR) [mailto(b) (6) @usdoj.gov]
Sent: Thursday, October 04, 2012 11:33 AM
To: (b) (6)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: IJ (b) (6) - BIA remand outlines one of the problems we had discussed during your visit
Importance: High

(b) (6),

Thank you so much for keeping me posted. This is indeed something you mentioned to me when I visited the (b) (6) Court in August, and something I spoke with IJ (b) (6) about. At the time you indicated that you had no evidence to support your assertions. However, when I saw the facts of this case and why it was remanded my interest was piqued!

I have reviewed (b) (6) affidavit. The DHS Counsel in this matter was (b) (6). If (b) (6) has any recall of this case and would like to provide an affidavit I would be very appreciative. Additionally, you indicate that this practice

may be a regular occurrence, if that is the case and you and any of the others DHS trial attorneys would like to provide affidavits I will investigate accordingly.

Than You [redacted] !

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
[redacted]

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referred to ICE

[redacted]

referred to ICE

[redacted]

referred to ICE [redacted]

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Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Thursday, October 04, 2012 3:01 PM
To: Keller, Mary Beth (EOIR); Rosenblum, Jeff (EOIR); Scheinkman, Rena (EOIR)
Subject: RE: IJ (b) (6) - BIA remand outlines one of the problems we had discussed during your visit

Thank You Judge Keller,

(b) (5)

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

From: Keller, Mary Beth (EOIR)
Sent: Thursday, October 04, 2012 12:56 PM
To: Rosenblum, Jeff (EOIR); Scheinkman, Rena (EOIR)
Cc: Davis, John (EOIR)
Subject: FW: IJ (b) (6) - BIA remand outlines one of the problems we had discussed during your visit
Importance: High

(b) (5)

Mtk

From: Davis, John (EOIR)
Sent: Thursday, October 04, 2012 2:33 PM
To: (b) (6)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: IJ (b) (6) - BIA remand outlines one of the problems we had discussed during your visit
Importance: High

(b) (6)

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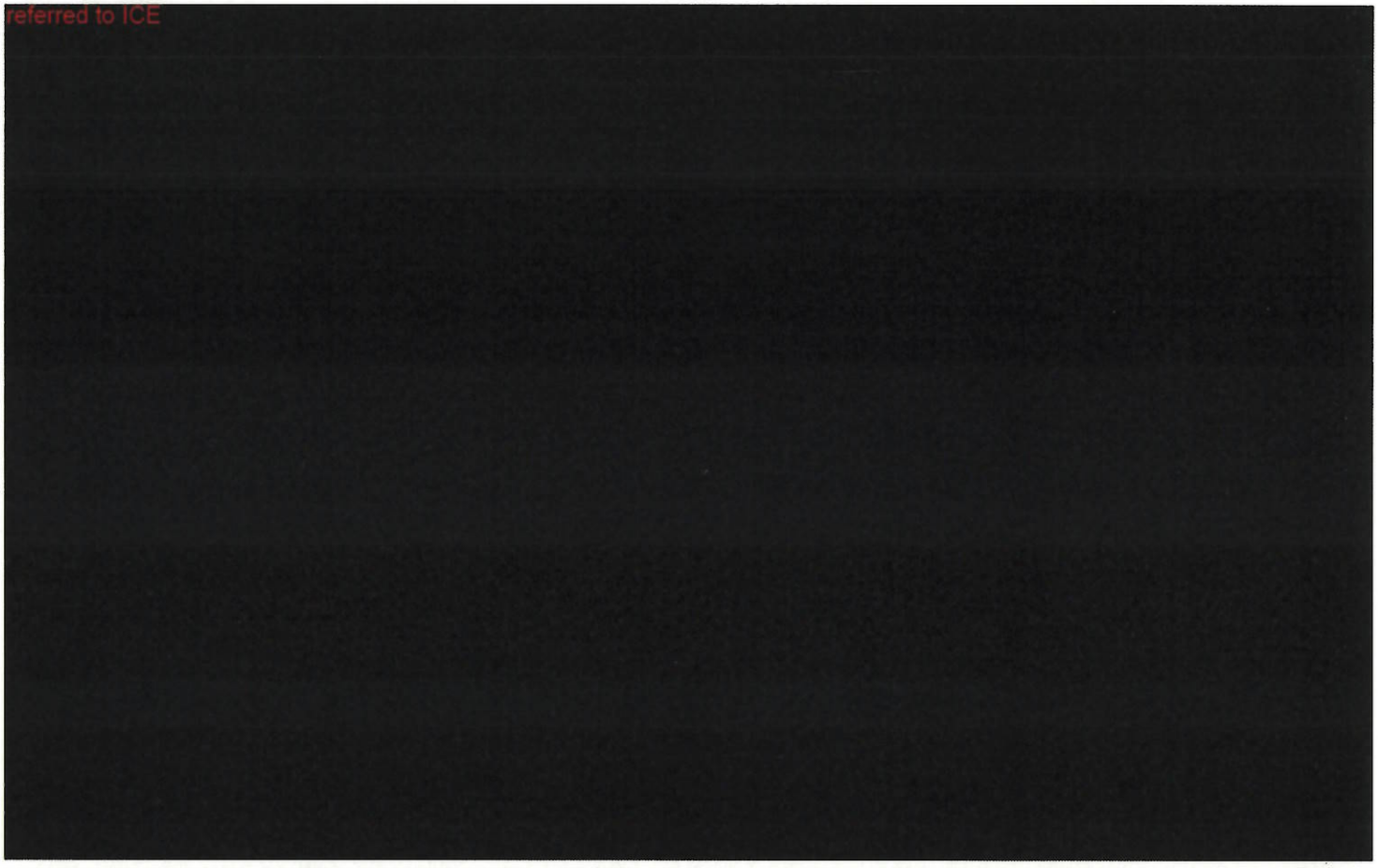
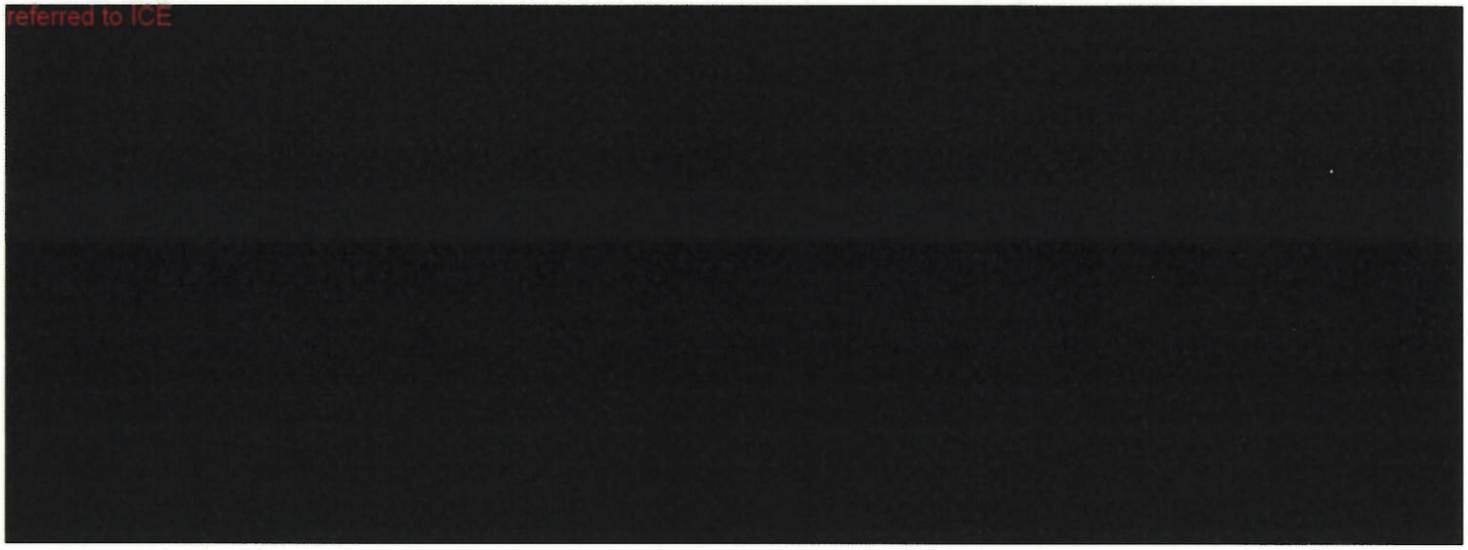
Than You (b) (6) !

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

referred to ICE



referred to ICE



Processing, FOIA (EOIR)

referred to ICE

[redacted]

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From: Davis, John (EOIR) [mailto:(b) (6) @usdoj.gov]
Sent: Thursday, October 04, 2012 11:33 AM
To: (b) (6)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: IJ (b) (6) - BIA remand outlines one of the problems we had discussed during your visit
Importance: High

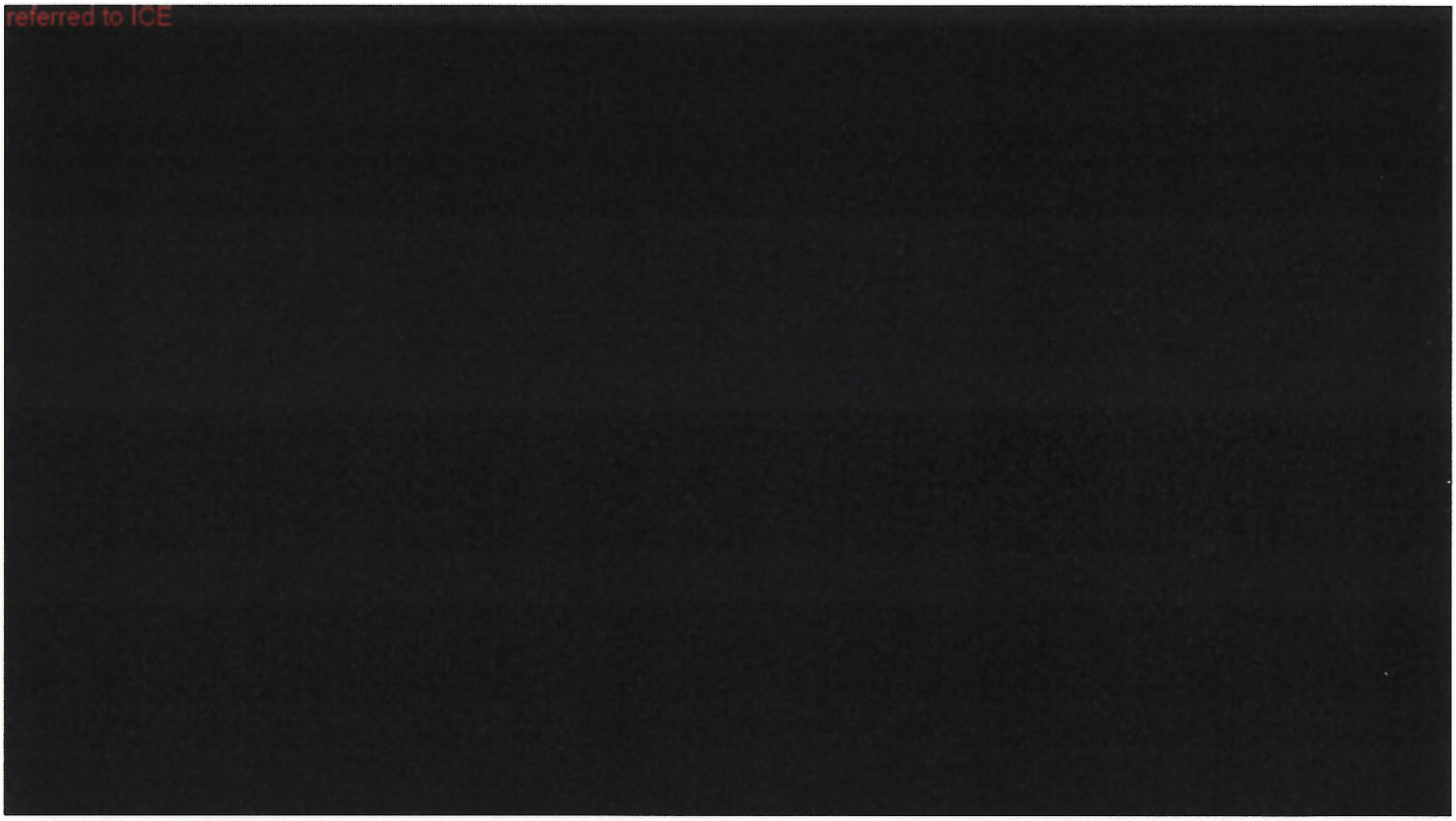
(b) (6)

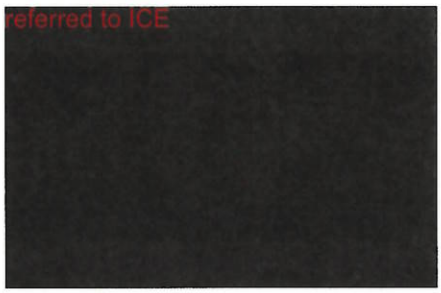
Thank you so much for keeping me posted. This is indeed something you mentioned to me when I visited the (b) (6) Court in August, and something I spoke with IJ (b) (6) about. At the time you indicated that you had no evidence to support your assertions. However, when I saw the facts of this case and why it was remanded my interest was piqued!

I have reviewed (b) (6) affidavit. The DHS Counsel in this matter was (b) (6). If (b) (6) has any recall of this case and would like to provide an affidavit I would be very appreciative. Additionally, you indicate that this practice may be a regular occurrence, if that is the case and you and any of the others DHS trial attorneys would like to provide affidavits I will investigate accordingly.

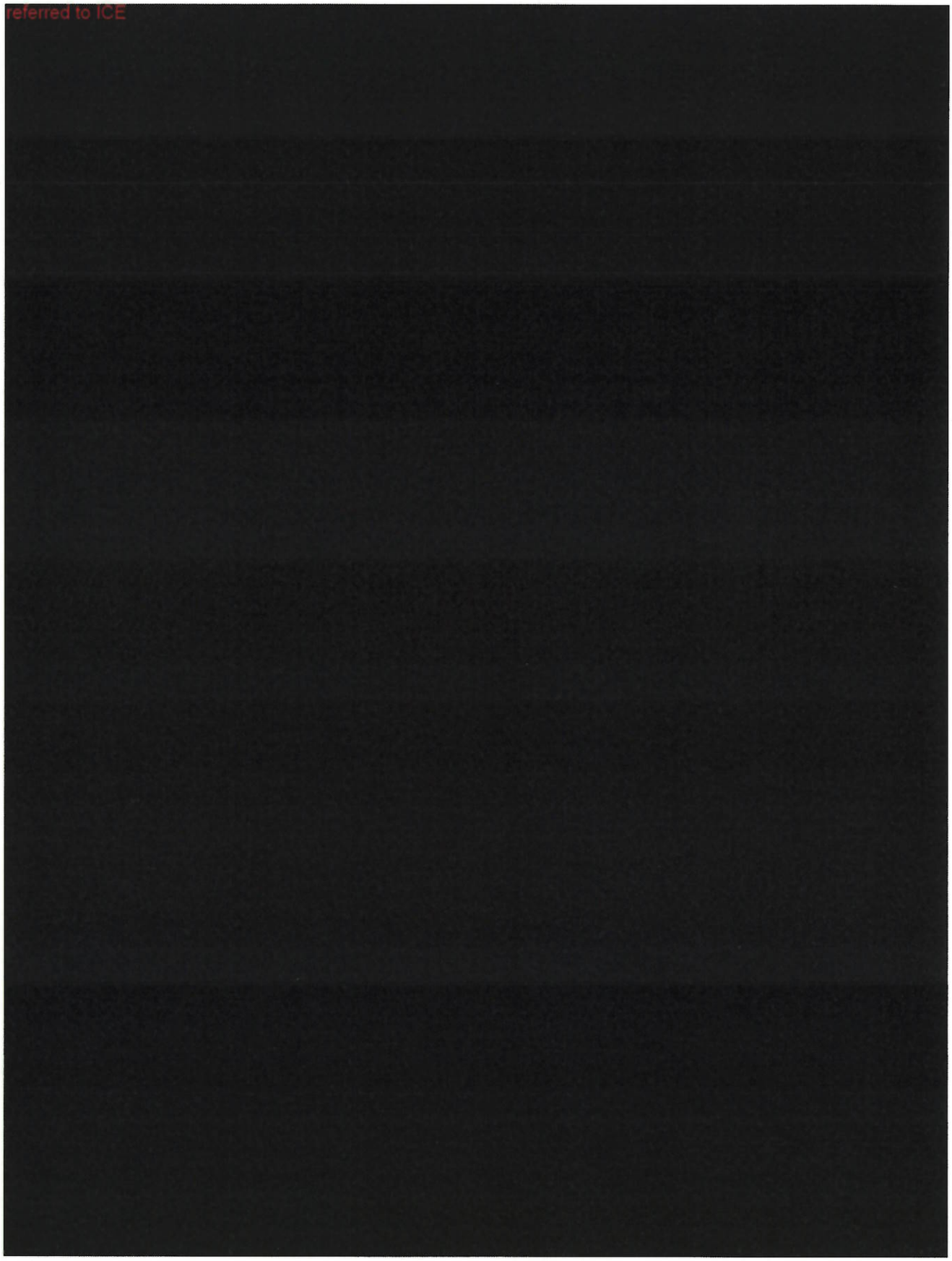
Than You (b) (6)

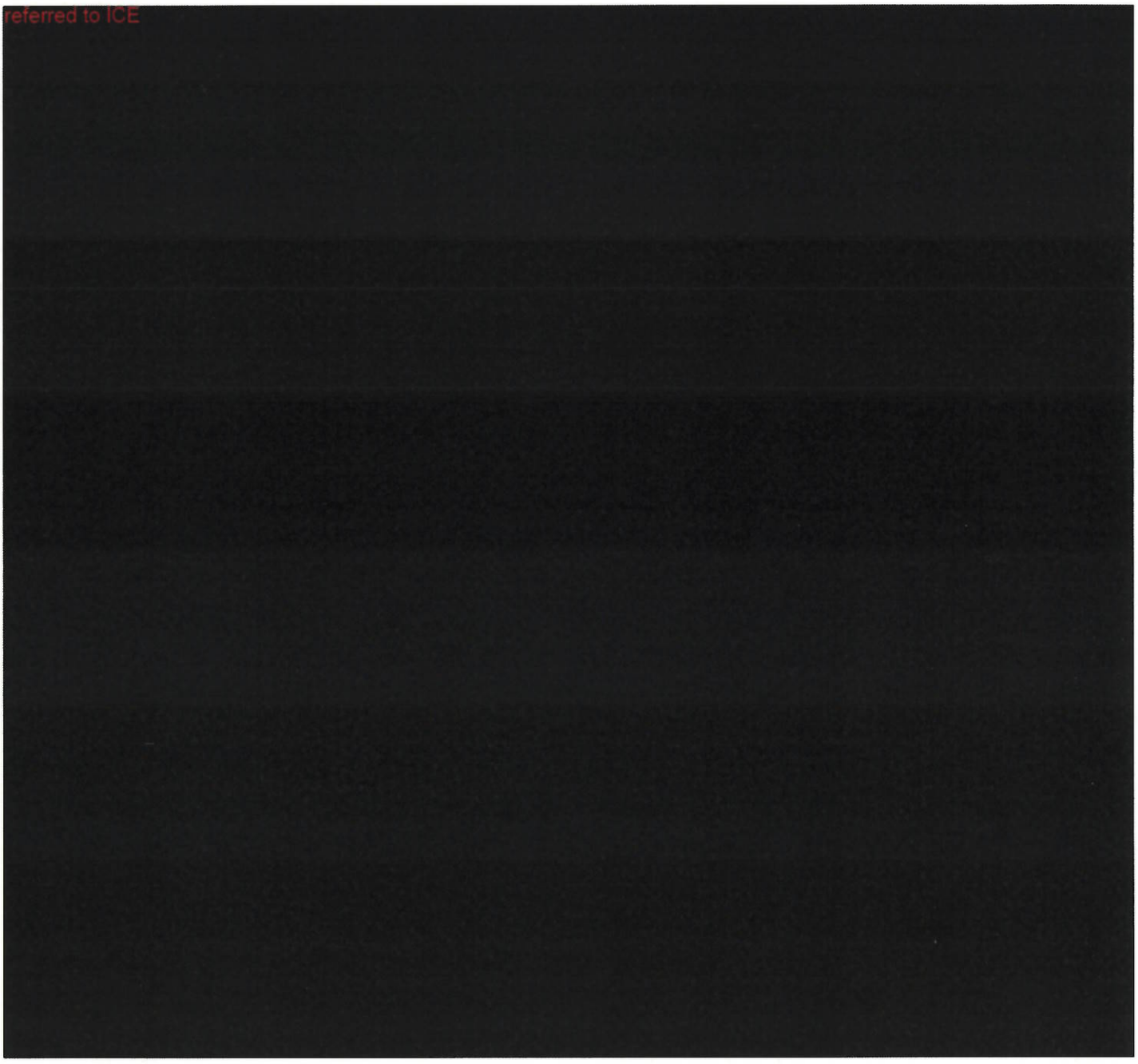
John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)





AFFIDAVIT OF COUNSEL




referred to ICE

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Tuesday, October 09, 2012 6:44 PM
To: Keller, Mary Beth (EOIR)
Cc: Scheinkman, Rena (EOIR); Rosenblum, Jeff (EOIR)
Subject: FW: IJ (b) (6) - BIA remand outlines one of the problems we had discussed during your visit
Attachments: affidavit.doc; (b) affidavit.pdf

Importance: High

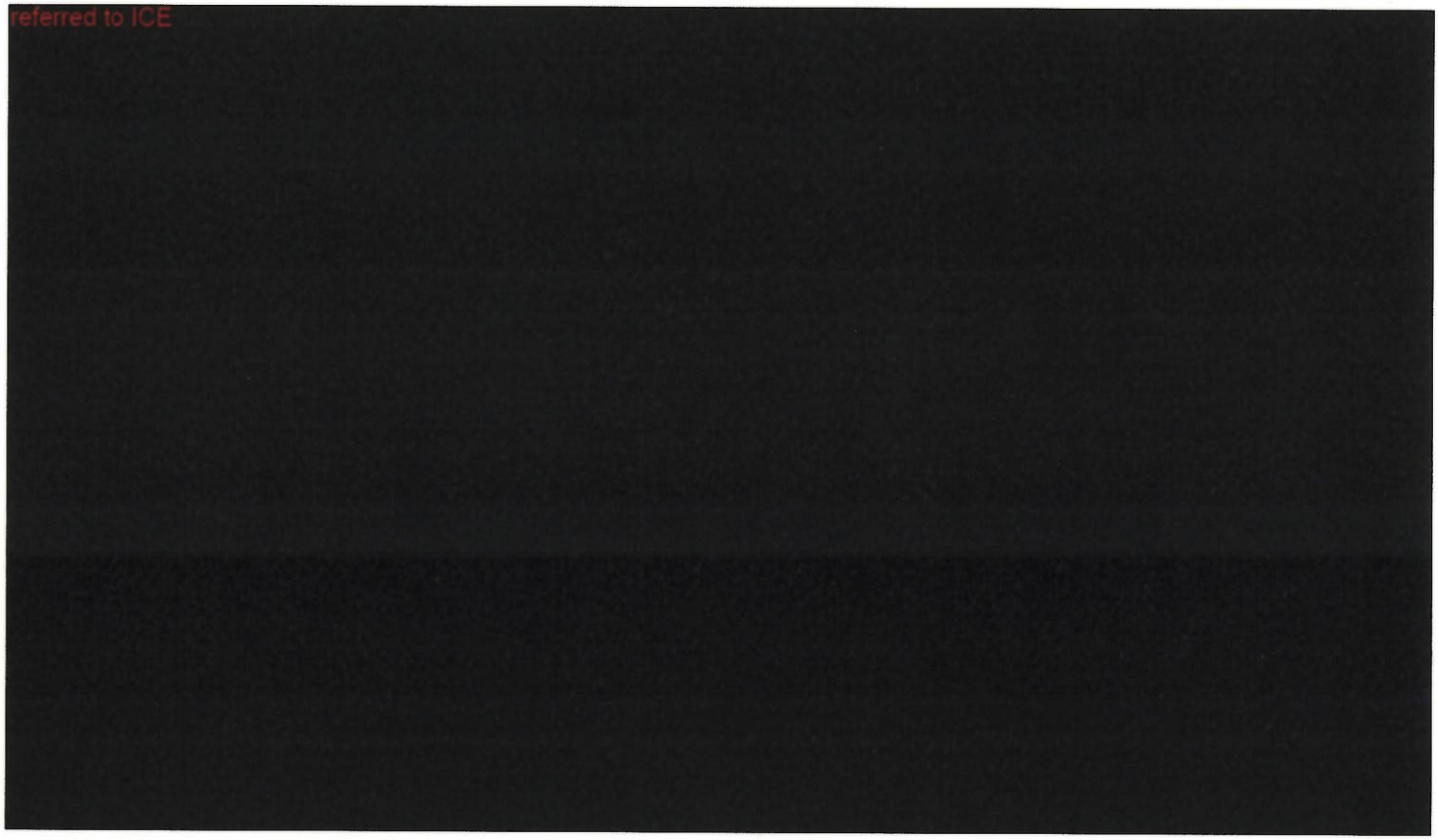
To All,

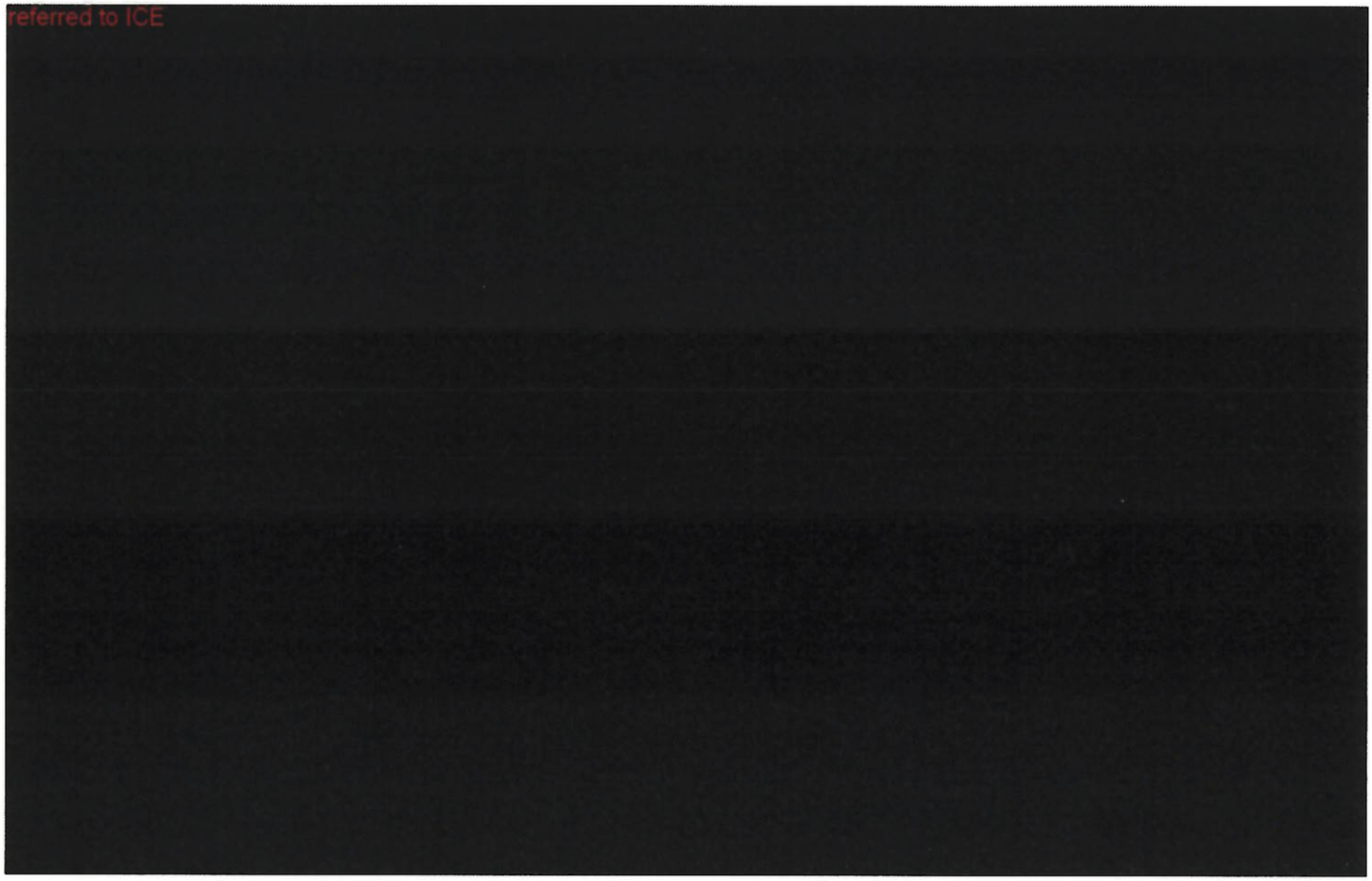
As previously discussed.

Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

referred to ICE





Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Wednesday, October 10, 2012 10:58 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: IJ (b) (6) Off record discussions & lack of advisals remand

No I believe ACIJ Davis pick this one up on his review, I do not have an intake sheet either, just email traffic of trying to locate the record

---

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, October 10, 2012 10:46 AM
To: Moutinho, Deborah (EOIR)
Subject: RE: IJ (b) (6) Off record discussions & lack of advisals remand

D-
This one did not come via the IJC referral process, right?
Mtk

From: Davis, John (EOIR)
Sent: Friday, September 28, 2012 11:15 AM
To: Keller, Mary Beth (EOIR); Rosenblum, Jeff (EOIR)
Cc: Kelly, Ed (EOIR); Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Weil, Jack (EOIR)
Subject: IJ (b) (6) Off record discussions & lack of advisals remand
Importance: High

Hello Everyone,

I received the attached BIA decision on Friday, 28 September 2012. In the decision the BIA remands the matter back to IJ Missing because of an allegation that the IJ and DHS decided the case during an off record discussion between the IJ, DHS, and Respondent's counsel. The second basis for the remand is the failure of IJ Missing to give any of the required voluntary departure advisals,

(b) (5)

I will be on leave next Mon. Tues., and Wed. but I would like to discuss this further with you. I think that upon my return I will need to complete a written directive to Judge Missing citing this case, our conversation and a direction not to conduct any proceedings off record.

Thanks to all!

Regards,

John W. Davis

Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Wednesday, October 10, 2012 11:09 AM
To: Davis, John (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: IJ (b) (6) Off record discussions & lack of advisals remand
Attachments: complaint intake form May 2010.doc

Hello Sir,

Just a reminder I have not gotten an intake sheet on this complaint. Please complete the attached complaint intake form and return it to me.

Thanks
Deborah

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, October 10, 2012 10:46 AM
To: Moutinho, Deborah (EOIR)
Subject: RE: IJ (b) (6) Off record discussions & lack of advisals remand

D-
This one did not come via the IJC referral process, right?
Mtk

From: Davis, John (EOIR)
Sent: Friday, September 28, 2012 11:15 AM
To: Keller, Mary Beth (EOIR); Rosenblum, Jeff (EOIR)
Cc: Kelly, Ed (EOIR); Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Weil, Jack (EOIR)
Subject: IJ (b) (6) Off record discussions & lack of advisals remand
Importance: High

Hello Everyone,

I received the attached BIA decision on Friday, 28 September 2012. In the decision the BIA remands the matter back to IJ (b) (6) because of an allegation that the IJ and DHS decided the case during an off record discussion between the IJ, DHS, and Respondent's counsel. The second basis for the remand is the failure of IJ (b) (6) to give any of the required voluntary departure advisals,

(b) (5) [redacted]

I will be on leave next Mon. Tues., and Wed. but I would like to discuss this further with you. I think that upon my return I will need to complete a written directive to Judge (b) (6) citing this case, our conversation and a direction not to conduct any proceedings off record.

Thanks to all!

Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

HQ Use Only:
complaint #: _____
source: first / subsequent

Immigration Judge Complaint Intake Form

Date Received at OCIJ:

complaint source information

complaint source type

☐ anonymous ☐ BIA ☐ ___ Circuit ☐ EOIR ☐ DHS ☐ Main Justice
☐ respondent's attorney ☐ respondent ☐ OIL ☐ OPR ☐ OIG ☐ media
☐ third party (e.g., relative, uninterested attorney, courtroom observer, etc.)
☐ other: _____

complaint receipt method

☐ letter ☐ IJC memo (BIA) ☐ email ☐ phone (incl. voicemail) ☐ in-person
☐ fax ☐ unknown ☐ other: _____

date of complaint source

(i.e., date on letter, date of appellate body's decision)

additional complaint source details

(i.e., DHS component, media outlet, third party details, A-number)

complaint source contact information

name: _____
address: _____
_____
_____
email: _____
phone: _____
fax: _____

complaint details

IJ name	base city	ACIJ

relevant A-number(s)	date of incident

allegations

nature of complaint

☐ in-court conduct ☐ out-of-court conduct ☐ due process ☐ bias ☐ legal ☐ criminal
☐ incapacity ☐ other: _____

Rev. May 2010

actions taken		
date	action	initials

Processing, FOIA (EOIR)

From: Monsky, Paul (EOIR)
Sent: Thursday, October 18, 2012 3:13 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Question on (b) (6)

Hi, Judge Keller,

I've looked at several dozen of (b) cases, primarily in the last 6 months, that would seem to present the greatest possibility of there having been such an offer (denial of relief after an IC hearing and case appealed), and none of the specific circumstances of those cases suggested that such an offer was made in that case. I'm still reviewing cases to see if I happen on something on a record that suggests the scenario of "I'll grant unless the DHS is going to appeal, in which case I'll deny."

However, related to performance, in one matter I reviewed, IJ (b) (6) dictates (b) decision and then asked if there was any more evidence that was going to be submitted. In two other matters, IJ (b) (6) identified pre-conclusion VD as something the alien was seeking directly after the alien, through counsel, indicated an intention to appeal the IJ's ruling on another issue.

Paul

From: Keller, Mary Beth (EOIR)
Sent: Thursday, October 18, 2012 2:57 PM
To: Monsky, Paul (EOIR)
Subject: Question on (b) (6)

Paul,
Curious whether you've had a chance to look at (b) (6) decisions yet and/or found any with the same problem that we've discussed. Would you let me know either way - thanks.
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge
EOIR/OCIJ
(b) (6)
@usdoj.gov

Processing, FOIA (EOIR)

From: Rosenblum, Jeff (EOIR)
Sent: Thursday, October 18, 2012 6:22 PM
To: Ashton, Robin (OPR)
Cc: Davis, John (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: IJ Referral
Attachments: BIA remand.pdf; (b) Affidavit.pdf; (b) Affidavit.pdf; (b) (6) Affidavit.pdf

Robin,

(b) (5) [redacted]

Please let me know if you have any questions or need additional information. IJ (b) (6) supervisor, Assistant Chief Immigration Judge John Davis, is copied on this e-mail. Thanks,

Jeff

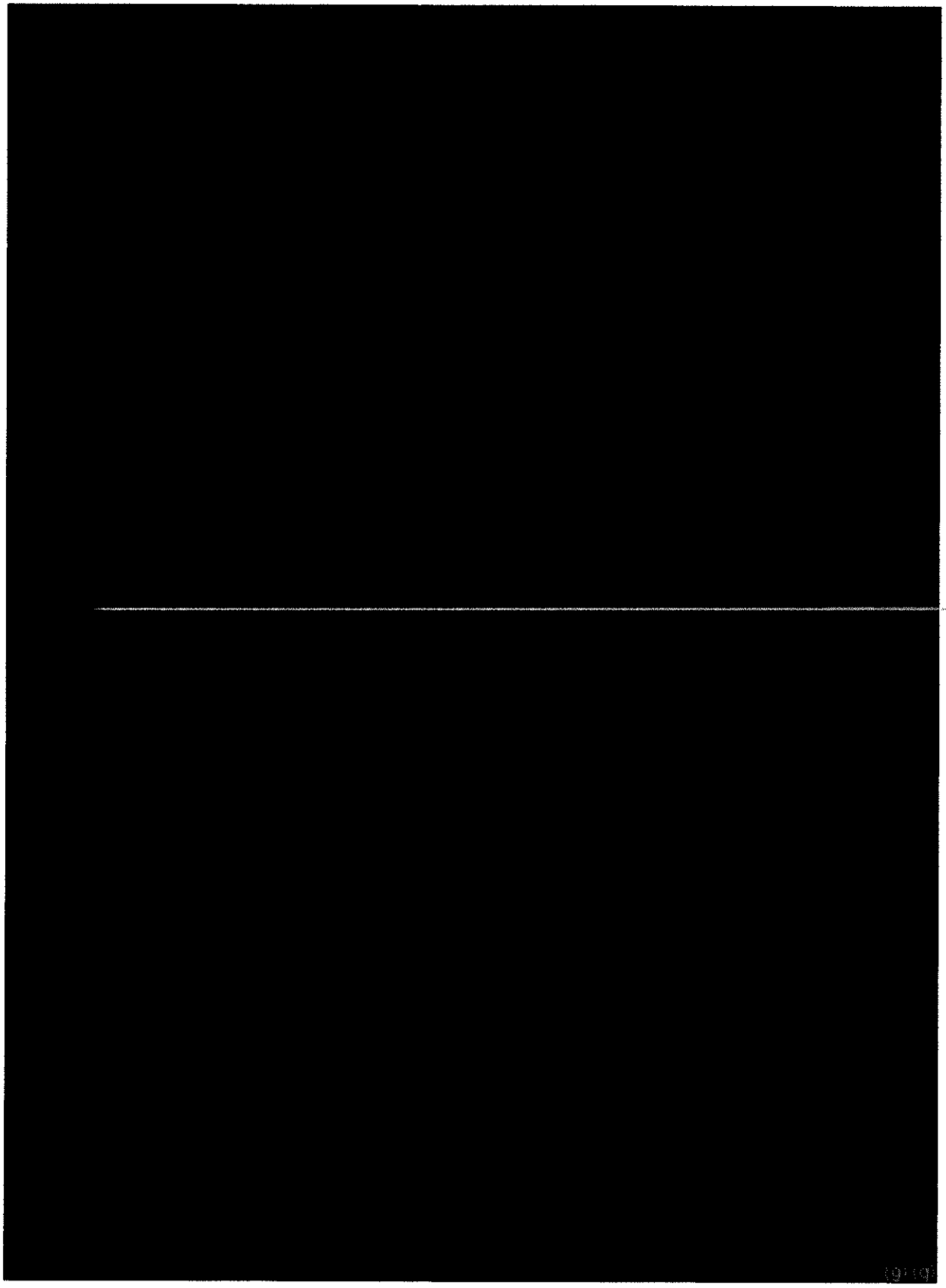
Jeff Rosenblum
Chief Counsel, Employee and Labor Relations Unit
Executive Office for Immigration Review
Office of the General Counsel
(b) (6) [redacted]

2011 AUG 29 PM 2:39

AFFIDAVIT OF (b) (6) [redacted]

(b) (6) [redacted]

(b) (6) [redacted]



[redacted]

I declare, under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

8/22/11

[redacted]

AFFIDAVIT OF COUNSEL

referred to ICE

[redacted]


referred to ICE

Processing, FOIA (EOIR)

From: Scheinkman, Rena (EOIR)
Sent: Monday, February 11, 2013 5:21 PM
To: Keller, Mary Beth (EOIR)
Subject: Fw: IJ Referral
Attachments: BIA remand.pdf; (b) Affidavit.pdf; (b) Affidavit.pdf; (b) (6) Affidavit.pdf

Fyi.

[redacted]

From: Rosenblum, Jeff (EOIR) [mailto:(b) (6) @EOIR.USDOJ.GOV]
Sent: Thursday, October 18, 2012 6:22 PM
To: Ashton, Robin (OPR)
Cc: Davis, John (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: IJ Referral

Robin,

[redacted]

Please let me know if you have any questions or need additional information. IJ (b) (6)' supervisor, Assistant Chief Immigration Judge John Davis, is copied on this e-mail. Thanks,

Jeff

Jeff Rosenblum
Chief Counsel, Employee and Labor Relations Unit
Executive Office for Immigration Review
Office of the General Counsel

Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Tuesday, February 12, 2013 9:47 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: IJ Referral

Yes, this one is in, I will update that it is under review by OPR

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, February 12, 2013 9:39 AM
To: Moutinho, Deborah (EOIR)
Subject: FW: IJ Referral

See attachments on [redacted] for referral and A#s

MaryBeth Keller
Assistant Chief Immigration Judge

From: Scheinkman, Rena (EOIR)
Sent: Monday, February 11, 2013 5:21 PM
To: Keller, Mary Beth (EOIR)
Subject: Fw: IJ Referral

Fyi.

[redacted]

From: Rosenblum, Jeff (EOIR) [mailto:[redacted]@EOIR.USDOJ.GOV]
Sent: Thursday, October 18, 2012 6:22 PM
To: Ashton, Robin (OPR)
Cc: Davis, John (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: IJ Referral

Robin,

(b) (5)

[redacted]

Please let me know if you have any questions or need additional information. IJ (b) (6) ' supervisor, Assistant Chief Immigration Judge John Davis, is copied on this e-mail. Thanks,

Jeff

Jeff Rosenblum
Chief Counsel, Employee and Labor Relations Unit
Executive Office for Immigration Review
Office of the General Counsel
(b) (6)

Processing, FOIA (EOIR)

From: Smith, Charles (EOIR)
Sent: Tuesday, February 12, 2013 12:34 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: (b) (6) short historyfor tomorrow

Thanks.

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, February 12, 2013 9:44 AM
To: Smith, Charles (EOIR)
Cc: Davis, John (EOIR)
Subject: FW: (b) (6) short historyfor tomorrow

Some history on (b) (6) pulled together back when we were last considering a PIP.

MaryBeth Keller
Assistant Chief Immigration Judge

From: Scheinkman, Rena (EOIR)
Sent: Wednesday, July 18, 2012 11:02 AM
To: Davis, John (EOIR); Keller, Mary Beth (EOIR)
Cc: Rosenblum, Jeff (EOIR)
Subject: FW: (b) (6) short historyfor tomorrow

(b) (5) [redacted]

From: Kidd, Larry (EOIR)
Sent: Wednesday, July 18, 2012 10:56 AM
To: Scheinkman, Rena (EOIR)
Subject: RE: (b) (6) short historyfor tomorrow

Rena,

(b) (5) [redacted]

Larry

From: Scheinkman, Rena (EOIR)
Sent: Wednesday, July 18, 2012 8:25 AM
To: Kidd, Larry (EOIR)
Subject: FW: (b) (6) short historyfor tomorrow

Larry:

(b) (5) [redacted]

Thanks,
Rena

From: Scheinkman, Rena (EOIR)
Sent: Wednesday, July 18, 2012 8:18 AM
To: Keller, Mary Beth (EOIR); Davis, John (EOIR)
Cc: Monsky, Paul (EOIR); Rosenblum, Jeff (EOIR)
Subject: RE: (b) (6) short historyfor tomorrow

(b) (5)

[redacted]

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, July 17, 2012 6:00 PM
To: Davis, John (EOIR)
Cc: Scheinkman, Rena (EOIR); Monsky, Paul (EOIR); Rosenblum, Jeff (EOIR)
Subject: (b) (6) short historyfor tomorrow

All,

In order for us to best assess how to proceed with this judge, here is a little history, aside from the "wild animal" comment which seems to call out for its own quick and no nonsense resolution asap:

In 2003, Judge (b) (6) was counseled by (b) then ACIJ, Bobby Owens, for failing to render oral decisions at the conclusion of (b) hearings and (b) was provided specific training on this. A senior judge from (b) (6) at the time, (b) (6), went to observe Judge (b) (6) and provide (b) advice, followed by Judge (b) (6) traveling to (b) (6) to observe Judge (b) (6) conducting hearings.

In 2006/7, Judge (b) (6) was counseled by (b) then ACIJ, Phil Williams regarding (b) practice of not doing a full oral decision, and, (b) was counseled that a written (reserved) decision in a non-detained case was required to be completed within 60 days in a detained case, within 10 days, among other things.

In 2008, Judge (b) (6) received a written counseling / directive from (b) then ACIJ, Mike McGoings, regarding compliance with OCIJ Oral Decision policy directives and Memorandums; resetting of cases simply for oral decision; etc. and was warned that failure to comply with the directives could result in disciplinary action.

(b) (5)

[redacted]

Talk to you all then,
Mtk

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Tuesday, February 12, 2013 5:39 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: IJ Referral

Follow Up Flag: Follow up
Flag Status: Completed

Deborah,

Am I safe to assume that this one is in the DB – I hope?

Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6) [redacted]

From: Keller, Mary Beth (EOIR)
Sent: Monday, February 11, 2013 5:23 PM
To: Moutinho, Deborah (EOIR)
Cc: Davis, John (EOIR)
Subject: FW: IJ Referral

Is this one in the DB?

MaryBeth Keller
Assistant Chief Immigration Judge

From: Keller, Mary Beth (EOIR)
Sent: Monday, February 11, 2013 5:22 PM
To: Scheinkman, Rena (EOIR)
Subject: RE: IJ Referral

Thanks – at least some movement!

MaryBeth Keller
Assistant Chief Immigration Judge

From: Scheinkman, Rena (EOIR)
Sent: Monday, February 11, 2013 5:21 PM
To: Keller, Mary Beth (EOIR)
Subject: Fw: IJ Referral

Fyi.

From: Rosenblum, Jeff (EOIR) [mailto:(b) (6) @EOIR.USDOJ.GOV]
Sent: Thursday, October 18, 2012 6:22 PM
To: Ashton, Robin (OPR)
Cc: Davis, John (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: IJ Referral

Robin,

Please let me know if you have any questions or need additional information. IJ (b) (6) ' supervisor, Assistant Chief Immigration Judge John Davis, is copied on this e-mail. Thanks,

Jeff

Jeff Rosenblum
Chief Counsel, Employee and Labor Relations Unit
Executive Office for Immigration Review
Office of the General Counsel
(b) (6)

Processing, FOIA (EOIR)

From: Smith, Charles (EOIR)
Sent: Wednesday, February 27, 2013 4:46 PM
To: Davis, John (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: BIAv (b) (6) unprofessional # and Respondent's Counsel (b) (6) bullied Respondent # - complaint intake forms and request for a 10 day suspension

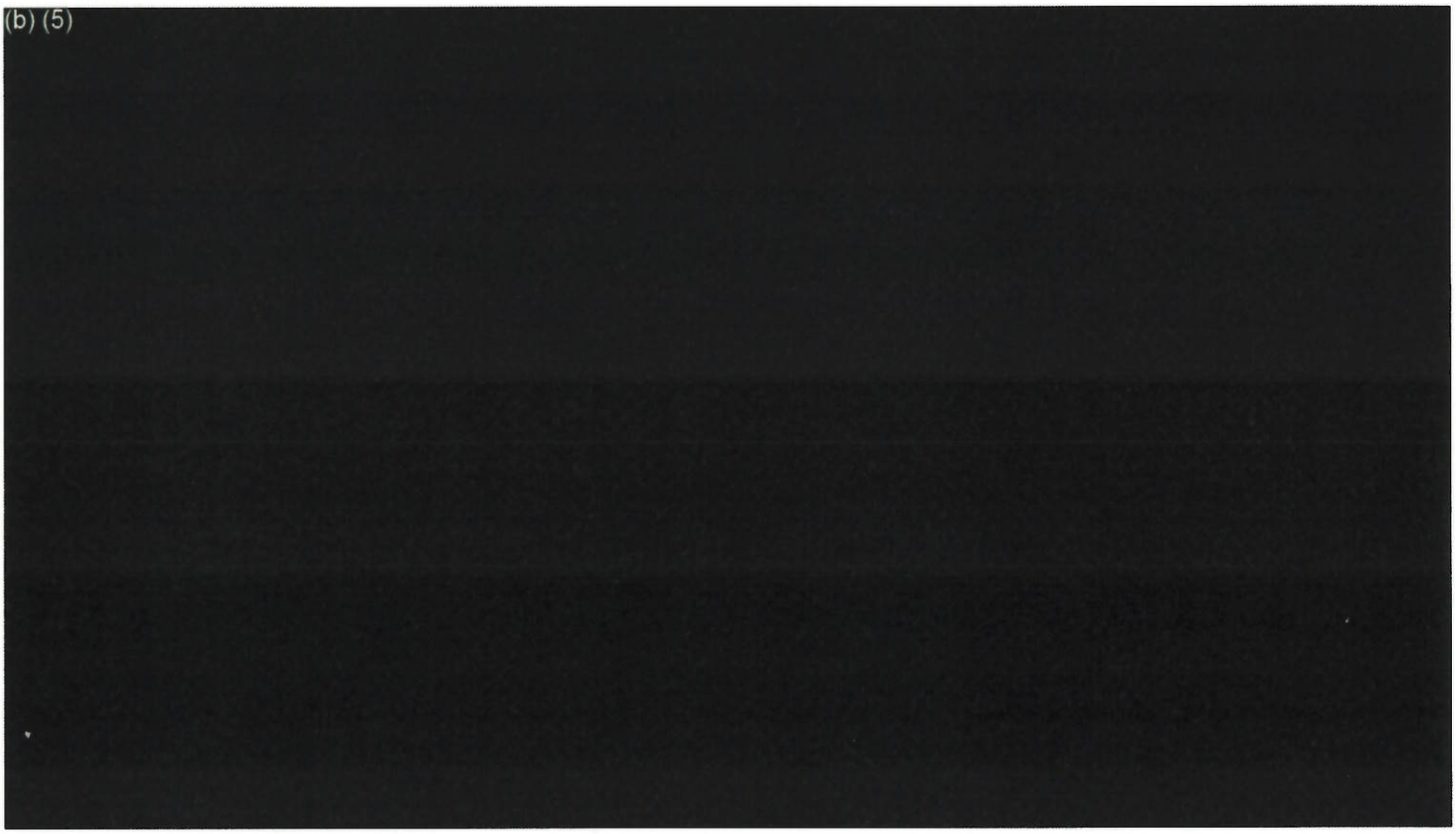
John,

(b) (5)

(b) (5)

[redacted]

(b) (5)



Let me know if you have any questions or concerns. I'd be happy to take a look at your factual "bullets" if that's what you'd prefer.

From: Keller, Mary Beth (EOIR)
Sent: Friday, February 22, 2013 2:30 PM
To: Davis, John (EOIR); Smith, Charles (EOIR)
Cc: Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: BIAv -(b) (6) unprofessional #(b) and Respondent's Counsel (b) (6) bullied Respondent #(b) - complaint intake forms and request for a 10 day suspension

Chip,
John was thinking of heading to (b) (6) the first week of March – I am not certain that we would have a script ready by then – would you let us know your thoughts so he can make later travel arrangements?

John,
(b) (5)

Let me know what you think.
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, February 20, 2013 12:24 PM
To: Davis, John (EOIR); Smith, Charles (EOIR)
Cc: Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: BIAv (b) (6) unprofessional # (b) and Respondent's Counsel (b) (6) bullied Respondent # (b) - complaint intake forms and request for a 10 day suspension

John,

(b) (5)

I am in the office all but Friday next week.

Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

From: Davis, John (EOIR)
Sent: Wednesday, February 20, 2013 12:16 PM
To: Keller, Mary Beth (EOIR); Smith, Charles (EOIR)
Cc: Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: BIAv (b) (6) unprofessional # (b) and Respondent's Counsel (b) (6) bullied Respondent # (b) - complaint intake forms and request for a 10 day suspension

Judge Keller,

Thank You. I am willing to discuss this situation at any time. It appears as though I'll be going to visit the (b) (6) court, and specifically IJ (b) (6), during the first full week of March. it appears as though I'll travel to (b) (6) on 3-3-12, visit the court Monday through Wednesday and return to Denver on Wednesday the 6th. I would like to speak with you and Chip again regarding my conversation with Judge (b) (6), perhaps that can be late next week. I'll keep you all posted.

(b) (5)

Thanks Again,

Regards,

John W. Davis
Assistant Chief Immigration Judge

3130 North Oakland Street
Aurora, CO 80010
(b) (6)

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, February 20, 2013 10:01 AM
To: Davis, John (EOIR); Smith, Charles (EOIR)
Cc: Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: BIAv -(b) (6) unprofessional #(b) and Respondent's Counsel (b) (6) bullied Respondent #(b) - complaint intake forms and request for a 10 day suspension

All,

(b) (5)

(b) (5)

Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

From: Davis, John (EOIR)
Sent: Tuesday, February 19, 2013 4:27 PM
To: Keller, Mary Beth (EOIR); Smith, Charles (EOIR)
Cc: Scheinkman, Rena (EOIR); Elliot, Nina (EOIR); Moutinho, Deborah (EOIR)
Subject: BIAv -(b) (6) unprofessional #(b) and Respondent's Counsel (b) (6) bullied Respondent #(b) - complaint intake forms (b) (5)
Importance: High

Good Afternoon Everyone,

I apologize in advance for the number of attachments hereto and the length of this email. Last week I was at the (b) (6) Immigration Court in (b) (6) implementing the pretrial conference pilot program, and as a result these two incidents are being combined into one email correspondence.

On Friday, February 15, 2013 the BIA published the attached case, the matter of (b) (6), A (b) (6) (b) The case was heard by IJ (b) (6) on 30 December 2011. The respondent was represented by attorney

(b) (6), Judge (b) (6) denied the 42B application but granted voluntary departure. Respondent, through counsel, appealed the IJ decision. A copy of the decision is attached hereto, as is a copy of the complaint intake form. Three Board members; Judge (b) (6); Judge (b) (6); and Vice-Chairman (b) (6), participated in this decision. Among their findings – **"We agree with the Respondent that several statements by the Immigration Judge were unacceptable," "We agree that the IJ's conduct demonstrates a bias and prejudice towards respondent that call into question the fairness of these proceedings,"** the BIA concluded that, **"the Immigration Judge's conduct during the December 30, 2011 hearing was not in accordance with the standards of professionalism required of Immigration Judges and (b) tone was inconsistent with (b) judicial role."** As a result the decision was vacated and **remanded for a new hearing to a different Immigration Judge.**

(b) (5), (b) (6)

[redacted]

If we need to have a telephone conference regarding Judge (b) (6), I am in town most of the week and am available Thursday afternoon and most of Friday.

This misconduct has reached the point where it is a significant and serious concern, I do not believe that Judge (b) (6) should be hearing cases – minimally for 6 months I have attempted to get Judge (b) (6) to correct (b) conduct and (b) is either unable or unwilling, or both, to do so!

Warmest Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Monday, March 25, 2013 3:20 PM
To: Keller, Mary Beth (EOIR)
Cc: Scheinkman, Rena (EOIR); Carbone, Nina (EOIR)
Subject: FW: (b) (6) [redacted]

Importance: High

Good Morning Mary Beth,

I hope that your leave was wonderful! I just wanted to give you a heads up – the below referenced case is the one that was sent to OGC.

Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6) [redacted]

From: (b) (6) [redacted] (EOIR)
Sent: Monday, March 25, 2013 11:28 AM
To: Davis, John (EOIR)
Subject: FW: (b) (6) [redacted]

Hi Judge,

FYI-

This case is on the master docket on Thursday, March 28, 2013. I will keep you posted. thanks!

(b) (6) [redacted]

From: (b) (6) [redacted] (EOIR)
Sent: Monday, October 01, 2012 7:10 AM
To: Moutinho, Deborah (EOIR)
Subject: RE: (b) (6) [redacted]

Hi Deborah,

Thanks, I will keep an eye out for it. Was it sent today? Or earlier? Was is it sent via regular mail or FedEx? I will keep you posted. (b) (6) [redacted]

From: Moutinho, Deborah (EOIR)
Sent: Monday, October 01, 2012 7:08 AM
To: (b) (6) [redacted] (EOIR)

Cc: Davis, John (EOIR); Keller, Mary Beth (EOIR)
Subject: (b) (6)

Good Morning (b) (6),

On (b) (6), the BIA forwarded the above mentioned ROP to the (b) (6) Court. Per the request of ACIJ MaryBeth Keller the ROP should be forwarded onto ACIJ John Davis for his review.

Thank you
Deborah

Deborah M. Moutinho

Staff Assistant
Office of the Chief Immigration Judge
Executive Office for Immigration Review
(b) (6)

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Tuesday, August 26, 2014 3:42 PM
To: Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR); Calderon, Rosario (EOIR)
Subject: IJ Complaint Database

Importance: High

Ms. Moutinho,

This email is to advise you that Immigration Judge (b) (6), of the (b) (6) Immigration Court retired on (b) (6). I believe that there are a few open complaints on Judge (b) (6).

Please advise as to how we should proceed.

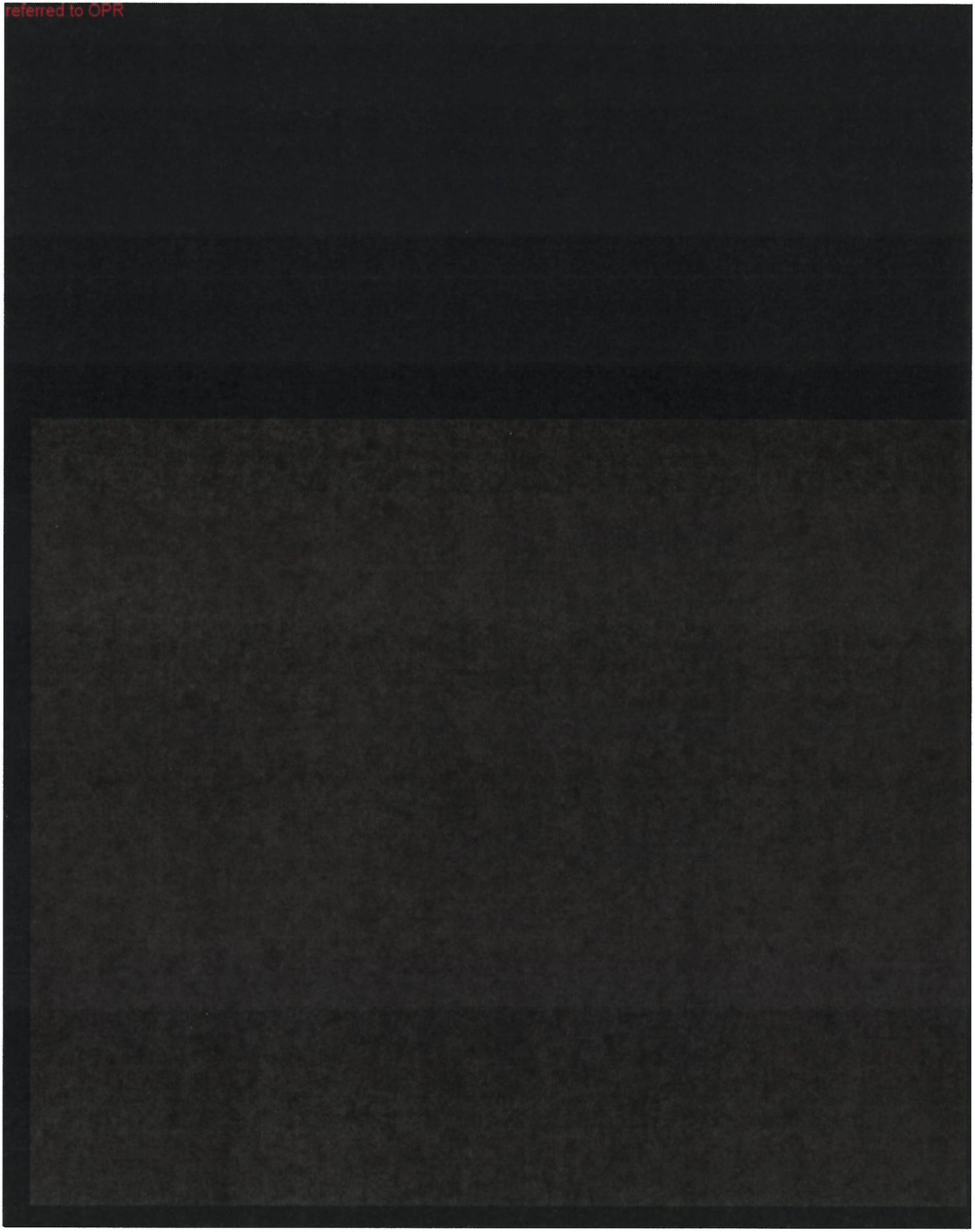
Thank You!

Regards,

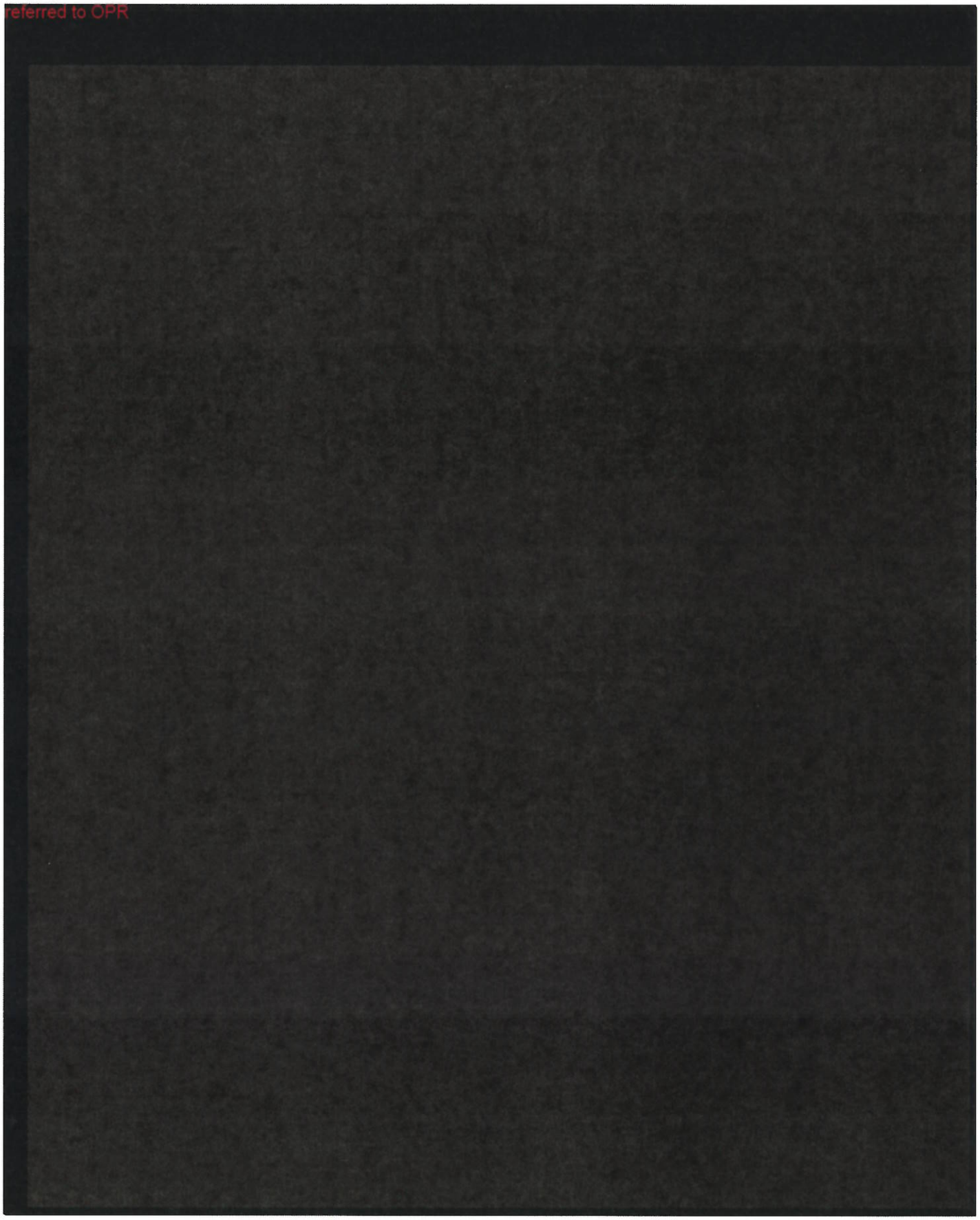
John W. Davis
Assistant Chief Immigration Judge
Executive Office for Immigration Review
United States Immigration Court
(b) (6) ***(Downtown)***
1961 Stout Street. Ste 3101
Denver, CO 80294-3003

Processing, FOIA (EOIR)

From: Rosenblum, Jeff (EOIR)
Sent: Tuesday, August 12, 2014 2:45 PM
To: Keller, Mary Beth (EOIR); Reilly, Katherine - OGC (EOIR); Grandle, Brooke (EOIR)
Subject: (b) (6) OPR
Attachments: DOC017.pdf



referred to OPR



Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Tuesday, March 25, 2014 3:42 PM
To: Keller, Mary Beth (EOIR); Reilly, Katherine - OGC (EOIR)
Cc: Grandle, Brooke (EOIR)
Subject: (b) (6) suspension action
Attachments: TAB 1 - Supension Decision 9 18 2012 for 12-12 3 day susp.pdf; IJ (b) (6) Proposed 3 day suspension 1212.pdf; Clarification and Directives

Importance: High

Mary Beth and Katherine,

Attached are the suspension letters. Please let me know if you need anything further.

Tab 1 contains my letter to (b) (6), Judge McGoings letter to (b) (6) and (b) (6) response. On the 3 day suspension (b) did not respond. Each of the letters reference expected conduct of IJ's by the Chief Judge and the AG.

I have also attached a copy of an email sent to (b) (6) back in Sept. 2012 with specific instructions from me to Judge (b) (6) that (b) subsequently disregarded.

I'll go through me emails once again and see if I can find any further supporting doucmdentation.

Thanks so much!!

Regards,

John W. Davis
Assistant Chief Immigration Judge
Executive Office for Immigration Review
United States Immigration Court
(b) (6) ***(Downtown)***
1961 Stout Street. Ste 3101
Denver, CO 80294-3003

TAB 1

U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

September 18, 2012

Immigration Judge (b) (6)
(b) (6)

Re: Suspension Decision

Dear Judge (b) (6):

By letter dated July 25, 2012, Assistant Chief Immigration Judge (ACIJ) John Davis proposed that you be suspended for one calendar day without pay for inappropriate conduct when you referred to respondents' autistic son as a "wild animal posing as a child" (hereinafter "Proposal," attached hereto as Exhibit A). After requesting and receiving an extension of time to respond to the Proposal, you submitted a written response on September 4, 2012 and supplemented your response with a previously omitted attachment on September 7, 2012 (hereinafter collectively, "Response," attached hereto as Exhibit B).

In making my decision, I considered the Proposal and your Response. Based on my careful review of this information, I find that preponderant evidence supports the charge against you and that a one-day suspension is reasonable under the circumstances.

A. Charge

Preponderant evidence supports the charge of inappropriate conduct. Specifically, on June 20, 2012, you made an off-record comment in open court referring to respondents' autistic son as a "wild animal posing as a child." By your own admission, you made this unsolicited comment to Assistant Chief Counsel (b) (6) and private attorney (b) (6) when you were describing events that had occurred in your courtroom the previous day. *See* Response at 1 ("In off the record prehearing comments I took a moment at the (b) (6) individual hearing to share my nagging concern about what had occurred the preceding day during the (b) (6) master hearing."). In addition to (b) (6) and (b) (6) respondent (b) (6), legal assistant (b) (6) and a contract interpreter were present in the courtroom when you made your inappropriate remark. *See id.*; *see also* Proposal at 1.

Your comment was unsolicited and had no relation to the matter pending before you when you made it.

B. Penalty

In determining the appropriate penalty for your misconduct, I considered the relevant factors set forth in *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981). Your many years in the Federal service weighs in your favor.

I find, however, that your misconduct was serious. The inappropriateness of the comment is apparent on its face—characterizing a child as a wild animal is disgraceful. Indeed, you admit your comment was "foolish and unprofessional." Response at 3. While I am shocked that you made such a statement at all, I am even more disturbed that you made it in open court the following day, after you had time to reflect on the events that apparently so troubled you. Although you claim that your characterization of the child was "never consciously meant to disparage," Response at 3, you failed to recognize the impact of your remarks on those around you—even your intended audience.[1] It is incumbent upon you to monitor your own conduct and live up the standards that the Chief Immigration Judge and the Attorney General expect. As an Immigration Judge you must exercise the highest level of professionalism at all times because the parties are relying on you to adjudicate the proceedings fairly. Making insensitive comments from the bench calls into question the integrity of the proceedings and reflects poorly on you, the court, and the Agency. You seem to recognize as much: "Indeed, this was [a] serious breach of courtroom etiquette that potentially cast both my position and more generally EOIR in an unfavorable light."
Response at 4.

While I am hopeful that in hindsight you seem to understand the magnitude of your misconduct, I am not confident that you will take this lesson to heart and reform your behavior. You have been counseled at least twice in the past to be mindful of what you say and to be conscious of how your conduct in the courtroom is perceived. *See* Proposal at 2. Specifically, in February 2011, your ACIJ counseled you after the Board of Immigration Appeals admonished you for badgering a witness, and in May 2012, your ACIJ counseled you for making comments that were or could be perceived as belittling. *Id.* You have failed to learn from your prior mistakes, despite this clear notice.

Although you admit your misconduct, you believe that a lesser penalty is warranted because of the "suspect motive" of the Assistant Chief Counsel who complained. I disagree. Regardless of (b) (6) motive in bringing this incident to your ACIJ's attention, the fact remains that you referred to respondents' child as a "wild animal." Your comment was unsolicited and made in open court before a completely unrelated matter. You do not dispute

[1] It is improper for you to debrief prior hearings with counsel in an unrelated matter. Should you feel the need to discuss such matters, you should find appropriate resources within EOIR, such as your supervisor or your fellow Immigration Judges. I am troubled by your claimed intent "to express to trusted colleagues (*i.e.*, DHS counsel and a private attorney) a disheartening sequence of events," Response at 1, and "to work through with (b) (6) and (b) (6) a master hearing that still was troubling to me a day later," Response at 3.

those facts or the substance of the complaint [redacted] brought to Judge Davis. Nonetheless, you argue that a one-day suspension "rewards DHS far too much." Response at 4. I do not see it that way. It is your behavior that is the subject of this disciplinary action. And you alone have control over your own conduct.

In considering the appropriate penalty, I have also considered your prior disciplinary history. In 2008, you were issued you a reprimand for failing to comply with your supervisor's direction to issue oral decisions.[2] Proposal at 2.

For all these reasons, I find that the one-day suspension is reasonable and promotes the efficiency of the service. I agree with Judge Davis' assessment that a lesser penalty would be insufficient to impress upon you the seriousness of your misconduct, particularly in light of two prior counselings you received for similar misconduct. While this disciplinary action is meant to correct your misconduct, you should be cautioned that further instances of such behavior could result in more severe discipline or adverse action, up to and including removal from the Federal service.

C. Grievance Rights

You may file a grievance of this discipline. As a member of the bargaining unit represented by the National Association of Immigration Judges (NAIJ), you are subject to the grievance procedures set forth in Article 8 of the collective bargaining agreement between the NAIJ and the Office of the Chief Immigration Judge, Executive Office for Immigration Review.

Sincerely,

Michael C. McGoings

Michael C. McGoings
Deputy Chief Immigration Judge

cc: ACIJ John W. Davis

[2] In 2008, I was your Assistant Chief Immigration Judge, and I issued you the letter of reprimand. *See* Attachment 2 of Proposal.

EXHIBIT A

U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

July 25, 2012

Immigration Judge (b) (6)
(b) (6)

Re: Proposed One-Day Suspension

Dear Judge (b) (6)

This letter is notice that I propose that you be suspended from your position of Immigration Judge for one calendar day without pay. This proposal is in accordance with 5 C.F.R. Part 752 and is taken to promote the efficiency of the Federal Service. This proposed suspension is based on your inappropriate behavior in your position as an Immigration Judge.

Part I explains the charge of inappropriate conduct and discusses the evidence upon which this proposed suspension is based. Part II discusses the factors that I considered in proposing the penalty for your conduct. Part III outlines the procedures for responding to this notice of proposed suspension.

I. CHARGE – INAPPROPRIATE CONDUCT

On June 20, 2012, you made an off-record comment in open court in reference to an incident that occurred during a hearing the day before in the consolidated cases A(b) (6) & A(b) (6) Specifically, you referred to respondents' autistic son as a "wild animal posing as a child." *See* Attachment 1. This comment was made while the parties and counsel were convened in the courtroom for individual hearing in *Matter of* (b) (6) A(b) (6) and Assistant Chief Counsel (b) (6) respondent (b) (6) private attorney (b) (6) (b) (6) legal assistant (b) (6) and a contract interpreter were all present in the courtroom. *See* Attachment 1. This matter came to my attention as a complaint from the Assistant Chief Counsel who was present in your courtroom when the statement was made. Other witnesses present in the courtroom have corroborated that you made the "wild animal" statement.

II. PENALTY

In determining the appropriate penalty, I considered that you have been an Immigration Judge since 1997 and that you have been in the Federal Service for over thirty years. Your long-time service weighs in your favor.

However, this factor is outweighed by the seriousness of your conduct. Your reference to the autistic son of a pair of respondents who had appeared before you as a "wild animal posing as a child" was insensitive at best, and falls short of the behavior expected of an Immigration Judge. Even more contemptuous was that you made the statement in open court, prior to the start of an unrelated hearing, and in earshot of parties, counsel, court staff, and a contract interpreter. *See* Attachment 1.

Chief Immigration Judge Brian O'Leary has routinely stressed that Immigration Judges set the standard for appropriate conduct and professionalism. It is crucial to remember that Immigration Judges represent the Attorney General before the parties and the public in their courtrooms. Making insensitive comments from the bench—whether on the record or not—cannot be tolerated because it reflects poorly on the court and the Agency and calls into question your impartiality as an adjudicator. You should be mindful of the impact your comments and actions have on the people in your courtroom. At all times, you should comport yourself with the honor that comes with your position as an Immigration Judge and gauge your comments and behavior as if Attorney General himself is sitting in your courtroom.

In addition to considering the seriousness of your misconduct, I have considered that this is not the first time you have made inappropriate remarks from the bench. In fact, former ACIJ Bette Stockton counseled you in February 2011 after the Board of Immigration Appeals flagged portions of a hearing transcript as inappropriate badgering of a witness. Prior to that, ACIJ Jeffrey Romig counseled you in May 2010 for making statements that were or could be perceived as belittling. Accordingly, you have been on notice that you need to be mindful of what you say, and conscious of how your conduct in the courtroom is perceived.

I have also considered your prior disciplinary history. Specifically, you received a reprimand in 2008 for failing to comply with your supervisor's direction to issue oral decisions. Attachment 2.

Finally, I considered whether a lesser penalty would suffice to impress upon you the seriousness of your misconduct. Based on my considerations discussed above, however, I believe that a one-day suspension is the appropriate corrective action for your misconduct. In my opinion, a lesser sanction would be insufficient to deter this misconduct in the future. In fact, I strongly considered proposing a longer suspension based on the seriousness of your misconduct and the impact your misconduct has on the public's perception of the court. However, while serious, this was a single incident; and, in keeping with the concept of progressive discipline, I believe that a one-day suspension is reasonable and necessary for the efficiency of the service. Nonetheless, I caution that if I get any evidence that you are retaliating against the Assistant Chief Counsel who complained, or any other witness to your misconduct, further disciplinary action will be considered.

IV. **PROCEDURE**

Deputy Chief Immigration Judge (DCIJ) Michael McGoings will make the final decision regarding this proposal. Within 20 calendar days from the date that you received this letter, you may respond to DCIJ McGoings orally and/or submit affidavits and documentary evidence to support your response. Consideration will be given to extending the time for your reply, if you submit a written request to DCIJ McGoings within ten calendar days after receipt of this letter stating your reasons for your request. No final decision on this proposal will be made until after your reply, if any, is received and considered. This letter does not affect your present duty or pay status.

In responding to this proposal, you have the right to an attorney or other representative of your choice. Should you choose to designate a representative, if a current Department of Justice employee, will be allowed a reasonable amount of official time to review the material relied upon in support of this proposed action and to prepare and present a response.

If you feel that you have a personal or medical problem that may be related to the misconduct on which this suspension is based or that it impacting your performance or behavior at work, you may contact the Employee Assistance Program (EAP) for the Offices, Boards and Divisions of the Department of Justice. The range of services EAP offers can be found at the following EOIR Intranet webpage: www.usdoj.gov/jmd/ps/eapbrochure.htm. You can reach the EAP office by calling 1-800-626-0385. Your participation in EAP is strictly voluntary.

Sincerely,

John W. Davis
Assistant Chief Immigration Judge

cc: Michael C. McGoings, Deputy Chief Immigration Judge

Attachments

Please acknowledge receipt of this letter:

(b) (6) [redacted]

Date

ATTACHMENT 1

ATTACHMENT 2

U.S. Department of Justice
Executive Office for Immigration Review
Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

MAY 27 2008

Honorable (b) (6)
Immigration Judge
(b) (6)

Judge (b) (6),

On March 3, 2008, I directed you to comply with "OPPM 93-1: Immigration Judge Decisions and Immigration Judge Orders" dated May 17, 1993; and a Memorandum entitled "Delivering Oral Decisions in Immigration Court" dated April 17, 2003. (Enclosure). This direct order was based on continued criticisms from the Office of the Deputy Chief Counsel, Immigration and Customs Enforcement (ICE), that you were not rendering oral decisions at the conclusions of hearings, although the above-referenced policies require you to do this.

During my site visit to the (b) (6) Court on March 19 - 20, 2008, upon meeting with the ICE Deputy Chief Counsel, (b) (6) I learned that you were still hearing cases without rendering oral decisions. You confirmed this to me during this same site visit that there were cases that had come before you where you had not issued an oral decision because neither side intended to file an appeal. I pointed out to you that this action by you was contrary to both of the above-referenced policies and to the direct order issued to you by me on March 3, 2008. For this reason, I am issuing this letter of reprimand. Future incidents of misconduct may result in further discipline, up to and including removal.

A copy of this letter of reprimand will be placed in your Official Personnel Folder and will remain for a maximum of three years.

You may file a grievance of this discipline. As a member of the bargaining unit represented by the National Association of Immigration Judges (NAIJ), you are subject to the grievance procedures, Article 8, of the collective bargaining agreement between the NAIJ and the Office of the Chief Immigration Judge, Executive Office for Immigration Review.

You may file an EEO complaint only if you believe this action is based on discrimination because of race, sex, color, religion, age, physical or mental handicap, national origin, retaliation, sexual orientation or parental status. If you elect to file a formal EEO complaint, you must contact an EEO counselor within forty-five calendar days from your receipt of this letter. Information about how to contact an EEO Counselor can be obtained from the Executive Office

for Immigration Review's EEO Officer, Wanda Smith, at [redacted] (or in her absence Andrew Press, at [redacted]). More information about contacting a counselor can be found on the EOIR Intranet at http://eoirweb/component/ogc/empres/eeo/eeoattenposter.pdf

If you appeal this decision, you must elect to do so under only one of the procedures described above. You are considered to have made an election when you timely file a grievance or a formal EEO complaint. You have the right to be represented by an attorney or other representative of your choice through either of these processes.

Should you have any questions or need assistance in this matter, you may contact Larry Kidd, Office of General Counsel, Employee/Labor Relations Unit, at [redacted]

Sincerely,

Michael C. McGoings

Michael C. McGoings
Assistant Chief Immigration Judge

cc:
D. Neal, Chief Immigration Judge
L. Kidd, Human Resources Specialist

EXHIBIT B

Date: September 4, 2012

To: Michael McGoings, Deputy Chief Immigration Judge

From: (b) (6), Immigration Judge

Subject: Proposed One Day Suspension

My intention herein is to provide a balanced explanation of the circumstances involving the incident that recently led Assistant Chief Immigration Judge (ACIJ) John Davis to issue notice of an Executive Office for Immigration Review (EOIR) proposal to suspend me without pay for one day. This is not intended to suggest I am without fault. After all, EOIR has indicated a comment made by me was inappropriate. This agency opinion is the paramount consideration. With the benefit of hindsight I have sincere regrets concerning my controversial comment. Still, little has been said about the circumstances surrounding that comment. I believe illuminating these circumstances provides a useful context for evaluating what actually took place.

The day that preceded my comment was scheduled for master hearings on June 19, 2012 where 40 to 50 cases were addressed. These master hearings were convened in (b) (6) as part of a five day hearing trip. The master hearing involving my comment concerns the consolidated case of two respondents, Matter of (b) (6) and (b) (6) represented at the time telephonically by a law office in (b) (6) As this case went forward on June 19, 2012 there were a number of difficulties. The case currently is rescheduled to another master hearing.

The day after the (b) (6) and (b) (6) master hearing I had an all day individual hearing scheduled on June 20, 2012 in Matter of (b) (6) that likewise involved a Form I-589 relief application. Those in attendance at the individual hearing included me, the court clerk, a French interpreter, the respondent, his representative (b) (6) and DHS representative (b) (6) In off the record prehearing comments I took a moment at the (b) (6) individual hearing to share my nagging concern about what had occurred the preceding day during the (b) (6) and (b) (6) master hearing.

In my June 20, 2012 courtroom comments I spoke specifically to (b) (6) and (b) (6) but the others I have identified were in the courtroom as well. My comments were intended to express to trusted colleagues a disheartening sequence of events during the (b) (6) and (b) (6) hearing of the previous day. I commented about the range of problems at that master hearing, including the press of time felt late in the day and also a telephonic link that necessitated the use of one microphone on the small desk serving as a court bench. I commented this microphone had to be used to record whatever was said by means of an ordinary telephone speaker, with the result that statements from (b) (6) could not be easily heard in the (b) (6) courtroom at either counsel table. Other difficulties I recounted about that master hearing concerned an unexpected double substitution of the respondents' representative. The result was the representative I addressed by telephone had neither been in contact with the respondents nor filed a Form E-28 notice of representation. In my later comments to (b) (6) and (b) (6) I recalled that to obtain the needed Form E-28 necessitated faxing and

refaxing to a DHS office in a distant part of the building where the courtroom was located. I additionally explained in my subsequent comments of June 20, 2012 that during the effort at convening the previous (b) (6) and (b) (6) master hearing there was the sudden recognition only one of the two respondents was in the courtroom. At that moment in the master hearing I had no understanding of the second respondent. What I did know was a middle aged female respondent sat quietly in front of me. Her representative apparently knew no more than what I could convey by telephone. The court clerk then commented that the second respondent was in the courtroom lobby. Given my lack of knowledge about both, I asked that the missing second respondent be brought into the courtroom.

As my comments the next day indicated, at the (b) (6) and (b) (6) master hearing I next saw on June 19, 2012 the male second respondent holding the hand and walking with a large boy perhaps eight to ten years of age. Once in the courtroom the boy began calling out to his mother, the first respondent, in shrieks as she remained at a counsel table. While walking forward with the second respondent the boy acted immaturely and repeatedly shrieked at his mother, creating such a disruption it obviously would have been impossible to convene a hearing while he was present. For this reason I indicated there was nothing to do besides ask that this boy leave the courtroom. To this point no one else had commented since the boy entered the courtroom, doubtlessly because we all were startled by his behavior. As the boy was forcibly taken out by the male second respondent, the behavior displayed became predictable. The boy first clung to a counsel table chair, then clung to the railing, then did the same with a visitor gallery chair and all the while he continued to shriek for his mother who still sat at a counsel table. It was in the midst of this upheaval that the female respondent made her first utterance, which was a revelation for me. The short statement indicated her son was autistic.

Before this first statement by the female respondent fully 30 minutes had elapsed since the efforts had begun to convene a master hearing. During all of this time I had no inkling the boy was autistic. Candidly, I thought he appeared simply to behave very badly. Once I learned the boy was autistic my thoughts shifted focus to the discomfort the respondents doubtlessly felt because of the disruption their son had caused. I also thought about the remarkable manner in which one master hearing start- up problem after another had unfolded without any forthcoming explanation that the respondents' son accompanying them was autistic. These thoughts led me to conclude this master hearing was shaping up to be one of the most unsatisfactory I could recall.

Again, it was the following day at the (b) (6) individual hearing of June 20, 2012 that I openly contemplated in casual prehearing comments the disturbing (b) (6) and (b) (6) master hearing events recited above that had occurred. In this context I also commented to (b) (6)

and (b) (6) that during the same master hearing, between the time the boy entered the courtroom and when I later learned he was autistic, my attempt to understand what I was witnessing had been completely erroneous. Thus, to (b) (6) and (b) (6) I characterized my initial master hearing impression to have been that the child behaved like a little wild animal posing as a boy. I hasten to add this characterization was meant only to convey to my trusted colleagues (b) (6) and (b) (6) the complete misunderstanding I initially had, and which became recognizable as such only after it was finally explained by his mother the boy was autistic. My reference to the child having the appearance of a little wild animal posing as a boy never was consciously meant to disparage. Instead the intention was to convey to (b) (6) and (b) (6) my original misguided state of mind and the deep dismay felt when belatedly I was given the correct understanding for the boy's behavior.

My present explanation is not meant to excuse the unsophisticated comment I made about the boy in (b) (6) and (b) (6) in the courtroom at the (b) (6) individual hearing on June 20, 2012. That anyone, particularly in EOIR, considers my errant characterization of the boy to have been ill-advised and intemperate has caused me to first consider this criticism and then agree. Indeed, the comment was foolish and unprofessional. Nevertheless it remains equally true the comment was not intended by me to merely regale listeners or diminish the dignity of an impaired person. Rather, I was attempting, albeit inappropriately, to work through with (b) (6) and (b) (6) a master hearing that still was troubling me a day later.

As an aspect of the present explanation it becomes necessary to acquaint you with why I have concern regarding the evident motive for (b) (6) presenting (b) (6) to EOIR as an aggrieved individual who found it necessary to complain about my June 20, 2012 comment. To explain, the all day individual hearing of June 20, 2012 in (b) (6) was the second of three separate all day hearings in that case. The first of these all day hearing in April 2012 saw (b) (6) represent the respondent and present six hours of direct examination. It next became necessary for the court staff to schedule a second individual hearing that both parties, including DHS representative (b) (6) agreed would last all day for cross-examination of the respondent. Ultimately it was decided by the court staff that out of necessity the second all day individual hearing in (b) (6) would occur on June 20, 2012. After that hearing notice was issued, (b) (6) filed a motion for a continuance of the second individual hearing. (See Attachment A) As explained in the order I issued on June 13, 2012, that DHS motion to continue was denied. (See Attachment B)

The persistent pique of DHS, for failing to obtain a continuance of the second (b) (6) individual hearing convened on June 20, 2012 as originally scheduled, became unmistakable when the hearing was convened. It was at this second individual hearing that (b) (6) made an appearance as the DHS representative. (b) (6) verbally motioned early on during the

hearing that both the previous DHS written motion to continue and the subsequent denial order I had signed both be admitted into evidence. (b) (6) motion was granted. Again, I point out it had been known since April 2012 that DHS would begin cross-examining the respondent once the second individual hearing began. Despite this understanding, when asked to begin her cross- examination at the June 20, 2012 individual hearing (b) (6) stated DHS had no questions for the respondent. In this manner it awkwardly was left for me to resolve at the second individual hearing uncertainties about the testimony presented by the respondent at the first individual hearing. Moreover, (b) (6) did not explain her apparent failure to adequately represent DHS during the June 20, 2012 hearing. This DHS pattern of behavior more recently was repeated at the third all day individual hearing in (b) (6) convened August 29, 2012. On this last occasion the DHS representative was (b) (6) who similarly declined to meaningfully participate. (b) (6) did not offer an explanation for his inaction as the DHS representative.

The minimum participation tactic utilized at successive individual hearings by (b) (6) and (b) (6) suggests an animosity towards me developed in the case of (b) (6) that has evolved into a DHS resolve to complain about my admittedly ill conceived comment concerning the autistic boy the separate case of and (b) (6) and (b) (6) It is the overlap of events that makes this connection clear. Simply put, DHS has chosen to seek comeuppance for my failure to grant a continuance of the June 20, 2012 hearing in (b) (6) by engaging in a smug "gotcha" scenario whereby my comment concerning the (b) (6) and (b) (6) case, also on June 20, 2012, now is intentionally misconstrued in an effort for that second case to become actionable by EOIR against me.

I point out once more that my intention herein is not to excuse lamentable conduct involving an errant comment. Indeed, this was s serious breach of courtroom etiquette that potentially cast both my position and more generally EOIR in an unfavorable light. Perhaps it will suffice for me to express my sincere regret and acknowledge achieving a far greater understanding of how a careless comment can be quite damaging, including to me. However, for EOIR to carry out penalizing me in an unnecessarily harsh manner rewards DHS far too much where there legitimately is a suspect motive for the complaint that initiated this current EOIR action. The (b) (6) DHS motivation seeks to punish me as an immigration judge for not agreeing that their request for a continuance is the highest priority in the scheduling of EOIR cases. This raises a fundamental question of which agency controls the Immigration Court docket in (b) (6) DHS or EOIR?

Based on the considerations recited above I request an off-set from the penalty ACIJ John Davis has proposed I receive for my comment concerning the autistic boy in (b) (6) and (b) (6) As you perhaps recognize, the humiliation I feel for that comment has been a more than ample

penalty from my standpoint. What I urge is that EOIR see this incident as an opportunity to breathe life into our agency's recent acknowledgement that a proposed penalty for questionable professional conduct by an immigration judge can be modified downward to take into account mitigating factors as occur here.

I am grateful for your thoughtful consideration of this explanation.

(b) (6)

Immigration Judge
(b) (6) Immigration Court

ATTACHMENT A

To be presented when available, no later than September 7, 2012.

ATTACHMENT B

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
(b) (6)

IN THE MATTER OF:	**In Removal Proceedings**
	Docket: (b) (6)
(b) (6)	**File No.:** A(b) (6)
Respondents.	
	Date: June 13, 2012
On Behalf of the Respondent	**On Behalf of DHS**
(b) (6)	(b) (6) Assistant Chief Counsel Immigration and Customs Enforcement Department of Homeland Security (b) (6)

DECISION OF THE IMMIGRATION COURT

The (b) (6) Immigration Court does not take issue with the concerns expressed by the Department of Homeland Security's (DHS) Assistant Chief Counsel (ACC) (b) (6) in his motion to continue filed June 5, 2012. Indeed, it is the policy of Immigration Courts throughout the United States to attempt to accommodate efforts by DHS to present the same ACC at successive individual hearings involving a case. Not only does such a policy benefit DHS, potentially the alien and the Immigration Court are benefitted by such an arrangement as there then is an expectation of greater continuity of the agency's courtroom effort.

When rescheduling a case for a subsequent individual hearing the (b) (6) Immigration Court does consider the needs of both parties. While it is the alien's counsel who more frequently is key to approval of a particular proposed hearing date, the interests of DHS receive equal consideration. But, periodically the hearing date preference of a party has to be sublimated to other considerations concerning the satisfactory administration of this Immigration Court's increasingly burdensome caseload.

The respondent's case has a disconcerting profile that has become all too familiar. To explain, it was on June 15, 2010 that the first individual hearing was scheduled to occur on April 21, 2011. But, when the hearing was convened the Immigration Court determined the disjointed and

(b) (6) A(b) (6)

seemingly confused nature of the respondent's proposed documentary evidence necessitated that he further prepare so his Form I-589 claim was more comprehensible. For this reason the next individual hearing was convened on April 19, 2012.

The Immigration Court's scheduling of the April 19, 2012 hearing became difficult because there was agreement this would be an all day individual hearing rather than a more common half day hearing. Despite the presumed best efforts of the parties, the April 19, 2012 hearing only accomplished the presentation of the respondent's testimony on direct examination. On this basis the parties then agreed that a second all day individual hearing now is necessary to hopefully complete the evidentiary presentations and other courtroom case processing tasks.

The Immigration Court did not immediately reschedule this case for another individual hearing following the conclusion of the hearing convened on April 19, 2012. The delay occurred due to the Immigration Court's recognition that there was an assortment of considerations to be taken into account regarding the pending scheduling of a second individual hearing. These variables included: 1) a need for the respondent's counsel (b) (6) to agree to his future hearing availability; 2) a need for DHS counsel (b) (6) to agree to his future hearing availability; 3) a need to identify on the court's calendar the courtroom time to be set aside for another hearing, despite the absence of openings for months into the future; 4) a need of the Immigration Court to convene the next scheduled individual hearing as quickly as reasonably could occur to avoid overly prolonged litigation; and 5) ongoing concern of the Immigration Court that the pending second individual hearing likewise will not satisfy the courtroom time needs demanded by this case, a circumstance that could entail a third individual hearing in the more distant future.

The competing priorities of this case have been weighed by the Immigration Court. This has resulted in a determination that the consideration having the highest priority when rescheduling a second individual hearing is the willingness of (b) (6) to substitute two prior half day hearing schedulings, where he also is the counsel, to provide for the needed second all day hearing concerning the respondent addressed herein. This consideration is the highest priority, among the aforementioned scheduling considerations, primarily because with this course of action months of delay that otherwise would occur can be avoided. In addition, this course of action creates certainty that (b) (6) is available to participate at the next individual hearing now scheduled for June 20, 2012 at 8:00 a.m.

Of course this scheduling outcome understandably is unsatisfactory for ACC (b) (6) On this topic, the Immigration Court has taken into account mitigating factors that occur. First, it is not uncommon for the staff of the DHS counsel's office in (b) (6) to share and/or exchange cases between themselves. In fact the organization of that office assumes different counsels will work on the same case with the passage of time. Second, the court record of this case, including documents in evidence and a recording of all hearings, is readily accessible to either party for purposes of their preparation. Third, it is the DHS counsel's office that determines assignments for their staff at the venue of this case in (b) (6) Therefore, perhaps an exchange of assignments can occur to

(b) (6) A(b) (6)

enable ACC(b) (6) to participate at the currently scheduled second individual hearing to convene on June 20, 2012.

In the future this Immigration Court will continue with a policy of approving any continuance motion either party files where good cause is proven. For the reasons stated, on balance good cause has not been proven to grant the current DHS motion to continue.

Accordingly, the following order shall be entered:

IT IS HEREBY ORDERED that DHS's motion to continue is **DENIED.**

(b) (6)
Immigration Judge

CERTIFICATE OF SERVICE
SERVICE BY: Mail (M) Personal Service (P)
TO: [ ] DHS [ ] Alien [ ] Alien's Attorney
DATE:
BY: Court Staff

Date: September 7, 2012
To: Michael McGoings, Deputy Chief Immigration Judge
From: (b) (6), Immigration Judge
Subject: Proposed One Day Suspension Without Pay

On September 4, 2012 I filed to your attention an answer to the agency notice of proposed one day suspension without pay. That answer included a reference to Attachment A. However, the document comprising this attachment previously was not available. Consequently, I now am providing you that missing document. Kindly place this document in the pages of the answer as I have indicated. Your attention to this detail is appreciated.

(b) (6)

Immigration Judge
(b) (6) Immigration Court

NON-DETAINED

(b) (6)
Chief Counsel
(b) (6)
Deputy Chief Counsel
(b) (6)
Assistant Chief Counsel
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
(b) (6)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
(b) (6)

In the Matter of:

(b) (6)

In removal proceedings

File No.: A(b) (6)

Immigration Judge (b) (6)

Next Hearing: June 20, 2012

DEPARTMENT OF HOMELAND SECURITY EMERGENCY MOTION TO CONTINUE

Exhibit 14 (b) (6) 6-20-12

MOTION TO CONTINUE

The Department of Homeland Security (DHS) requests that the removal hearing be rescheduled. Within the last two weeks court staff contacted the undersigned and I informed the court that I had two (b) (6) cases to complete, A(b) (6) and A(b) (6), where we had taken extensive testimony in both. The court bumped the PM case, A(b) (6) on the afternoon of April 19, 2012, in the hope of completion of the morning case, A(b) (6) but we only managed to complete direct exam. Both cases belong to attorney (b) (6)

When it became evident that I needed to complete both case because of the issues involved, I coordinated with the Deputy Chief Counsel and confirmed that my earliest opportunity would be in 2013. Other trial attorneys are already assigned for the next six trips by the court to (b) (6) The court staff informed me that IJ(b) (6) earliest trip in 2013 is in February and I assumed that these cases would be docket for completion during that trip.

Today I was informed by trial attorney, (b) (6) that she learned today that A(b) (6) (b) (6) was scheduled for June 20, 2012.

THE DHS COUNSEL WHO HANDLED THE PRIOR HEARING IS IN THE BEST POSITION TO REPRESENT DHS

The respondent's case, A(b) (6) presents a different profile than typical asylum claims in this jurisdiction in that it involves more than one country and both countries are unlike the norm for cases that we usually see. Consequently, it requires extensive preparation in areas that we have little background experience. The undersigned DHS counsel has been assigned to this case from the outset and was last at the hearing on April 19, 2012, during a six hour hearing where counsel for the respondent completed direct testimony. The case was reset for the undersigned to conduct cross examination when it became evident that the respondent was too

[1] On 8 Dec 2011 we had an all-day hearing in A(b) (6) where we took telephonic testimony from two witnesses, one working in (b) and the other in (b) (6) It too is an involved case and raises issues regarding whether the alien is (b) (6) After taking the testimony of the two witnesses on 8 Dec 2011, that case was reset to the afternoon of 19 Apr 2012, when all parties would be available to take the respondent's testimony. Unfortunately, on 19 Apr 2012, A(b) (6) was bumped when the court decided that it would complete A(b) (6) that day. Neither case got completed.

exhausted to continue. I have a number of areas that need to be covered during cross examination and passing the task on to a different attorney for DHS would be unfair. Unfortunately, the case is not at a stage where it would be feasible to pass on to another DHS trial attorney.

DHS COUSEL SCHEDULED FOR THE 20 JUNE HEARING IS AT AN EXTREME DISADVANTAGE

DHS counsel (b) (6) is at an extreme disadvantage if required to prepare for the June hearing. The court did not ask either the undersigned or (b) (6) if the court's proposed date would work for both parties. (b) (6) would unnecessarily be required to request and listen to the court tapes/CD of the hearing and review a very extensive administrative file before the June hearing. Even after review, she will not have had the benefit of listening to the alien's story in preson and comparing it to the country background conditions and his documentary evidence presented.

Accordingly, DHS requests that the case be continued to any date when all parties are available to participate.

Respectfully submitted on this 5th day of June 2012.

(b) (6)

CHARLES W. BACCUS
Assistant Chief Counsel

(b) (6)
File No.: A(b) (6)

PROOF OF SERVICE

The undersigned hereby declares as follows: I am a citizen of the United States over the age of 18 years and not a party to the captioned action. My business address is(b) (6) (b) (6) I served a true and correct copy of the foregoing document by placing said copy by regular mail on June 5, 2012, to:

(b) (6)

(b) (6)

(b) (6)

U.S. Department of Justice

Executive Office for Immigration Review

Denver Immigration Court

621 17th Street, Room 300
Denver, Colorado 80293

December 10, 2012

Immigration Judge (b) (6)
(b) (6)
[redacted]

Re: Proposed Three-Day Suspension

Dear Judge (b) (6) :

This letter is notice that I propose that you be suspended from your position of Immigration Judge for three calendar days without pay. This proposal is in accordance with 5 C.F.R. Part 752 and is taken to promote the efficiency of the Federal Service. This proposed suspension is based on your inappropriate behavior in your position as an Immigration Judge (IJ)

Part I of this letter provides some background relevant to this proposal. Part II enumerates the charge and discusses the evidence upon which this proposed suspension is based. Part III discusses the factors I considered in proposing the penalty for your misconduct. Part IV outlines the procedures for responding to this notice of proposed suspension.

I. BACKGROUND

On September 18, 2012 you received a one-day suspension for your inappropriate conduct on the bench when, on June 20, 2012, you made an off-record comment in open court referring to respondents' autistic son as a "wild animal posing as a child." In his suspension decision, Deputy Chief Immigration Judge Michael McGoings warned: "It is incumbent upon you to monitor your own conduct and live up to the standards that the Chief Immigration Judge and the Attorney General expect. As an Immigration Judge you must exercise the highest level of professionalism at all times because the parties are relying on you to adjudicate the proceedings fairly. Making insensitive comments from the bench calls into question the integrity of the proceedings and reflects poorly on you, the court, and the Agency." Tab 1 at 2. DCIJ McGoings went on to caution: "While this disciplinary action is meant to correct your misconduct, you should be cautioned that further instances of such behavior could result in more severe discipline or adverse action, up to and including removal from the Federal service." *Id.* at 3.

Less than one month after receiving that suspension, you engaged in additional instances of inappropriate conduct on the bench, as detailed below. You can access these recordings through the Digital Audio Recording (DAR) system on your government computer.

II. CHARGE

CHARGE I: INAPPROPRIATE CONDUCT

Specification 1

On October 11, 2012, you presided over a merits hearing of a *pro se* respondent in A(b) (6) From my review of DAR, you intimidated and frightened the respondent throughout the hearing. In addition, serious questions remain as to whether she fully understood the proceeding, which you conducted in English, despite the fact that at several points in the hearing she indicated that she did not understand you, and the electronic record (Case Access System for EOIR, or "CASE") identifies her primary language as Arabic. You began the hearing threatening the respondent that she could be deported as a result of her late arrival at the hearing. Throughout the hearing you appeared frustrated with the respondent, raised your voice, and admonished her for not cooperating. You derided the respondent for giving seemingly contradictory responses related to whether she is married. DAR (10/11/12) at 9:50-12:30. It is apparent from the exchange that the respondent was confused by your questioning, and she did not fully understand what you were asking. Nonetheless, you prevented her from explaining or expressing her confusion, and instead you chastised her for giving contradictory testimony. At several points during the hearing, you asked the respondent a question and then told her to stop interrupting you when she attempted to answer. *See, e.g., id.* at 15:16-15:34. At the end of the hearing, you admonished that respondent should obtain counsel prior to the next merits hearing because she had indicated she was "not trustworthy" based on the apparent contradictory testimony about whether she was married, and you warned that you were "not very confident . . . that [she is] going to be successful with [her] application ." *Id.* at 23:33-23:52 and 27:00-28:02.

Specification 2

On October 11, 2012, you presided over a merits hearing of two unrepresented respondents in the consolidated cases A(b) (6) and A(b) (6). The hearing was translated for the respondents by a Mandarin-speaking interpreter who was appearing by phone. Throughout the hearing you expressed your frustration with how long it was taking to get answers to your questions, and you interspersed unnecessary and demeaning comments. For example, at DAR (10/11/2012) 13:00, you explained: "I'm not going to take as long as you would like to discuss how you live your life." Later, in response to the respondent's comment that he "understood," you retorted that you were not asking whether he understood and chastised him: "I'm not training you, sir. I'm having you answer questions." *Id.* at 14:50-15:50. You later griped: "I also understand that you're insisting that I teach you immigration law. That's not my responsibility." *Id.* at 27:00-27:46. And then you touted your own credentials: "I'm familiar with cases such as yours. I don't know how many more than 100 I've had, but it's a few hundred." *Id.* at 29:36-29:52.

In both specifications detailed above, your conduct on the bench was rude, condescending, impatient, and wholly inconsistent with the directives of the Chief Immigration Judge and the Attorney General. Therefore, you engaged in inappropriate conduct.

III. PENALTY

In determining the appropriate penalty, I considered that you have been an Immigration Judge since 1997 and that you have been in the Federal Service for over thirty years. Your long-time service weighs in your favor.

However, this factor is outweighed by the seriousness of your conduct, particularly so close in time to a prior disciplinary action based on similar misconduct. The adjudication of cases in a fair and impartial manner is a fundamental requirement of an IJ, as is treating all parties and persons who appear before you with respect. Most troubling in the instances cited above is your demonstrated frustration with *pro se* respondents and your tendency to intimidate and confuse them during their hearings. This type of conduct by an Immigration Judge is simply unacceptable.

I expect you to treat people with respect and courtesy while you are at work, regardless of whether you are on the bench or elsewhere. You must exercise self-control, even if you feel frustrated with the parties or their representatives. When questioning respondents, particularly those who are unrepresented, it is crucial that they understand the proceedings and what you are asking. If you have any doubt about whether a respondent understands you, you should ask the respondent if he or she would feel more comfortable with an interpreter who speaks his or her preferred language. In addition, you should offer respondents space to explain their positions and fully answer your questions. At bottom, you must act in a fair and impartial manner at all times. This requirement is fundamental to your position as an IJ. The behavior you demonstrated in the cases cited above in Specifications 1 and 2 falls short of my expectations of you, and those of the Chief Immigration Judge, because it has a direct, negative impact on the work you do. As a result, your misconduct causes me to question your ability to effectively perform the most fundamental of your job duties. I must reiterate my prior sentiments, offered to you in my proposal on your one-day suspension, that you should be mindful of the impact your comments and actions have on the people in your courtroom, and you should comport yourself with the honor that comes with your position as an IJ. *See* Tab 1, Ex. A at 2.

In addition to considering the seriousness of your misconduct, I have considered that on September 18, 2012 you received a one-day suspension for similar misconduct.[1] *See* Tab 1. In addition to this recent disciplinary action, you had been warned at least twice before regarding your inappropriate comments from the bench. *Id.* at 2. Accordingly, you have been on notice that you need to be mindful of what you say, and conscious of how your conduct in the courtroom is perceived. Nonetheless, you have failed to heed these prior warnings, and you have failed to reform your conduct even after a one-day suspension. As a result, I have serious doubts about your potential for rehabilitation.

---

[1] Your prior disciplinary history also includes a 2008 reprimand for failing to comply with your supervisor's direction to issue oral decisions. *See* Tab 1, Ex. A, Att. 2. I have also considered this prior disciplinary action in setting the proposed penalty.

For all of these reasons, I believe that a three-day suspension is the appropriate corrective action for your misconduct and that this penalty is reasonable and necessary for the efficiency of the service. In my opinion, a lesser sanction would be insufficient to deter this misconduct in the future.

IV. PROCEDURE

Deputy Chief Immigration Judge (DCIJ) Michael McGoings will make the final decision regarding this proposal. Within 20 calendar days from the date that you received this letter, you may respond to DCIJ McGoings orally and/or submit affidavits and documentary evidence to support your response. Consideration will be given to extending the time for your reply, if you submit a written request to DCIJ McGoings within ten calendar days after receipt of this letter stating your reasons for your request. No final decision on this proposal will be made until after your reply, if any, is received and considered. This letter does not affect your present duty or pay status.

In responding to this proposal, you have the right to an attorney or other representative of your choice. Should you choose to designate a representative, if a current Department of Justice employee, will be allowed a reasonable amount of official time to review the material relied upon in support of this proposed action and to prepare and present a response.

If you feel that you have a personal or medical problem that may be related to the misconduct on which this suspension is based or that it impacting your performance or behavior at work, you may contact the Employee Assistance Program (EAP) for the Offices, Boards and Divisions of the Department of Justice. The range of services EAP offers can be found at the following EOIR Intranet webpage: www.usdoj.gov/jmd/ps/eapbrochure.htm. You can reach the EAP office by calling 1-800-626-0385. Your participation in EAP is strictly voluntary.

Sincerely,

John W. Davis
Assistant Chief Immigration Judge

cc: Michael C. McGoings, Deputy Chief Immigration Judge

Attachment

Please acknowledge receipt of this letter:

(b) (6) [redacted]

Date

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Friday, September 07, 2012 2:19 PM
To: (b) (6) (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Clarification and Directives

Importance: High

Tracking:

Recipient	Delivery	Read
(b) (6) (EOIR)	Delivered: 9/7/2012 2:19 PM	
Keller, Mary Beth (EOIR)	Delivered: 9/7/2012 2:19 PM	Read: 9/7/2012 3:38 PM

IJ (b) (6),

Hello again (b) It was good visiting with you during my recent (b) (6) Court visit! However you apparently did not understand some of the things we discussed and directives you were given. So in this email I am providing you with the following direct orders;

1. You are hereby ordered to cease all ex parte communication through the Attorney Adviser, the legal assistants or by yourself.

I am attaching the link for IJ ethics and professionalism; you may wish to familiarize yourself with its provisions, specifically section XXXII Ex Parte Communications. Requesting a 325 or any other forms from any party without inclusion of the opposing party constitutes an improper ex parte communication.
http://eoirweb/component/OCIJ/IJConduct/EthicsandProfessionalismGuideforIJs.pdf

2. Any case where you reserve a decision for a written opinion must be approved by me, if you request that a decision be reserved for a written decision and I deny that request then the matter will be reset to your soonest available master reset slot for the purpose of you rendering an oral decision; if I grant you permission to reserve the decision for a written opinion that opinion will be done in conformance with the appropriate OCIJ policies and OPPM's. If you anticipate that (b) (6) will be doing the decision you will advise me of that fact at the time of the request.

I apologize for any possible misunderstanding, but I believe that my directives are now clear. Should you have any questions or concerns regarding these issues please feel free to contact me. Your failure to fully comply with these directives will result in appropriate disciplinary action being taken.

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(b) (6)

Processing, FOIA (EOIR)

From: Davis, John (EOIR)
Sent: Tuesday, March 04, 2014 12:19 PM
To: Grandle, Brooke (EOIR); Keller, Mary Beth (EOIR)
Subject: RE:

Brooke,

Thanks so very much! Unfortunately this type of situation is much more common with Judge (b) (6) than it should be with any IJ!

Regards,

JWD

From: Grandle, Brooke (EOIR)
Sent: Tuesday, March 04, 2014 10:15 AM
To: Davis, John (EOIR); Keller, Mary Beth (EOIR)
Subject: RE:

Thanks for sending that remand on, John.

(b) (6) addressed COR with a single conclusory sentence. In addition, the BIA noted that, at the final removal hearing on April 16, 2013, (b) referenced a hearing on Feb. 12, 2013, where (b) "discussed (b) reasons for concluding that the respondent had not been present in the United States for the required 10 year period." The BIA observed that the transcript for the Feb. 12th hearing was not provided nor is there a recording. I checked DAR and there is indeed no recording. That means there is zero indication anywhere of the IJ's reasoning for this decision.

(b) (6) [redacted]

Brooke

From: Davis, John (EOIR)
Sent: Monday, March 03, 2014 4:06 PM
To: Keller, Mary Beth (EOIR)
Cc: Grandle, Brooke (EOIR)
Subject:
Importance: High

Judge Keller and Brooke,

They just keep on coming!!

An AP remand, i.e. insufficient basis provide by IJ for decision.

Regards,

John W. Davis
Assistant Chief Immigration Judge

Executive Office for Immigration Review
United States Immigration Court
(b) (6) ***Downtown)***
1961 Stout Street. Ste 3101
Denver, CO 80294-3003