



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)

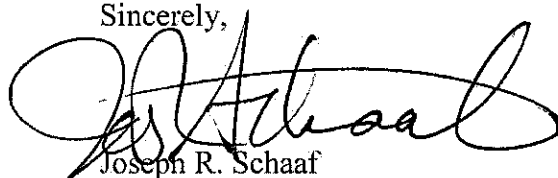
#762: E-mails and documents Oct 2012 (ICE)
E-mail of 2/11/2013 (Office of Professional Responsibility)
Letter of 8/8/2014 (Office of Professional Responsibility)
E-mail of 7/12/2012 (ICE)

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,

A handwritten signature in black ink, appearing to read "J. Schaaf", written over a horizontal line.

Joseph R. Schaaf

Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2015-27249



Single Complaint Detail

Complaint Number: 724 Immigration Judge: [REDACTED] Complaint Date:

Current ACIJ: Maggard, Print Status: CLOSED Final Action: Complaint dismissed because it was disproven Final Action Date: 02/13/13

A-Number(s)	Complaint Nature(s)	Respondent Atty	Complaint Source(s)
[REDACTED]	Bias	[REDACTED]	[REDACTED]

Complaint Narrative: Attorney alleges IJ is being unreasonable, bias and unfair.

Complaint History

- 02/13/13 Complaint dismissed because it was disproven
- 02/27/13 Database entry created

Processing, FOIA (EOIR)

From: IJConduct, EOIR (EOIR)
Sent: Wednesday, February 13, 2013 3:23 PM
To: Maggard, Print (EOIR); Keller, Mary Beth (EOIR)
Subject: FW: Complaint for Judge (b) (6) conduct

From: (b) (6)
Sent: Tuesday, February 12, 2013 1:41 PM
To: IJConduct, EOIR (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Good morning Judge Maggard,

Thank you for taking some of your valuable time to look into this. Just as clarification I did not say bullying. Perhaps Judge (b) (6) has a very individual way of processing (b) (6) cases but it does leave the door open to situations as the one my client experienced. I have just never encountered such a situation with any other judge.

Thank you again,

Attorney (b) (6)

From: IJConduct, EOIR (EOIR) [<mailto:EOIR.IJConduct@usdoj.gov>]
Sent: Tuesday, February 12, 2013 6:46 AM
To: (b) (6)
Subject: RE: Complaint for Judge (b) (6) conduct

Dear (b) (6),

I have reviewed the record of proceedings as well as all of the digital audio recordings, I found no evidence of inappropriate bullying or other unprofessional conduct by the Immigration Judge. Any allegations of bias by the immigration judge are more appropriately addressed in a motion to the immigration judge or to the Board.

ACIJ Print Maggard

From: (b) (6)
Sent: Thursday, January 31, 2013 7:04 PM
To: IJConduct, EOIR (EOIR)
Subject: Complaint for Judge (b) (6) conduct

Good afternoon,

My name is (b) (6) and I practice immigration law in (b) (6). I have a clean record and I have always been respectful with immigration judges that I had appeared before during my legal career. I had several incidents that had created a hostile environment for me and

my clients when appearing before Judge (b) (6); however, I have not taken any action in the past. I am submitting this complaint now after a terrible incident that took place two weeks ago, (b) (6) in the course of an individual hearing.

My client, (b) (6) (A(b) (6)) was set for individual hearing on her (b) (6) application. On (b) (6) we had appeared but I requested the hearing to be postponed due my own health problems. I had a knee injury and I was under terrible pain. Judge (b) (6) was putting in doubt my health condition and reluctantly gave the continuance. Before adjourning the hearing, the judge marked the record and took at least 15 minutes advising my client to have everything in writing before testifying because otherwise (b) (6) would think either she was just remembering or making it up. (b) (6) repeated these warnings in different ways.

On (b) (6), we were ready to proceed. My client had a mild headache but was prepared to go forward. The judge again took closed to 20 minutes repeating the same warnings and my client replied that she had nothing new to say aside what was already in her written declarations.

I explained to the judge that my client was going to testify and it was unreasonable to expect that no new facts will come out during testimony. Under the insistence of Judge (b) (6), we agreed to take a recess to write a supplemental declaration regarding recent conversations with her family. After accepting the 3rd declaration, again (b) (6) started with the same warnings about having everything in writing otherwise her credibility will be questioned.

After two hours spent in the same issue of having everything in written form before testifying, my client's headache got worse. This is a humble, unsophisticated woman understandably nervous about testifying in court; however the continue harassment from Judge (b) (6) had taken a toll on her health. When she was finally allowed to testify she expressed that she was unable to testify because he headache has gotten worse and she even was nauseous. At that point, I was affected as well but I asked for a continuance expressing my understanding for her recurrent headaches. My statements were put into question by government counsel and judge (b) (6) only reinforced that view by questioning my client about attorney-client communication on the subject.

My client had to continue to endure the judge questioning when her headache was physically debilitating her. As last request, (b) (6) asked for medical proof when everyone was able to see that my client was in terrible pain.

I had to explicitly ask for my client to be excuse even though was obvious that she was in crisis and she was not needed in the court room as we were just looking for a date for next hearing. As soon as my client left the courtroom, she started vomiting and I again I have to ask for permission to tend to her needs. I got her settle down and went back to the court room. A court security guard and the court administrator entered the court room to offer their assistance and again I went out to get my client to a more comfortable setting. When I got back, the judge insinuated off the record that my client's crisis was the result of being caught in a fraudulent scheme (paraphrasing). (b) (6) is taking the government role and (b) (6) is predisposed against my client. (b) (6) further commented on my health issue the previous hearing and now my client's implying that we were being dishonest to the court.

This case has been delayed for two years due to the court resetting the date for reasons unknown to counsel and it is unfair and unreasonable for my client to pay the consequences of deadlines in the court calendar and to be continuously harassed.

I have filed a motion to recuse with judge (b) (6) because my client can no longer endure further harassment from (b) (6). I have never filed a motion to recuse and I am really concerned with the consequences of me speaking out but I have other attorneys shared their own experiences and agreeing with the steps I am taking. Judge (b) (6) is known as a bully, some attorneys will not take a case before (b) (6) or they will charge higher fees on those cases.

I request some action be taken because Judge (b) (6) conduct violates my client due process rights to have a fair hearing before a neutral fact finder. (b) (6) is being unreasonable, bias, and unfair.

If you require further information, please contact me.

Thank you for your cooperation in this matter,

Sincerely,

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



Processing, FOIA (EOIR)

From: Maggard, Print (EOIR)
Sent: Monday, February 11, 2013 11:05 AM
To: Keller, Mary Beth (EOIR); IJConduct, EOIR (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Yes please, thank you.

PRINT MAGGARD

ACIJ
United States Immigration Court
San Francisco, Seattle, Portland, Tacoma
Executive Office for Immigration Review

From: Keller, Mary Beth (EOIR)
Sent: Monday, February 11, 2013 7:59 AM
To: Maggard, Print (EOIR); IJConduct, EOIR (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Print,

I assume you would like this sent via the mailbox? Deborah is out today (and I don't have the access to send items out from the box) so, we will get it out as soon as she returns!

Tx.

Mtk

MaryBeth Keller

Assistant Chief Immigration Judge

From: Maggard, Print (EOIR)
Sent: Monday, February 11, 2013 10:57 AM
To: Keller, Mary Beth (EOIR); IJConduct, EOIR (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Looks good to me, thank you.

PRINT MAGGARD

ACIJ
United States Immigration Court
San Francisco, Seattle, Portland, Tacoma
Executive Office for Immigration Review

From: Keller, Mary Beth (EOIR)
Sent: Monday, February 11, 2013 6:13 AM
To: Maggard, Print (EOIR); IJConduct, EOIR (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Good morning Print,

I have one suggestion regarding your response to the complainant, highlighted in red below ~ (b) (5)

[REDACTED]

Thanks.

Mtk

MaryBeth Keller

Assistant Chief Immigration Judge

From: Maggard, Print (EOIR)

Sent: Friday, February 08, 2013 4:48 PM

To: IJConduct, EOIR (EOIR)

Cc: Keller, Mary Beth (EOIR)

Subject: RE: Complaint for Judge (b) (6) conduct

All, two part answer. First is my review and information for you; Second is my response to (b) (6).

I have reviewed the file in this case, and listened to all of the DAR recordings. At the hearing involving the knee injury of respondents counsel, she agreed to getting some matters accomplished before they rest, marking documents, frivolous warning, and explained (b) court procedures. No testimony was taken. IJ (b) (6) did spend time discussing the need for a complete statement, and pointed out that since they were not proceeding that day, she would have more time to complete her statement. This is IJ (b) (6) usual course of business. IJ (b) (6) was professional, did not raise (b) voice, rather (b) was polite and answered the questions raised by respondent and counsel.

At the next hearing it was pointed out that the statement was not fully translated into English, one of the paragraphs was left out. Despite the numerous explanations from IJ (b) (6), respondent counsel wanted to have respondent testify to the missing information instead of adding the statement. IJ (b) (6) stated (b) was trying to avoid problems for respondent. Approximately Fifty minutes into the hearing they began testimony. This was the first time that respondent stated she had a headache. When respondent counsel asked if she could proceed with testimony respondent stated she would rather not. IJ (b) (6) did not state so on the record, but I assume (b) had concerns of a respondent simply not wanting to testify. Respondent counsel stated that was the first time she had said she did not want to go forward. Respondent counsel stated respondent had told her she had a headache earlier. Based on a request from the DHS ACC, IJ (b) (6) asked respondent when she told her attorney, she stated days ago, she has had a headache for a while. IJ (b) (6) was professional in (b) questions.

The parties agreed to reset the case, respondent did not feel well and stepped out. I learned from talking to the Court Administrator that respondent went to the men's restroom across the hall and vomited (not mentioned on the record, information is from the CA). The Court Administrator spoke with respondent in the hall and respondent stated she has had really bad headaches for weeks. The CA went in the court room and told the parties respondent was outside in the hall and did not feel well. When hearing of the migraine like symptoms of respondent, IJ (b) (6) stated that explains a lot and (b) knew such symptoms could be debilitating. I listened closely for indications that items were covered off the record. Whenever the recording went off the record, when it returned they were on the same topic.

My review of the file and the record did not disclose any inappropriate actions by IJ (b) (6). (b) acted in a professional manner. This is an active case with a motion before the IJ; I leave it to the IJ to act on the motion as (b) deems appropriate. Please let me know if you need more information. I consider this closed as unfounded. Since this is an ongoing case, my reply to the complainant is below:

Dear (b) (6),

(b) (5)

PRINT MAGGARD

Assistant Chief Immigration Judge
United States Immigration Court
Executive Office for Immigration Review
120 Montgomery Street, Suite 800
San Francisco, CA 94104
(415) 705-4415

From: IJConduct, EOIR (EOIR)
Sent: Monday, February 04, 2013 11:13 AM
To: Maggard, Print (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaint for Judge (b) (6) conduct

Good Afternoon Sir,

I am sorry I forwarded this onto the wrong ACIJ.

Thank you
Deborah

From: IJConduct, EOIR (EOIR)
Sent: Monday, February 04, 2013 9:26 AM
To: Bartolomei, Jr. Rico (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaint for Judge (b) (6) conduct

Good Morning

Please see the complaint that came into the IJ conduct mailbox.

Thank you
Deborah

From: (b) (6)
Sent: Thursday, January 31, 2013 7:04 PM
To: IJConduct, EOIR (EOIR)
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hearing, the judge marked the record and took at least 15 minutes advising my client to have everything in writing before testifying because otherwise (b) (6) would think either she was just remembering or making it up. (b) (6) repeated these warnings in different ways.

On (b) (6), we were ready to proceed. My client had a mild headache but was prepared to go forward. The judge again took closed to 20 minutes repeating the same warnings and my client replied that she had nothing new to say aside what was already in her written declarations.

I explained to the judge that my client was going to testify and it was unreasonable to expect that no new facts will come out during testimony. Under the insistence of Judge (b) (6), we agreed to take a recess to write a supplemental declaration regarding recent conversations with her family. After accepting the 3rd declaration, again (b) (6) started with the same warnings about having everything in writing otherwise her credibility will be questioned.

After two hours spent in the same issue of having everything in written form before testifying, my client's headache got worse. This is a humble, unsophisticated woman understandably nervous about testifying in court; however the continue harassment from Judge (b) (6) had taken a toll on her health. When she was finally allowed to testify she expressed that she was unable to testify because he headache has gotten worse and she even was nauseous. At that point, I was affected as well but I asked for a continuance expressing my understanding for her recurrent headaches. My statements were put into question by government counsel and judge (b) (6) only reinforced that view by questioning my client about attorney-client communication on the subject.

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I have filed a motion to recuse with judge (b) (6) because my client can no longer endure further harassment from (b) (6) I have never filed a motion to recuse and I am really concerned with the consequences of me speaking out but I have other attorneys shared their own experiences and agreeing with the steps I am taking. Judge (b) (6) is known as a bully, some attorneys will not take a case before (b) (6) or they will charge higher fees on those cases.

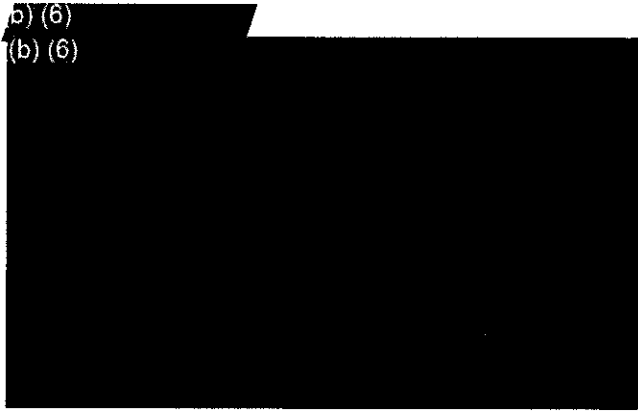
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Sincerely,

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



Processing, FOIA (EOIR)

From: Maggard, Print (EOIR)
Sent: Monday, February 11, 2013 10:57 AM
To: Keller, Mary Beth (EOIR); IJConduct, EOIR (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Looks good to me, thank you.

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ACIJ
United States Immigration Court
San Francisco, Seattle, Portland, Tacoma
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Thanks.

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Assistant Chief Immigration Judge

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[REDACTED] (b) (5)

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If you require further information, please contact me.

Thank you for your cooperation in this matter,

Sincerely,

(b) (6)

(b) (6)

Processing, FOIA (EOIR)

From: Maggard, Print (EOIR)
Sent: Thursday, February 07, 2013 10:54 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Thank you.

PRINT MAGGARD

ACIJ
United States Immigration Court
San Francisco, Seattle, Portland, Tacoma
Executive Office for Immigration Review

From: Keller, Mary Beth (EOIR)
Sent: Thursday, February 07, 2013 6:35 AM
To: Maggard, Print (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

(b) (5)



Those are my thoughts –
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

From: Maggard, Print (EOIR)
Sent: Tuesday, February 05, 2013 12:32 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

(b) (5)



I will stand by, thank you.

PRINT MAGGARD

ACIJ
United States Immigration Court
San Francisco, Seattle, Portland, Tacoma
Executive Office for Immigration Review

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, February 05, 2013 9:24 AM
To: Maggard, Print (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Print,
Have the rop, will get back to you.
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

From: Maggard, Print (EOIR)
Sent: Tuesday, February 05, 2013 11:38 AM
To: Bartolomei, Jr. Rico (EOIR); Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: Complaint for Judge (b) (6) conduct

Thanks, I listened to two hours of DAR because of this yesterday. I have authorized sending all of my complaints to the (b) (6) ACIJ in the future. Thank you!

From: Bartolomei, Jr. Rico (EOIR)
Sent: Tuesday, February 05, 2013 8:32 AM
To: Moutinho, Deborah (EOIR)
Cc: Maggard, Print (EOIR); Keller, Mary Beth (EOIR)
Subject: FW: Complaint for Judge (b) (6) conduct

Good Morning Deborah,

I believe that this is a (b) (6) issue so I am forwarding it to Print. Thanks, Rico

From: IJConduct, EOIR (EOIR)
Sent: Monday, February 04, 2013 6:26 AM
To: Bartolomei, Jr. Rico (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaint for Judge (b) (6) conduct

Good Morning

Please see the complaint that came into the IJ conduct mailbox.

Thank you
Deborah

From: (b) (6)
Sent: Thursday, January 31, 2013 7:04 PM
To: IJConduct, EOIR (EOIR)
Subject: Complaint for Judge (b) (6) conduct

Good afternoon,

My name is (b) (6) and I practice immigration law in (b) (6). I have a clean record and I have always been respectful with immigration judges that I had appeared before during my legal career. I had several incidents that had created a hostile environment for me and my clients when appearing before Judge (b) (6); however, I have not taken any action in the past. I am submitting this complaint now after a terrible incident that took place two weeks ago, (b) (6) in the course of an individual hearing.

My client, (b) (6) (A(b) (6)) was set for individual hearing on her (b) (6) application. On (b) (6) we had appeared but I requested the hearing to be postponed due my own health problems. I had a knee injury and I was under terrible pain. Judge (b) (6) was putting in doubt my health condition and reluctantly gave the continuance. Before adjourning the hearing, the judge marked the record and took at least 15 minutes advising my client to have everything in writing before testifying because otherwise (b) (6) would think either she was just remembering or making it up. (b) (6) repeated these warnings in different ways.

On (b) (6), we were ready to proceed. My client had a mild headache but was prepared to go forward. The judge again took closed to 20 minutes repeating the same warnings and my client replied that she had nothing new to say aside what was already in her written declarations.

I explained to the judge that my client was going to testify and it was unreasonable to expect that no new facts will come out during testimony. Under the insistence of Judge (b) (6), we agreed to take a recess to write a supplemental declaration regarding recent conversations with her family. After accepting the 3rd declaration, again (b) (6) started with the same warnings about having everything in writing otherwise her credibility will be questioned.

After two hours spent in the same issue of having everything in written form before testifying, my client's headache got worse. This is a humble, unsophisticated woman understandably nervous about testifying in court; however the continue harassment from Judge (b) (6) had taken a toll on her health. When she was finally allowed to testify she expressed that she was unable to testify because (b) (6) headache has gotten worse and she even was nauseous. At that point, I was affected as well but I asked for a continuance expressing my understanding for her recurrent headaches. My statements were put into question by government counsel and judge (b) (6) only reinforced that view by questioning my client about attorney-client communication on the subject.

My client had to continue to endure the judge questioning when her headache was physically debilitating her. As last request, (b) (6) asked for medical proof when everyone was able to see that my client was in terrible pain.

I had to explicitly ask for my client to be excuse even though was obvious that she was in crisis and she was not needed in the court room as we were just looking for a date for next hearing. As soon as my client left the courtroom, she started vomiting and I again I have to ask for permission to tend to her needs. I got her settle down and went back to the court room. A court security guard and the court administrator entered the court room to offer their assistance and again I went out to get my client to a more comfortable setting. When I got back, the judge insinuated off the record that my client's crisis was the result of being caught in a fraudulent scheme (paraphrasing). (b) (6) is taking the government role and (b) (6) is predisposed against my client. (b) (6)

further commented on my health issue the previous hearing and now my client's implying that we were being dishonest to the court.

This case has been delayed for two years due to the court resetting the date for reasons unknown to counsel and it is unfair and unreasonable for my client to pay the consequences of deadlines in the court calendar and to be continuously harassed.

I have filed a motion to recuse with judge (b) (6) because my client can no longer endure further harassment from (b) (6). I have never filed a motion to recuse and I am really concerned with the consequences of me speaking out but I have other attorneys shared their own experiences and agreeing with the steps I am taking. Judge (b) (6) is known as a bully, some attorneys will not take a case before (b) (6) or they will charge higher fees on those cases.

I request some action be taken because Judge (b) (6) conduct violates my client due process rights to have a fair hearing before a neutral fact finder. (b) (6) is being unreasonable, bias, and unfair.

If you require further information, please contact me.

Thank you for your cooperation in this matter,

Sincerely,

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



Processing, FOIA (EOIR)

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First Name: (b) (6)
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