



## Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

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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)

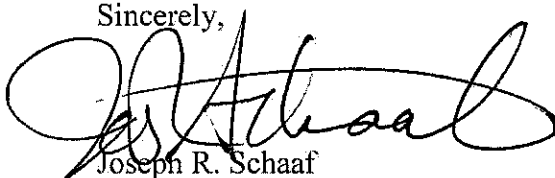
#762: E-mails and documents Oct 2012 (ICE)  
E-mail of 2/11/2013 (Office of Professional Responsibility)  
Letter of 8/8/2014 (Office of Professional Responsibility)  
E-mail of 7/12/2012 (ICE)

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](mailto: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: 770

Immigration Judge: [REDACTED]

Complaint Date: 06/14/13

Current ACIJ  
McGoings, Michael C.

Base City  
[REDACTED]

Status  
CLOSED

Final Action  
Complaint dismissed because it cannot be substantiated

Final Action Date  
10/30/13

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
	Out-of-court conduct	EOIR [REDACTED]

Complaint Narrative: [REDACTED] Complaint alleges harrasment and bullying for 2 years (Aug 2001 thru Jan 2013) by [REDACTED] Complainant is a former [REDACTED] employee

## Complaint History

06/19/13 Database entry created

10/30/13 Complaint dismissed because it cannot be substantiated

## Processing, FOIA (EOIR)

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Wednesday, June 19, 2013 10:14 AM  
**To:** McGoings, Michael (EOIR)  
**Cc:** (b) (6) (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** OIG Matter - (b) (6) (2013-(b) (6))  
**Attachments:** (b) (6) OIG (2013(b) (6)).pdf

Judge McGoings:

I received the attached OIG matter. OIG has determined that an investigation is not necessary and has referred the matter to EOIR for appropriate action.

(b) (5)



Regards,  
Rena

Rena Scheinkman  
Acting Chief Counsel, Employee and Labor Relations Unit  
Executive Office for Immigration Review  
Office of the General Counsel  
Ph: (b) (6)  
Fax: (703) 605-0491

Department of Justice  
Executive Office for Immigration Review  
Control Sheet

OGC

Date of Document: 06/04/2013

EOIR WF ID: 115740

Date Received: 6/14/2013

ES WF ID:

Date Due:

WH ID:

OLD Control #:

From: (b) (6), (b) (7)(C) Special Agent in Charge of Operations  
U.S. Department of Justice, Washington, DC 20530

To: Juan P. Osuna, Director

Action To: OGC

Folder: Office of the Inspector General (OIG)

Mailtype: Memo

Signature Level: Director Signature

Subject: Multiple Subjects (b) (6)  
(b) (6) - (OIG No.: 2013-(b) (6))

Concurrer: Date Assigned: Date Cleared: Action:

Ana Kocur, Deputy Director 06/14/2013 06/17/2013 Route to JPO for review

Signer: Signed: Action:

Juan P. Osuna  
(Director)

Comments: 06/14/13 - AMK/JPO for review before assigning to OGC. (RC)  
06/18/13 - OGC for appropriate action. Per AMK - RC sent a copy to OCIJ. (RC)

Please note: No copy kept in EOIR Exec Sec files.

## Processing, FOIA (EOIR)

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Monday, July 08, 2013 11:28 AM  
**To:** (b) (6) (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013(b) (6) )

(b) (5)

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**From:** (b) (6) (EOIR)  
**Sent:** Monday, July 08, 2013 11:26 AM  
**To:** Scheinkman, Rena (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013(b) (6) )

Perhaps Wed morning at 10ish? That will give you both time to catch up. Also, the (b) letter refers to an APA case on the last page – it would be a good idea to read it before we meet. I googled it and it came right up. I have given a copy to MaryBeth.

Thanks!

(b)

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Monday, July 08, 2013 11:05 AM  
**To:** (b) (6) (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013(b) (6) )

Happy to meet with you. Let me know what works best; my schedule is pretty open.

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**From:** (b) (6) (EOIR)  
**Sent:** Monday, July 08, 2013 8:05 AM  
**To:** Scheinkman, Rena (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013(b) (6) )

Thanks, Rena,

I know you just got back from vacation ( you probably wish you were still there!) – but could we schedule a meeting this week with MaryBeth. I would like to discuss the latest (b) letter and how best to respond, along with the OIG issue in Boston.

Thanks,

(b)

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Monday, July 08, 2013 7:59 AM  
**To:** (b) (6) (EOIR); McGoings, Michael (EOIR)

**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013 (b) (6) )

Thanks. I noticed that when I got his out-of-office message. No rush on this, I just wanted to make sure it did not fall through the cracks.

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**From:** (b) (6) (EOIR)  
**Sent:** Monday, July 08, 2013 7:58 AM  
**To:** Scheinkman, Rena (EOIR); McGoings, Michael (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013 (b) (6) )

Hi Rena,

Judge McGoings is on vacation at least through this week.

(b) (6)

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Saturday, July 06, 2013 9:14 PM  
**To:** McGoings, Michael (EOIR)  
**Cc:** (b) (6) (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013 (b) (6) )

Judge McGoings:

I am just doing some clean up work on my end, and I cannot seem to find a response to this inquiry. Please let me know if you would like to discuss this matter at your convenience. I apologize if I have missed your response.

Regards,  
Rena

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Wednesday, June 19, 2013 10:14 AM  
**To:** McGoings, Michael (EOIR)  
**Cc:** (b) (6) (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** OIG Matter - (b) (6) (2013 (b) (6) )

Judge McGoings:

I received the attached OIG matter. OIG has determined that an investigation is not necessary and has referred the matter to EOIR for appropriate action.

(b) (5)

Regards,  
Rena

Rena Scheinkman  
Acting Chief Counsel, Employee and Labor Relations Unit  
Executive Office for Immigration Review

Office of the General Counsel

Ph: (b) (6)

Fax: (703) 605-0491



## Processing, FOIA (EOIR)

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**From:** McGoings, Michael (EOIR)  
**Sent:** Wednesday, October 30, 2013 11:14 AM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Scheinkman, Rena (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013(b) (6) )

MTK –

As discussed, please close it out as unsubstantiated. Thanks.

MCM

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Monday, October 28, 2013 4:37 PM  
**To:** McGoings, Michael (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013(b) (6) )

Judge McGoings,

I am working on the year end stats, and this one is still outstanding on (b) (6). Did you resolve this one and how do you want to close it out in the database?

Thanks.

Mtk

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Tuesday, July 30, 2013 4:30 PM  
**To:** McGoings, Michael (EOIR)  
**Subject:** FW: OIG Matter - (b) (6) (2013(b) (6) )

Mike,

Our other discussion this morning reminded me : this is the OIG matter that relates to (b) (6) (and three others in the (b) (6) ct). Regarding the piece relating to Judge (b) (6), how did you want to resolve in the database? The allegations are 2 years of “harassment and bullying,” hiring “people with no experience,” and being allowed to “just totally screw things up on a daily basis.”

Thanks.

Mtk

*MaryBeth Keller*

Assistant Chief Immigration Judge

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**From:** McGoings, Michael (EOIR)  
**Sent:** Monday, July 08, 2013 8:37 AM  
**To:** Scheinkman, Rena (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** Re: OIG Matter - (b) (6) (2013(b) (6) )

Rena - actually MTK and I discussed briefly and I believe it was logged in as a complaint. I will revisit with MTK next week.

Thanks.

MCM

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Monday, July 08, 2013 07:59 AM  
**To:** (b) (6) (EOIR); McGoings, Michael (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013-(b) (6) )

Thanks. I noticed that when I got his out-of-office message. No rush on this, I just wanted to make sure it did not fall through the cracks.

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**From:** Dufresne, Jill (EOIR)  
**Sent:** Monday, July 08, 2013 7:58 AM  
**To:** Scheinkman, Rena (EOIR); McGoings, Michael (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013-(b) (6) )

Hi Rena,

Judge McGoings is on vacation at least through this week.

Jill.

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**From:** Scheinkman, Rena (EOIR)  
**Sent:** Saturday, July 06, 2013 9:14 PM  
**To:** McGoings, Michael (EOIR)  
**Cc:** (b) (6) (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** RE: OIG Matter - (b) (6) (2013-(b) (6) )

Judge McGoings:

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Regards,  
Rena

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**To:** McGoings, Michael (EOIR)  
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**Subject:** OIG Matter - (b) (6) i (2013-(b) (6) )

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(b) (5)

Regards,  
Rena

Rena Scheinkman  
Acting Chief Counsel, Employee and Labor Relations Unit  
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