

# Exhibit M

Defendant Smith's Determination Letter



Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

5107 Leesburg Pike, Suite 2500

Falls Church, Virginia 22041

June 3, 2010

Professor Jacqueline Stevens  
Visiting Scholar 2009-2010  
Center for the Study of Law and Society  
UC Berkeley School of Law  
2240 Piedmont Avenue  
Berkeley, CA 94720-2150

Dear Professor Stevens:

Your complaint of April 27, 2010, to Assistant Chief Immigration Judge MaryBeth Keller, concerning the Atlanta Immigration Court and Immigration Judge William A. Cassidy was referred to me as the Assistant Chief Immigration Judge supervising the Atlanta and Stewart Immigration Courts.

I inquired into the circumstances raised in your complaint. You principally raised four matters. You stated that Judge Cassidy unlawfully instigated guards working for the Federal Protective Service to threaten and use force against you and enlisted guards to “get you out of the building” on April 19, 2010, at the Atlanta Immigration Court. My inquiry revealed that you were permitted to attend hearings that afternoon. Judge Cassidy asked you leave the courtroom because he needed to inquire of a *pro se* respondent whether the respondent wished to have the hearing closed to the public. Judge Cassidy told you that after speaking with the respondent in the case, if he deemed it appropriate, he would permit you to return. After talking with the respondent, the judge deemed it appropriate under 8 Code of Federal Regulations, Section 1003.27, to exclude the public from that hearing. My review of the nature of that case reveals that was appropriate. Such action is authorized under the regulatory section cited.

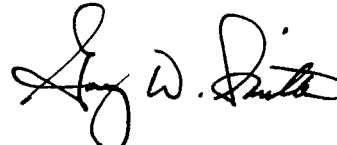
The second matter you raised pertained to Judge Cassidy ordering a security officer to have you removed from the building. My inquiry does not reveal that to be substantiated, and there is no indication that the judge ordered your removal from the building. Ms. Marion Crosby, then a legal assistant, did tell you that the hearing was closed.

The third matter you raised with Judge Keller was your belief that Judge Cassidy does not record hearings. Judge Cassidy regularly records all removal proceedings, as is his duty under 8 Code of Federal Regulations, Section 1003.28. Some authorized procedures, such as pre-hearing conferences, are not required to be recorded.

The fourth matter you raised is whether Judge Cassidy has a policy of categorically denying bond redetermination unless there are ten years of income tax records. The decision of the immigration judge whether to redetermine bond and in what amount is governed by 8 Code of Federal Regulations, Section 1003.19, based on the Immigration and Nationality Act, the Code of Federal Regulations, and appellate case law. Judge Cassidy is bound by those governing authorities and makes an individualized determination based on the facts in each case. If a respondent believes that the immigration judge has erred, he or she is free to appeal the bond redetermination decision to the Board of Immigration Appeals.

I appreciate your bringing your concerns to our attention, and we will do our best to ensure that all respondents appearing before our Courts, as well as others attending proceedings, are treated fairly and with courtesy and respect.

Sincerely,



Gary W. Smith  
Assistant Chief Immigration Judge