

EOIR FOIA Processing (EOIR)

From: Smith, Gary (EOIR)
Sent: Wednesday, February 17, 2010 3:03 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complaint rec'd at OPR?

Thanks, and by the way, she is referring to our "one-day" suspension person.

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, February 17, 2010 2:56 PM
To: Smith, Gary (EOIR)
Subject: FW: Complaint rec'd at OPR?

Gary,
FYI, OPR doesn't have anything from (b) (6) at this point.
mtk

From: Wahowiak, Marlene (OPR)
Sent: Wednesday, February 17, 2010 2:50 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complaint rec'd at OPR?

I just checked and didn't see anything.

(b) (6) sounds familiar. Didn't she have an ongoing battle with an IJ in (b) (6) a while back? I want to say the IJ may have transferred to (b) (6). Maybe I'm getting my IJs and complainants mixed up!

**Hope you survived the snow intact,
MMW**

From: Keller, Mary Beth (EOIR) [mailto:Mary.Beth.Keller@usdoj.gov]
Sent: Wednesday, February 17, 2010 2:45 PM
To: Wahowiak, Marlene (OPR)
Subject: Complaint rec'd at OPR?

Marlene,
One of our ACIJs has been dealing with a complaint from an attorney, (b) (6) from (b) (6) about Judge (b) (6). (b) (6) advised the ACIJ that she was also filing a complaint with OPR. We had been handling this, but, before we respond back to the complainant, I wanted to check in with you all to see if you had this.
Thanks much.
Hope all is well.
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge
EOIR/OCIJ
703/305-1247
mary.beth.keller@usdoj.gov

5555

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

REQUEST FOR DEFERRED ACTION

INTRODUCTION

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

CONCLUSION

(b) (6)

(b) (6)

(b) (6)

LexisNexis News

...powered by LexisNexis Publisher

[<< LexisNexis News Home Page](#)

Latest news from over 4,000 sources!

[Suggest a Topic >>](#)

[Back to Search Results](#)



Would you like to learn more about LexisNexis Publisher or any other LexisNexis product or service?

[Request Information >>](#)

Legal News

Get FREE Legal Headlines
from LexisNexis
Mealey Publications ▶▶

[XML](#) Legal News via RS

Top Stories
[News Bulletins](#)
[Class Action Complaints](#)
[Legal Trends Today](#)

Nat'l & Int'l News
[Antitrust](#)
[Bankruptcy & Business](#)
[California](#)
[Construction](#)
[Drugs & Medical Devices](#)
[Employment Law](#)
[Family Law](#)
[Health Care](#)
[Immigration](#)
[Insurance](#)
[Intellectual Property](#)
[International](#)
[Litigation Practice](#)
[Personal Injury](#)
[Pleadings](#)
[Product Liability](#)
[Real Estate](#)
[Securities](#)
[Tax](#)
[Toxic Torts & Environmental](#)

[lexisONE® Legal Headlines](#)

See what our
**expanded news and
business sources**
can do for you

[LexisNexis/Factiva Alliance](#)

Look Up a Source
From the *New York Times*
California Case Law, get det
on sources available within Lex
research products.

[Back to Search Results](#)

Copyright © 2010 LexisNexis, a division of Reed Elsevier Inc. All Rights Reserved.

[Terms and Conditions](#) [Privacy Policy](#)

[<< LexisNexis News Home Page](#)

Latest news from over 4,000 sources!

5642

**Email
This Page**

LexisNexis News

...powered by LexisNexis Publisher

[<< LexisNexis News Home Page](#)
Latest news from over 4,000 sources!

[Suggest a Topic >>](#)

[Back to Search Results](#)



Would you like to learn more about
LexisNexis Publisher or any other
LexisNexis product or service?

[Request Information >>](#)

Legal News

Get FREE Legal Headlines
from LexisNexis
Mealey Publications ▶▶

XML [Legal News via RS](#)

Top Stories

[News Bulletins](#)

[Class Action Complaints](#)

[Legal Trends Today](#)

Nat'l & Int'l News

[Antitrust](#)

[Bankruptcy & Business](#)

[California](#)

[Construction](#)

[Drugs & Medical Devices](#)

[Employment Law](#)

[Family Law](#)

[Health Care](#)

[Immigration](#)

[Insurance](#)

[Intellectual Property](#)

[International](#)

[Litigation Practice](#)

[Personal Injury](#)

[Pleadings](#)

[Product Liability](#)

[Real Estate](#)

[Securities](#)

[Tax](#)

[Toxic Torts &](#)

[Environmental](#)

[lexisONE® Legal Headlines](#)

See what our
**expanded news and
business sources**
can do for you

[LexisNexis/Factiva Alliance](#)

Look Up a Source

From the *New York Times*
California Case Law, get details
on sources available within Lexis
research products.

5643

**Email
This Page**

(b) (6)



Request More
Information

LexisNexis Related Products

[LexisNexis Publisher](#)
[Lexisnexis at Nexis.com](#)
[LexisNexis at Lexis.com](#)
[Patriot Act Compliance](#)
[Homeland Security Publicati](#)
[Anti-Money Laundering Solu](#)
[Executive Branch Documen](#)
[Military History & War](#)
[Political History](#)
[U.S. Serial Set Digital Collec](#)

[Back to Search Results](#)

[Copyright © 2010 LexisNexis, a division of Reed Elsevier Inc. All Rights Reserved.](#)

[Terms and Conditions](#) [Privacy Policy](#)

<< LexisNexis News Home Page

Latest news from over 4,000 sources!

Site Map Co

[Terms & Conditions](#) [Privacy & Security](#) [Copyright](#) © 2010 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.
LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license.

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Thursday, April 01, 2010 1:48 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR); Morris, Florencio (EOIR); Kelly, Ed (EOIR)
Subject: RE: (b) (6)

MTK:

I have reviewed my IJ (b) (6) file and this is what I have as a status report. This is what my handwritten notes reflect.

On January 11, 2010, I gave to Judge (b) (6) the materials covering the (b) (6) and (b) (6) (b) (6). We had a discussion in (b) (6) chambers. We went over the fact the BIA is indicating (b) (6) was "brusque" in a footnote in Matter of (b) (6). Also, the BIA felt that the comments about the fact they had kids when they had no status was unwarranted. We agreed to meet again. The IJ came back to me the same day and said (b) (6) had reviewed all and acknowledged that, upon reading the transcripts, some of (b) (6) comments were wrong, such as asking the BIA to "please help with standards". I asked (b) (6) not to make pleas to the BIA as to what they should do. We agreed to meet again.

On January 25, 2010, I met with Judge (b) (6) in the conference room to go over the PWP review. We reviewed the PWP. I again had copies of the two decisions mentioned above and we went over again the criticisms from the BIA. The significance of the term "brusque" (after I consulted with ACIJ Weil). I told (b) (6) the parties at times feel (b) (6) is impatient. (b) (6) said (b) (6) gets stressed out but will calm down. Non-Responsive

Non-Responsive

As part of the review with IJ (b) (6), I also addressed the request that I received as to how to file a complaint against (b) (6) and showed (b) (6) a copy of the e-mail I received from attorney (b) (6). The e-mail contained enough criticism for me to address with the IJ. I received the e-mail on December 16, 2009 and I had my first discussion with the IJ on January 5, 2010 about her comments. I again discussed the criticism with the IJ on January 25, 2010. I asked (b) (6) to be careful because the next step she will make is to ask (b) (6) to recuse (b) (6) has since reported that when the attorney came the next time, (b) (6) was calm, (b) (6) granted her continuance and there have not been any additional problems with counsel. The IJ stresses over case completion goals and what (b) (6) feels is expected of (b) (6) on the bench. (b) (6) has reported to me that (b) (6) is using a different approach when (b) (6) gets hit with last minute continuances. (The attorney that complained is new to this field. Last week she wrote to me. She was upset that the court has not issued a notice of hearing to one of her clients. When I looked into it, it turns out that DHS has not filed the NTA with the court. I explained to her that without the NTA, the court will not issue a Notice of Hearing to her client.)

This is the extent of my notes. Please advise if you need anything else. EMS

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, March 31, 2010 9:52 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: Re: (b) (6)

Great. No need for formal. But the dates wld be good. :)

Sent from my BlackBerry Wireless Device

5672; 5701

From: Sukkar, Elisa (EOIR)
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Sent: Wed Mar 31 19:59:38 2010
Subject: RE: (b) (6)
MTK:

Both cases were addressed with the IJ. We gave (b) (6) the decisions. We discussed twice. These cases were included as part of (b) (6) PWP review which we did in Jan/Feb 2010. We read the comments together and we went over the comments in the BIA decision and the transcripts. (b) (6) was very receptive. I talked to (b) (6) about getting agitated on the bench and to give (b) (6) more time if (b) (6) feels pressured by (b) (6) Masters.

There had been an attorney inquiring as to how to complain about the IJ. I provided the information to the attorney. I do not know if she filed a formal complaint since I have not received any complaints from OCIJ on the IJ. But her comments to me were addressed with the IJ nevertheless and the fact that she was new to the case and instead of granting a continuance (b) (6) gave her 10 minutes to go outside and prepare herself to address the charges. I explained that there is no need to rush these things. All of this was discussed with the IJ during the informal PWP review.

I will write a formal memo to you tomorrow with more details as to dates.

Thanks. EMS

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, March 31, 2010 6:04 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: (b) (6)

Same thing with (b) (6) sent to you on Jan 07.
Tx.
mtk

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, March 31, 2010 6:03 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: (b) (6)

Elisa,
I have the (b) (6) from BIA that went to you on Jan 6, and an email saying you were going to talk to the judge on Jan 08.
What is the resolution of this one?
Tx.
mtk

MaryBeth Keller
Assistant Chief Immigration Judge
EOIR/OCIJ
703/305-1247
mary.beth.keller@usdoj.gov

5673; 5702

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Thursday, April 01, 2010 1:48 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR); Morris, Florencio (EOIR); Kelly, Ed (EOIR)
Subject: RE: (b) (6)

MTK:

I have reviewed my IJ (b) (6) file and this is what I have as a status report. This is what my handwritten notes reflect.

On January 11, 2010, I gave to Judge (b) (6) the materials covering the (b) (6) and (b) (6) (b) (6). We had a discussion in (b) (6) chambers. We went over the fact the BIA is indicating (b) (6) was "brusque" in a footnote in Matter of (b) (6). Also, the BIA felt that the comments about the fact they had kids when they had no status was unwarranted. We agreed to meet again. The IJ came back to me the same day and said (b) (6) had reviewed all and acknowledged that, upon reading the transcripts, some of (b) (6) comments were wrong, such as asking the BIA to "please help with standards". I asked (b) (6) not to make pleas to the BIA as to what they should do. We agreed to meet again.

On January 25, 2010, I met with Judge (b) (6) in the conference room to go over the PWP review. We reviewed the PWP. I again had copies of the two decisions mentioned above and we went over again the criticisms from the BIA. The significance of the term "brusque" (after I consulted with ACIJ Weil), I told (b) (6) the parties at times feel (b) (6) is impatient. (b) (6) said (b) (6) gets stressed out but will calm down. Non-Responsive

Non-Responsive

As part of the review with IJ (b) (6) I also addressed the request that I received as to how to file a complaint against (b) (6) and showed (b) (6) a copy of the e-mail I received from attorney (b) (6). The e-mail contained enough criticism for me to address with the IJ. I received the e-mail on December 16, 2009 and I had my first discussion with the IJ on January 5, 2010 about her comments. I again discussed the criticism with the IJ on January 25, 2010. I asked (b) (6) to be careful because the next step she will make is to ask (b) (6) to recuse (b) (6). (b) (6) has since reported that when the attorney came the next time (b) (6) was calm (b) (6) granted her continuance and there have not been any additional problems with counsel. The IJ stresses over case completion goals and what (b) (6) feels is expected of (b) (6) on the bench. (b) (6) has reported to me that (b) (6) is using a different approach when (b) (6) gets hit with last minute continuances. (The attorney that complained is new to this field. Last week she wrote to me. She was upset that the court has not issued a notice of hearing to one of her clients. When I looked into it, it turns out that DHS has not filed the NTA with the court. I explained to her that without the NTA, the court will not issue a Notice of Hearing to her client.)

This is the extent of my notes. Please advise if you need anything else. EMS

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, March 31, 2010 9:52 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: Re: (b) (6)

Great. No need for formal. But the dates wld be good. :)

Sent from my BlackBerry Wireless Device

From: Sukkar, Elisa (EOIR)
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Sent: Wed Mar 31 19:59:38 2010
Subject: RE: (b) (6)
MTK:

Both cases were addressed with the IJ. We gave (b) (6) the decisions. We discussed twice. These cases were included as part of (b) (6) PWP review which we did in Jan/Feb 2010. We read the comments together and we went over the comments in the BIA decision and the transcripts. (b) (6) was very receptive. I talked to (b) (6) about getting agitated on the bench and to give (b) (6) more time if (b) (6) feels pressured by (b) (6) Masters.

There had been an attorney inquiring as to how to complain about the IJ. I provided the information to the attorney. I do not know if she filed a formal complaint since I have not received any complaints from OCIJ on the IJ. But her comments to me were addressed with the IJ nevertheless and the fact that she was new to the case and instead of granting a continuance (b) (6) gave her 10 minutes to go outside and prepare herself to address the charges. I explained that there is no need to rush these things. All of this was discussed with the IJ during the informal PWP review.

I will write a formal memo to you tomorrow with more details as to dates.

Thanks. EMS

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, March 31, 2010 6:04 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: (b) (6)

Same thing with (b) (6) sent to you on Jan 07.
Tx.
mtk

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, March 31, 2010 6:03 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: (b) (6)

Elisa,
I have the Matter of (b) (6) from BIA that went to you on Jan 6, and an email saying you were going to talk to the judge on Jan 08.
What is the resolution of this one?
Tx.
mtk

MaryBeth Keller
Assistant Chief Immigration Judge
EOIR/OCIJ
703/305-1247
mary.beth.keller@usdoj.gov

5702; 5673

I recommend no further action is necessary in light of the past training already given, counsel by me and conduct by (b) (6) that I have witnessed to date; and (b) (6) responsiveness in the meeting held on 1/13/10 to discuss this case. ACIJ Keller and I further discussed this case and IJ (b) (6) subsequent conduct in light of this earlier counseling, re-training received with an mentor IJ at the (b) (6) Court, and other previous actions taken on (b) (6) actions in this case took place prior to corrective counsel and re-training.

(b) (6)
Amended Opinion of the (b) (6) Circuit Decision

NOTE: An “Amended Opinion” of the circuit’s decision was issued on May 3, 2010. The only change or revision I could find between the first decision filed on 12/2/09 and this latest filing of 5/3/10 is found in the subsection entitled “Decision of the BIA”, wherein the footnote 2 of the circuit’s decision noting the following has been **removed**:

(b) (6)

EOIR FOIA Processing (EOIR)

From: Burr, Sarah (EOIR)
Sent: Wednesday, March 17, 2010 2:34 PM
To: Keller, Mary Beth (EOIR)
Subject: (b) (6) updates

I had Felicia fax a copy of a federal civil rights action filed against (b) (6) by a detainee by the name of (b) (6). It was sent to Deborah's attention. I read it and it does not look worrisome to me, but I'm no expert on that type of claim. Marta Rothwarf has been in touch with Judge (b) (6) about this matter.

Regarding a complaint made about Judge (b) (6) by (b) (6) another detainee, the original letter I sent him in February has been returned. I have reviewed the ROP and the same allegations he makes were made in an appeal to the BIA. The BIA dismissed his appeal a few weeks ago. I am sending you a copy of the letter that is going out to (b) (6) (b) (6) who we located at (b) (6) County Jail in (b) (6). Basically, I did not find his allegations to be substantiated by the record. However, having reviewed the record, I will speak to Judge (b) (6) about some of (b) (6) comments on the record.

Sarah M. Burr
Assistant Chief Immigration Judge
26 Federal Plaza
New York, N.Y.

5901; 4059

Keller, Mary Beth (EOIR)

From: Romig, Jeff (EOIR)
Sent: Wednesday, February 24, 2010 5:44 PM
To: Keller, Mary Beth (EOIR)
Subject: FW: (b) (6) complaint against IJ (b) (6)
Attachments: Complaints (b) (6) wpd

Here's the (b) (6) complaint response. Issue we discussed today was whether we respond to complaints when the complainant is not a party to the case. I don't see that the proposed complaint procedure addresses the "standing" issue. I'm still comfortable with the letter going out "as is" to close the complaint.

From: Romig, Jeff (EOIR)
Sent: Tuesday, August 18, 2009 10:45 AM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: (b) (6) complaint against IJ (b) (6)

Mary Beth: I drafted the attached response to the complaints that were filed via e-mail against IJ (b) (6). (b) (6) is the complainant's AOL handle. The complainant identifies herself as the "fiancée" of a respondent (b) (6) who was ordered removed at (b) (6) detained on June 30.

Do we have a policy for responding to complaints from persons other than respondents or attorneys of record? I believe that (b) (6) is the mother of this respondent's USC child (no proof of this), as she wrote a letter on his behalf when the case was still pending. She also is the subject of a protection order issued against (b) (6) in (b) (6) (she says this was "simply due to intoxication"). She of course now wants him back in the USA. I'm wondering about the "standing" issue for our (OCIJ's) response to such complaints.

Having said that, I'm comfortable with issuing the letter as is.

Thanks, Jeff

p.s.—Deborah, I'm done with the tape player.

5927

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Wednesday, June 01, 2011 6:33 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Request for decision in motion to suppress evidence in removal proceedings of A(b) (6)

MTK:

I have not. I did ask the IJ to park inside our secure parking area. As to the e-mails from this respondent, (b) (6) indicated (b) (6) deletes them without reading them.

I spoke to the CA today about this again. I may have added security in the courtroom when the case is being heard.

EMS

-----Original Message-----

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 01, 2011 11:04 AM
To: Sukkar, Elisa (EOIR)
Subject: RE: Request for decision in motion to suppress evidence in removal proceedings of A(b) (6)

Elisa,
Did you hear back from the CIJ on this?
mtk

-----Original Message-----

From: Sukkar, Elisa (EOIR)
Sent: Thursday, May 26, 2011 6:51 PM
To: O'Leary, Brian (EOIR)
Cc: McGoings, Michael (EOIR); Keller, Mary Beth (EOIR)
Subject: FW: Request for decision in motion to suppress evidence in removal proceedings of A(b) (6)

Dear Judge O'Leary:

I need your guidance on this matter. The e-mails below are from a respondent before IJ (b) (6). He has written to the IJConduct box and writes to the IJ directly. I have written to him through the IJConduct box and I have asked him to refrain from communicating with the IJ in this manner. The Respondent continues to do so. I have asked Judge (b) (6) not to respond to his e-mails.

I believe this now amounts to harassment of the IJ. The respondent uses language that is intended to intimidate the IJ. His tone is aggressive and confrontational. There have not been any threats to the IJ's safety. He does acknowledge in the e-mails below, which he sent to the IJ directly, that he has placed 11 and then 20 calls to the court to inquire as to the status of his case or his motions. I do not believe that anyone that places 20 calls on a pending matter to be rational.

Non-responsive & (b)(5)

Moutinho, Deborah (EOIR)

From: Smith, Gary (EOIR)
Sent: Friday, December 17, 2010 8:38 AM
To: Moutinho, Deborah (EOIR)
Subject: RE: Reports
418 is legal.

(b) (6)

From: Moutinho, Deborah (EOIR)
Sent: Wednesday, December 15, 2010 4:00 PM
To: Smith, Gary (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Reports

Hello Judge Smith

Attached is an executive Summary of the complaints from your courts. Please categorize the complaints that are highlighted. When sending this information or any other information to update the complaints listed please refer to the complaint table Index number so the information can be accurately updated into the data base.

I have attached the complaint nature list for your convenience. Please let me know if you have any questions or require additional information

Thank you
Deborah

Non-Responsive

Non-Responsive

6435

Moutinho, Deborah (EOIR)

From: Smith, Gary (EOIR)
Sent: Monday, December 20, 2010 10:36 AM
To: Moutinho, Deborah (EOIR)
Subject: FW: Reports
Attachments: complaint nature list.doc; Judge Smith.pdf

Deborah, 418 (b) (6) is due process and 400 and 414 (b) (6) are in-court conduct.

From: Moutinho, Deborah (EOIR)
Sent: Wednesday, December 15, 2010 4:00 PM
To: Smith, Gary (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Reports

Hello Judge Smith

Attached is an executive Summary of the complaints from your courts. Please categorize the complaints that are highlighted. When sending this information or any other information to update the complaints listed please refer to the complaint table Index number so the information can be accurately updated into the data base.

I have attached the complaint nature list for your convenience. Please let me know if you have any questions or require additional information

Thank you
Deborah

Non-Responsive

6436

12/20/2010

Non-Responsive

mtinho, Deborah (EOIR)

From: Keller, Mary Beth (EOIR)
Sent: Monday, January 10, 2011 10:51 AM
To: Fong, Thomas (EOIR)
cc: Moutinho, Deborah (EOIR)

Subject: RE: IJ training -- conduct of hearing -- (b) (6) v. Holder, (b) (6)

Tom,

This one looks to me like Intake appears to be "in court, due process." And I think its conclusion would be -- corrective action already taken -- i.e., the December 2007 training. The BIA decisions actually both pre-date the training, so the IJ decisions pre date even those! Let me know if that is correct from your review. Deborah is out for the rest of the week, so, need to clarify this asap - thx.

mtk

From: Fong, Thomas (EOIR)
Sent: Wednesday, January 05, 2011 1:00 PM
To: Keller, Mary Beth (EOIR)
Cc: Fong, Thomas (EOIR)
Subject: RE: IJ training -- conduct of hearing -- (b) (6) v. Holder, (b) (6)

Mary Beth, I have the ROP and I have also reviewed the (b) (6) Cir. remand, BIA's affirmance of IJ (b) (6) decision, as well as (b) (6) oral dec. I am still in the process of reviewing the transcript. But you stated below that we should "talk about the form before you do it." I am available anytime after 4:00pm your time

Non-Responsive

Thomas Y.K. Fong
Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ
606 South Olive Street, 15th Floor
Los Angeles, CA 90014
(213)894-2811
thomas.fong@usdoj.gov

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, November 24, 2010 10:51 AM
To: Fong, Thomas (EOIR)
Subject: FW: IJ training -- conduct of hearing -- (b) (6) v. Holder, (b) (6)

Tom,

This came to Jack -- but, seems to make sense that you fold this into any conversation you are having with Judge (b) (6) on the other case that recently came back. I know that these are oldies, i.e., pre date (b) (6) training. We will need to track this; but let's talk about the form before you do it.

mtk

From: Beier, Bryan (CIV)
Sent: Friday, November 19, 2010 3:57 PM
To: Weil, Jack (EOIR)
Subject: IJ training -- conduct of hearing -- (b) (6) v. Holder, (b) (6)

Judge Weil,

At the request of OIL director Thom Hussey, I'm e-mailing you pursuant to OIL's immigration judge training initiative to bring to the above-referenced case to your attention. The dispositive

6452

1/10/2011

Moutinho, Deborah (EOIR)

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 29, 2011 9:53 AM
To: Moutinho, Deborah (EOIR)
Subject: FW: Possible OIG referral

(b) (6) OIG referral on Tuesday, if you scroll down to Jeff's email to Jim Kirdar.

Tx.
mtk

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 29, 2011 9:51 AM
To: Rosenblum, Jeff (EOIR)
Subject: RE: Possible OIG referral

Jeff,

- (1) In 2007 we referred travel irregularities to OIG following information provided by the then Court Evaluation Team that had gone to (b) (6). OIG's initial review in January 2008 determined that EOIR had erroneously authorized the IJ to travel in the manner that (b) (6) did and OIG indicated that an investigation was not then warranted. However, OIG subsequently assisted EOIR via an audit and in October 2008 identified questionable travel expenses that Judge (b) (6) claimed, including reimbursement for the use of a pov versus the use of commercial transportation; excessive use of official time; unauthorized layover or delay; failure to comply with policy requiring use of government credit card. The OIG identified approximately \$6400 in overpayments and recommended training of EOIR travel personnel, approving officials and all EOIR employees. EOIR ultimately recovered approximately \$4000 from the IJ. Reprimands of both the ACIJ and IJ were considered but never executed, in part due to time elapsed since the incidents.
- (2) In April 2007, we received an OIG report following allegations made by a gentleman that Judge (b) (6) had provided him with insider stock trading information in exchange for installing a heating and air conditioning system valued in excess of \$9000 --- the complainant allegedly lost more than \$700,000 in investments as a result of information provided by (b) (6). OIG coordinated with the SEC and learned that in April 2005 they had received the same information and took no action. However, the OIG report contained information that (b) (6) visited the complainant regularly approximately 3 days a week to play dominoes from 10 -12. ACIJ McGoings was alerted and indicated that general problems with hours of work had been addressed at the (b) (6) court several years ago and did not appear to have recurred according to the Court Administrator.

Mtk

From: Rosenblum, Jeff (EOIR)
Sent: Wednesday, June 29, 2011 8:08 AM
To: Keller, Mary Beth (EOIR)
Subject: FW: Possible OIG referral

Mtk,

Can you tell me the answer to Robin's questions about (b) (6). Thanks.

Jeff

From: Stutman, Robin M. (EOIR)
Sent: Tuesday, June 28, 2011 7:07 PM

6562

6/29/2011

To: Rosenblum, Jeff (EOIR)
Subject: RE: Possible OIG referral

What were the previous complaints against this IJ, and were any substantiated? Also, as discussed, in light of alleged ethics violations, pls. forward to Brigitte as well. Thanks.

From: Rosenblum, Jeff (EOIR)
Sent: Tuesday, June 28, 2011 6:56 PM
To: Kirdar, Jim M. (OIG)
Cc: Stutman, Robin M. (EOIR)
Subject: FW: Possible OIG referral

Jim,

Attached and below please find information related to an anonymous complaint against IJ (b) (6) of the (b) (6) Immigration Court. The complaint alleges that (b) (6) shows favorable treatment to one particular attorney. As you will see from the e-mail below and the attached materials, OCIJ has informally reviewed and has been unable to substantiate the claims. Nonetheless, on behalf of OCIJ, I am forwarding to you for OIG's consideration and records. Please let me know if you have any questions. Thanks.

Jeff

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 01, 2011 3:07 PM
To: Rosenblum, Jeff (EOIR)
Cc: Dean, Larry R. (EOIR); Nadkarni, Deepali (EOIR); Moutinho, Deborah (EOIR)
Subject: Possible OIG referral

Jeff,

Attached is

(1) an anonymous complaint (the only pdf above, the rest follow in order) we received dated March 25, 2011, which essentially alleges that IJ (b) (6) (immigration court) is inappropriately steering certain respondents/cases to a certain attorney, and then inappropriately granting the respondents relief,

(2) an OPAT report that covers a four year period - March 30, 2007 thru April 1, 2011 - and shows the number of cases in which IJ (b) (6) was the judge and attorney (b) (6) was counsel. Out of that specific group of cases, we can see the number of cases in which IJ Duck granted relief. (R = Relief, V = Voluntary Departure, X = Removal), I am currently checking with OPAT on the 3 remaining codes on the report and what they are: "T", "C" and "A"

(3) an excel document showing the A#s of Judge (b) (6) cases with (b) (6) that are reflected on the report, and

(4) some emails in which Larry discusses his review of the initial allegation, and notes that the attorney initially was not the attorney of record, but then became attorney of record, and which reflect Larry's discussion with the Chief Counsel on this and some other unrelated allegations.

We have not been able to reach a conclusion from the above reports that the anonymous complainant's allegations are substantiated. But, given the nature of the allegations, forwarding to you for possible OIG review.
Let us know if you think that appropriate.

Thanks.
mtk

6563

6/29/2011

Mary Beth,

Mary Beth,

Please see my proposed response.

If you like, could this response be through the Complaint website? Alternatively, I can send hardcopy today. Or maybe both.

I know you are going on vacation. Are you in the office today?

LRD

-----Original Message-----

From: Keller, Mary Beth (EOIR)

Sent: Wednesday, April 13, 2011 4:00 PM

To: Dean, Larry R. (EOIR)

Subject: RE: URGENT ISSUE REGARDING DETAINED CLIENT IN (b) (6)

Larry,

I think you should respond to this and advise that most of the below relates to matters within DHS purview which we cannot address. (As a side note, this seems to be the practice that NAIJ has complained about to me, i.e., that in some places, DHS is not setting initial bonds, leaving that to the IJ, and they think that is wrong --- see above email exchange w/ notes from Brian). Regarding the matters that relate to EOIR: (1) scheduling of the bond redetermination hearing; your review has not found anything out of order, and (2) G-28 is not an EOIR 28; note that we don't currently have an EOIR-28 on file.

And anything else you think appropriate.

My 2 cents.

mtk

-----Original Message-----

From: Dean, Larry R. (EOIR)

Sent: Wednesday, April 13, 2011 4:06 PM

To: Keller, Mary Beth (EOIR)

Subject: FW: URGENT ISSUE REGARDING DETAINED CLIENT IN (b) (6)

Mary Beth,

I spoke with the CA about this. The individual who called the court was so rude that the legal assistant who dealt with the caller made a memo as soon as the conversations were over.

In summary version, the people called to complain. The legal assistant spoke with them and explained how bonds are set and that the respondent would be set to the next available bond slot but that there were other bond requests ahead of this one. Since this did not satisfy the caller, the legal assistant then spoke with the IJ. The IJ said that (b) (6) felt that it would be unfair to schedule this person ahead of others who had earlier pending requests. The initial master is set for 4/21, and the caller was so informed. The next available bond date is probably 4/20. So, both the initial and the bond are set for next week.

I looked in CASE. The respondent has no counsel of record. If the respondent's attorney filed a G28 with DHS, that is not an appearance before EOIR. So--at least at this time--this is not the attorney of record.

As additional background, DHS issued the NTA on 4/8 and filed that with the court on 4/12. On 4/12, the initial was set for 4/21. Frankly, that is pretty impressive. A bond hearing on 4/20--if that can be accomplished--is well within CCGs.

No one at the court has been rude to this person. My reports are that the staff acted professionally and calmly and told the caller that they would not argue with her and gave her the information regarding how bonds are set and that the respondent would, within that system, receive the next available date. We're hoping that is 4/20.

Moutinho, Deborah (EOIR)

From: Kelly, Ed (EOIR)
Sent: Monday, August 22, 2011 5:08 PM
To: Moutinho, Deborah (EOIR)
Subject: RE: Status of Open Complaints in the Database

(b) (6) #524 is complete – oral counseling on 8/22/2011. Don't I owe you more paperwork on that one?
Thanks, -Ed

From: Moutinho, Deborah (EOIR)
Sent: Monday, August 22, 2011 1:13 PM
To: Kelly, Ed (EOIR)
Subject: RE: Status of Open Complaints in the Database

Thank you for your quick reply, I will close out # 519 as oral counseling on 8/17

Deborah

From: Kelly, Ed (EOIR)
Sent: Monday, August 22, 2011 1:12 PM
To: Moutinho, Deborah (EOIR)
Subject: RE: Status of Open Complaints in the Database

Deborah,

519 -- IJ (b) (6) -- is done – oral counseling on 8-17-11.

524 (b) (6) will be done as soon as I talk to (b) (6) this week (b) (6) off to (b) (6) on detail but I'm going to give (b) (6) a call.) Cheers,

-Ed

From: Moutinho, Deborah (EOIR)
Sent: Monday, August 22, 2011 1:07 PM
To: Kelly, Ed (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Status of Open Complaints in the Database

Good Afternoon ACIJ Kelly

Per ACIJ Keller's request I am sending you a summary report of all open complaints from your courts currently in the database along with detail report that shows you the specifics concerning each of the open complaints.

After reviewing the reports please let me know if there are any updates and or resolutions to the open complaints – no need to complete a new complaint intake sheet just send me the update along with the corresponding complaint number found on the left hand side of the summary report.

Please let me know if you have any questions or require additional assistance.

Thank you
Deborah

Deborah M. Moutinho

Staff Assistant
Office of the Chief Immigration Judge
Executive Office for Immigration Review
(703) 605-1389

6623; 4967

8/24/2011

Moutinho, Deborah (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Wednesday, September 07, 2011 5:28 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR); McGoings, Michael (EOIR)
Subject: FW: Attorney (b) (6)

Dear MTK:

Enclosed you will find Judge (b) (6) response to the complaint filed by (b) (6). Please read the decision from US District Judge (b) (6) where he actually discusses sanctions against M (b) (6) for his multiple appeals to them when they do not have subject matter jurisdiction.

The Writ of Habeas in the other matter (b) (6) refers to was also dismissed but I will confirm with Rico Segocio.

I will fill out the form and close this matter with a dismissal with today's date Sept. 7, 2011.

Thanks,

EMS

From: (b) (6) (EOIR)
Sent: Wednesday, September 07, 2011 3:04 PM
To: Sukkar, Elisa (EOIR)
Cc: (b) (6) (EOIR)
Subject: Attorney (b) (6)

Dear EMS:

Embedded in this e-mail is an abstract of an order from the Honorable (b) (6), U.S. District Court, (b) (6) District of (b) (6) regarding Attorney (b) (6) frivolous conduct regarding numerous motions and petitions in (b) (6) v. U.S. Dept of Homeland Security, Case No (b) (6) - (b) (6)

[\(b\) \(6\)](http://www.(b) (6))

I have reviewed the complaint and there is simply no merit to it. The first case to which he refers has to do with one of the (b) (6). He was attempting to get the person released on a bond and there was credible evidence that the "student" was working on an F-1 which would have made him ineligible for reinstatement. This occurred last April and I was on leave. He came around the Court trying to get Judge (b) (6) to overrule my no bond order and instead of simply waiting for a decision upon my return he filed a Habeas action. Upon my return I scheduled another bond hearing and he went on for hours. I put off a decision and instead he wanted voluntary departure at the end of the hearing—case closed.

For the current matters, the records are self explanatory. Both respondents had two attorneys before him. (b) (6) never entered an appearance before their final hearing on 6/22. Rather he filed a bond motion (two I believe) and the aliens were under a final order. He submitted a number of filings which had to be returned because they were not in proper order. Finally he submitted a motion to reopen/stay for both which were opposed by DHS and accordingly denied by me. He insists that he filed some application with USCIS, but no copy was submitted to the Court. In my decision he was cited to the regulation that gives exclusive jurisdiction to adjudicate applications to the IJ when the alien is in proceedings. 8 C.F.R. 1208.2 (b) and appeared to ignore it. Strangely, he finally submitted an application for the female respondent but it was one dated 8/9/2011. There was no actual evidence in the form of a previously filed application furnished. DHS opposed all of the motions in writing and I rendered timely decisions.

Sincerely,

(b) (6)

9/8/2011

6663

To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR); McGoings, Michael (EOIR)
Subject: FW: Attorney (b) (6)

Dear MTK:

Enclosed you will find Judge (b) (6) response to the complaint filed by (b) (6). Please read the decision from US District Judge (b) (6) where he actually discusses sanctions against (b) (6) for his multiple appeals to them when they do not have subject matter jurisdiction.

The Writ of Habeas in the other matter (b) (6) refers to was also dismissed but I will confirm with Rico Segocio.

I will fill out the form and close this matter with a dismissal with today's date Sept. 7, 2011.

Thanks,

EMS

From: (b) (6) (EOIR)
Sent: Wednesday, September 07, 2011 3:04 PM
To: Sukkar, Elisa (EOIR)
Cc: (b) (6) (EOIR)
Subject: Attorney (b) (6)

Dear EMS:

Embedded in this e-mail is an abstract of an order from the Honorable (b) (6), U.S. District Court, (b) (6) District of (b) (6) regarding Attorney (b) (6) frivolous conduct regarding numerous motions and petitions in (b) (6), U.S. Dept of Homeland Security, Case (b) (6).

[\(b\) \(6\)](http://www.(b) (6))

I have reviewed the complaint and there is simply no merit to it. The first case to which he refers has to do with one of the (b) (6) (b) (6). He was attempting to get the person released on a bond and there was credible evidence that the "student" was working on an F-1 which would have made him ineligible for reinstatement. This occurred last April and I was on leave. He came around the Court trying to get Judge (b) (6) to overrule my no bond order and instead of simply waiting for a decision upon my return he filed a Habeas action. Upon my return I scheduled another bond hearing and he went on for hours. I put off a decision and instead he wanted voluntary departure at the end of the hearing—case closed.

For the current matters, the records are self explanatory. Both respondents had two attorneys before him. (b) (6) never entered an appearance before their final hearing on 6/22. Rather he filed a bond motion (two I believe) and the aliens were under a final order. He submitted a number of filings which had to be returned because they were not in proper order. Finally he submitted a motion to reopen/stay for both which were opposed by DHS and accordingly denied by me. He insists that he filed some application with USCIS, but no copy was submitted to the Court. In my decision he was cited to the regulation that gives exclusive jurisdiction to adjudicate applications to the IJ when the alien is in proceedings. 8 C.F.R. 1208.2 (b) and appeared to ignore it. Strangely, he finally submitted an application for the female respondent but it was one dated 8/9/2011. There was no actual evidence in the form of a previously filed application furnished. DHS opposed all of the motions in writing and I rendered timely decisions.

Sincerely,

(b) (6)

6665

9/13/2011

Weisel, Robert (EOIR)

From: Keller, Mary Beth (EOIR)
Sent: Friday, January 06, 2012 9:49 AM
To: Weisel, Robert (EOIR)
Subject: RE: Complaint Master Calendar December 28, 2011

You are funny – fortunately, most of this won't be typed in the future, just crazy this week and figured it's easier to have it in hand at the beginning.

Got your other email as well, and yes, close out (b) (6) per our conversation earlier.

I will send you our definition of "complaint" – you've never seen it bc it's bureaucratic gobbledeygook. Bottom line: it's pretty wide in order for us to capture any possible issues and handle/get rid of them asap. That being said, I don't think we should "create" a complaint about (b) (6) where one really doesn't exist, it was simply a piece of the review you did relating to another judge and there isn't a problem. Just keep a record, because when someone comes calling alleging impropriety, especially since Judge (b) (6) has had (b) (6) critics, we have our answer readily available.

Tx.
mtk

From: Weisel, Robert (EOIR)
Sent: Thursday, January 05, 2012 6:04 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complaint Master Calendar December 28, 2011

I just spoke to Judge (b) (6) said (b) (6) heard (b) (6) legal assistant, (b) (6) ask the complainant, as per (b) (6) instructions, whether (b) (6) had a case. The person said no and also replied she just wanted to observe a hearing. (b) (6) said ok and the woman remained in Judge (b) (6) courtroom until the end of the docket. I spoke to Judge (b) (6) and he verified Judge (b) (6) rendition. I want to give you a little more detail regarding Judge (b) (6). First of all, it was an asylum case. Secondly, Judge (b) (6) said the woman appeared agitated, and walked up to the front of the courtroom, sat down right behind the gate. Judge (b) (6) stated (b) (6) asked the woman if (b) (6) could help her. She repeated her request to observe. (b) (6) explained asylum hearings in some cases are confidential and needed to seek the assent of the respondent to her presence. The judge used the interpreter. (b) (6) could not recall whether the respondent's attorney asked the client whether he wanted to consent or whether the judge asked the respondent (b) (6) through the interpreter. Regardless, the respondent did not want the complainant in the courtroom. Judge (b) (6) told the complainant that she would have to leave but said there may be other hearings she could observe. At that point, the complainant said the judge should be fired at that point and left. Should I still fax a an IJ intake complaint form and if so, may I dismiss this as disproven? By the way, I don't want to quit, In fact, I am convinced this will vastly improve my typing skills. On a serious note, thank you for all your assistance.

Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Keller, Mary Beth (EOIR)
Sent: Thursday, January 05, 2012 4:57 PM
To: Weisel, Robert (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: Complaint Master Calendar December 28, 2011

6686

1/6/2012

Ok. Another good one for the here's- how- it- always - happens book: you look into one thing and find another two!

First, on the (b) (6) issue, it sounds like this didn't happen on the record then, so you may want to ask the legal assistant what was said (we've had legal staff stating the open/closed hearing policy in a less than clear way to the public in other situations) just to be sure there isn't an issue there. But, you are correct on the disposition(s) - and of course they are often "tweeners" as Larry Dean would say. But, we have to pick one. In this circumstance I would go with "disproven" since if it was anyone who may have misstated something it apparently wasn't the judge.

Meanwhile, since legal staff are also in your court, you probably need to just check in on that per the above. AND, I think you need to talk to Judge (b) (6). Especially given this person's apparent mission, and other reasons as well, I think we need to make sure Judge (b) (6) is in the clear. That is, I think it's worth a quick conversation with (b) (6) as to what transpired, and why (b) (6) closed the hearing. I am assuming it was an asylum case, since everything else should generally be open, but we should find out.

Again, give me a buzz if you want to talk about.

I hope you don't want to quit yet!

mtk

From: Weisel, Robert (EOIR)
Sent: Thursday, January 05, 2012 4:01 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: Complaint Master Calendar December 28, 2011

Mary Beth:

I spoke to Judge (b) (6) recalled on that date at the time indicated in the complaint, (b) (6) was addressing a pro se respondent who happened to be the last person taken on her docket that morning. The complainant walked in and sat down. Having no further matters on (b) (6) calendar that morning, the judge asked (b) (6) legal assistant to inquire of the complainant whether (b) (6) had a matter before Judge (b) (6). The complainant said (b) (6) did not and then walked out of courtroom. Judge (b) (6) advised (b) (6) had no words at all with the complainant and did not disallow her to be in (b) (6) courtroom. Judge (b) (6) informed me that Judge (b) (6) told Judge (b) (6) that the complainant walked into (b) (6) courtroom which is adjacent to (b) (6). The complainant requested Judge (b) (6) allow her to sit and observe (b) (6) hearing. Judge (b) (6) asked the parties for permission to allow the complainant to observe, the respondent's counsel objected. Judge (b) (6) advised the complainant and asked her to leave. Judge (b) (6) reports Judge (b) (6) was told by the complainant (b) (6) should be fired because of (b) (6) decision and then left (b) (6) courtroom. First of all, would you like me to fax an IJ Complaint Intake Form to you. Secondly, taking the pop quiz, I would choose either complaint dismissed, as frivolous or complaint dismissed because it was disproven. (I am hedging my bets)

Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Keller, Mary Beth (EOIR)
Sent: Thursday, January 05, 2012 11:52 AM
To: Weisel, Robert (EOIR)
Subject: RE: Complain

Bob,

No problem - that is what we are all here for, esp me in this context! I just looked at the date and pulled up her

6687

1/6/2012

calendar just to see what was on that day since he gave us a date and time but not an A#. And yes, absolutely there are some complaints that are so frivolous we don't speak to the judge at least on the front end. We do advise the judge (absent a valid) reason not to that a complaint came in and we closed it out as frivolous or meritless once we do that, so that the judge knows. NAIJ was really adamant about this, i.e., that judges should be in the loop, though we felt we didn't want to bother judges in some instances. As you will see, managers deal with a lot of "junk"! But, if judges see we are dismissing "junk" out of hand, that should show them that we have a credible process for weeding out the valid concerns from the meritless.

Mtk

From: Weisel, Robert (EOIR)
Sent: Thursday, January 05, 2012 11:43 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complain

(b) (5)

Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Keller, Mary Beth (EOIR)
Sent: Thursday, January 05, 2012 10:35 AM
To: Weisel, Robert (EOIR)
Subject: RE: Complain

Bob,

(b) (5)

mtk

From: Weisel, Robert (EOIR)
Sent: Thursday, January 05, 2012 10:04 AM
To: UConduct, EOIR (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: Complain

(b) (5)

1/6/2012

6688

February 6, 2012

MEMORANDUM FOR RECORD

FROM: Gary W. Smith, Assistant Chief Immigration Judge

SUBJECT: Complaint from (b) (6) Attorney Advisor (b) (6) Immigration Court

1. (b) (6) Attorney Advisor, (b) (6) Immigration Court, talked with me by phone on February 2, 2012, and asked if he could come see me to talk with me about something. I didn't know what it was he was concerned about but told him to come on February 6th. He came over on February 6th about 11:00 am. He expressed some reluctance about talking and said it pertained to ethical issues at the Court. I told that if it pertained to the Court, I needed to know about it. He then related the following:

a.

Non-Responsive

- b. Judge (b) (6) has been falling asleep on the bench. Last year, several months ago, there was a commotion in the waiting room. A family member said the judge was sleeping. He and the security guard looked and sure enough, Judge (b) (6) was asleep on the bench. The security guard told I (b) (6) and (b) (6) woke the judge up. She told him and the security guard not to tell anyone. The security guard, (b) (6) said (b) (6) wanted to keep it "hush hush." Judge (b) (6) granted the respondent relief, and there wasn't an appeal. He said he will try to identify the date.
- c. The intern heard on DAR a case where the DHS counsel accused Judge (b) (6) of sleeping on the record, and he thinks this happened during cross-examination. He said that he would provide me the Alien number (he later provided the name: (b) (6) (b) (6)). The decision involves a credibility finding and

it's a reserved decision. (I asked him to check the report of cases he sent me and he didn't find it on there.) He said that one of the law clinics gave Judge (b) (6) some expresso beans, which he gathered was so that Judge (b) (6) would stay awake.

- d. During the last week of December 2011, he saw Judge (b) (6) at a bar in (b) (6) (b) (6) drinking with a woman attorney named (b) (6). He said other attorneys said she was bragging about getting drunk with the judge. I asked him if he heard her say this and he said that he had not.

2. I talked with (b) (6) about the allegations about Non-Responsive and Judge (b) (6) sleeping on the bench. She said she was unaware of either.

3. I asked (b) (6), who was Acting Court Administrator at (b) (6), during the last half of the year and until mid-January 2012. He read my notes and said he was unaware of either Non-Responsive or Judge (b) (6) sleeping at the bench. He said no one had reported anything like that to him. Non-Responsive

Non-Responsive

4. Non-Responsive
Non-Responsive

Gary W. Smith
Assistant Chief Immigration Judge

February 17, 2012

MEMORANDUM FOR RECORD

FROM: Gary W. Smith, Assistant Chief Immigration Judge

SUBJECT: Interview of (b) (6) and Discussion with (b) (6) and (b) (6)

On February 16, 2012, I went to the (b) (6) Immigration Court to meet with (b) (6) (b) (6) Acting Court Administrator, and (b) (6) Supervisory Legal Assistant.

Non-Responsive

Non-Responsive I also told them I had received a complaint of Judge (b) (6) sleeping at the bench and that the complaint related to conduct a year or more before. Both said they were not aware of anything like that and would be surprised if anything like that were going on.

While at the Court, I interviewed (b) (6) Contract Security Officer. I asked him if he recalled an incident when Judge (b) (6) was allegedly asleep during a hearing. He said that he did recall such an incident. He said that it was a video hearing and there was a visitor at the hearing who came out of the courtroom and asked (b) (6) in Spanish, "How was the judge listening to the testimony if (b) (6) was falling asleep? It doesn't seem fair." (b) (6) (b) (6) said that he looked into the courtroom and Judge (b) (6) had (b) (6) head resting on (b) (6) uplifted arm. (b) (6) said that he told (b) (6) who went into the courtroom and said something to the judge. (b) (6) did not remember (b) (6) being there and did not remember (b) (6) saying not to tell anyone. He said this was the only such incident like this he knew of and it was about a year ago. He believed it was in the morning during a master calendar hearing.

After talking with (b) (6) I spoke with (b) (6). I told him that in the incident he reported to me of the intern detecting that an attorney had asked Judge (b) (6) if he were sleeping, that Judge (b) (6) in less than a second, answered that (b) (6) was not. I told him that didn't appear to have any substance. I also told him (b) (6) didn't remember him being around the day about a year ago.

Gary W. Smith
Assistant Chief Immigration Judge

(b) (6)

- 2-6-13
11:00 am

Non-Responsive

Non-Responsive

*This was
last year -
several
months
ago -
(for a number)*

Judge (b) (6) has been falling asleep on the bench. There was a commotion in the waiting room. A fairly member said the judge was sleeping. He and the security guards looked and sure enough, Judge (b) (6) was asleep on the bench. The SG told (b) (6) and (b) (6) woke (b) (6) up. She told (b) (6) the SG not to tell anyone. The OSG said (b) (6) wanted to keep it hush-hush. Judge (b) (6) granted req. relief and there wasn't an appeal.

The item ~~also~~ heard on Dkt a case where the (b) (6) and one the A #.) DHS Counsel accused Judge (b) (6) of sleeping on the bench. (Thinks this happened during court-examination.)

One of the law clinics gave Judge (b) (6) some espresso beans

Moutinho, Deborah (EOIR)

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2012 8:44 AM
To: Moutinho, Deborah (EOIR)
Subject: RE: Atty: (b) (6)

I would just add this as a miscellaneous item under the original complaint against Judge (b) (6) ongoing issues with attorney appearing late in court."

From: Moutinho, Deborah (EOIR)
Sent: Wednesday, June 27, 2012 8:26 AM
To: Keller, Mary Beth (EOIR)
Subject: RE: Atty: (b) (6)

So we are holding off putting this into the Database?

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, June 27, 2012 8:20 AM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: Atty: (b) (6)

I suspect that Jenni Barnes will be addressing this, it seems out of bounds.
mtk

From: Sukkar, Elisa (EOIR)
Sent: Tuesday, June 26, 2012 8:14 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: FW: Atty: (b) (6)

MTK:

This is the situation with the attorney that complained against IJ (b) (6) recently. (b) (6)

This is not an isolated situation with the attorney meeting with clients when she should be in court representing them. She is also nonchalant about being late or not showing up at all.

This just happened last Friday, June 22, 2012.

Thanks.

EMS

From: (b) (6) (EOIR)
Sent: Friday, June 22, 2012 9:25 AM
To: Sukkar, Elisa (EOIR)
Cc: Barnes, Jennifer (EOIR)
Subject: Atty: (b) (6)

Greetings:

It is now 9:20 a.m. and Attorney (b) (6) has four cases today starting at 8:00 a.m. She has still not signed in but is "meeting with my clients". (b) (6) was scheduled for 8 a.m., (b) (6) is also scheduled for 8 a.m. and she has an individual at 9 a.m. (b) (6) and an individual at 10:30 a.m. (b) (6) This conduct must stop as it is completely disruptive to the effective operation of the Court.

Sincerely,

(b) (6)

6/27/2012

6767

EOIR FOIA Processing (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Thursday, October 11, 2012 12:08 PM
To: Keller, Mary Beth (EOIR)
Subject: RE: Complaint Regarding an Immigration Judge's Conduct

Due process is OK. The disposition should be: complaint dismissed – not substantiated.

Also, Paul drafted a response on the VAWA complaint. I will bring it to you later.

Thanks,

Jill.

From: Keller, Mary Beth (EOIR)
Sent: Thursday, October 11, 2012 11:49 AM
To: Dufresne, Jill (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: Complaint Regarding an Immigration Judge's Conduct

Jill,
This is currently characterized as "other – time management issue" in the db. I think we should check off "due process" instead, since "other" doesn't provide us much info.
Also, how would like the db to reflect resolution on this?
Thanks.
mtk

From: IJConduct, EOIR (EOIR)
Sent: Monday, August 06, 2012 8:31 AM
To: Dufresne, Jill (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Complaint Regarding an Immigration Judge's Conduct

Good Morning,

Please see the below complaint that came into the IJ Conduct mailbox concerning IJ (b) (6)

Thank you
Deborah

From: (b) (6) Ali [mailto:(b) (6) @yahoo.com]
Sent: Friday, August 03, 2012 11:57 PM
To: IJConduct, EOIR (EOIR)
Subject: Complaint Regarding an Immigration Judge's Conduct

Dear :

I have an Asylum case been hold by judge (b) (6) immigration I live in (b) (6) (b) (6) and i am seeking asylum but every time i came to the hiring on time (b) (6) did not let me in because of some other small cases, I had 2 hiring dates the first one was on JAN of 2012 i drove from

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Wednesday, January 23, 2013 3:49 PM
To: Moutinho, Deborah (EOIR); Morris, Florencio (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: Immigration Judge Complaint Intake Forms (8)

Importance: High

Good Afternoon Deborah:

We only have 2 complaints currently pending:

- 1) IJ (b) (6) with Complaint No. 709. I am waiting for the IJ to rule on the Motion to Reopen and to respond further to the entire complaint.
- 2) IJ (b) (6) with Complaint No. 694. I am waiting for the IJ to fully respond to the complaint. I sent (b) (6) a follow up request on January 17, 2013.

The other two that you show pending on your report have been closed and were included in the e-mail of the 8 in-take complaint updates:

- 1) IJ (b) (6) with Complaint No. 712 was closed on January 17, 2013 based on oral counseling. The complaint had merit and was substantiated but it is now closed. The IJ received oral counseling.
- 2) IJ (b) (6) with Complaint No. 666 was completed and closed. Please see the third page of the complaint intake form. After the October 22, 2012 entry on the intake form there are two more entries. The correspondence was sent to OCIJ on January 23, 2013 for further review and possible complaint against the OCC in (b) (6). And then on January 17, 2013, the entry in the intake form reflects that the matter is being dismissed as unsubstantiated and that it is closed.

The one on IJ (b) (6) involving respondent (b) (6) which Sabina sent to me on December 14, 2012, was addressed with the judge. This is the case where the respondent claimed he was from Jamaica. He was known to throw food and feces at the (b) (6) guards and was kept in isolation. The BIA affirmed the IJ's decision and all the charges of removability. The matter was not substantiated and therefore dismissed. The complaint is closed as of January 17, 2013. This one was also included in the 8 complaint intake forms that were sent to you. This complaint does not have a number assigned to it.

In summary, at the present time and based upon the records on our end, we only have two complaints pending.

Thank you,

Judge Sukkar

From: Moutinho, Deborah (EOIR)
Sent: Friday, January 18, 2013 11:47 AM
To: Sukkar, Elisa (EOIR); Morris, Florencio (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: Immigration Judge Complaint Intake Forms (8)

6874

Good Morning

Attached is a report of all open complaint that you have in the database right now ACIJ Sukkar, besides the mentioned complaint on IJ (b) (6) which I do not have anything at all on that.

If you have any inputs/closeouts to the open complaints, please just send me an email referencing the judge's name and or the complaint number and I will update the information in the database.

Thank you
Deborah

From: Moutinho, Deborah (EOIR)
Sent: Friday, January 18, 2013 9:27 AM
To: Sukkar, Elisa (EOIR); Morris, Florencio (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: Immigration Judge Complaint Intake Forms (8)

Thank you, I will enter these and send you a report later today. Also I have a Complaint on (b) (6) from a (b) (6) that was sent to you on 12/14 from Sabina -- I check and don't have any updated info on that one.

Thank you
Deborah

From: Sukkar, Elisa (EOIR)
Sent: Thursday, January 17, 2013 6:47 PM
To: Morris, Florencio (EOIR); Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: Immigration Judge Complaint Intake Forms (8)

☺ ☺ ☺

From: Morris, Florencio (EOIR)
Sent: Thursday, January 17, 2013 6:30 PM
To: Moutinho, Deborah (EOIR)
Cc: Sukkar, Elisa (EOIR)
Subject: Immigration Judge Complaint Intake Forms (8)

Hi Deborah:

Attached please find a total of eight IJ Complaint Intake forms. This includes updates and new intake sheets. Please let us know if there are any others pending.

Thanks,

Florencio (Tony) Morris, Staff Assistant
U.S. Department of Justice
Executive Office for Immigration Review
333 South Miami Avenue, Suite 700
Miami, Florida 33130-1901
305-789-4261
Florencio.Morris@usdoj.gov

6875

From: (b) (6) @yahoo.com)
To: (b) (6)
Date: Thu, September 6, 2012 7:41:50 PM
Cc:
Subject: Fwd: (b) (6) 22SEP BHM ATL

Sent from my iPhone

Begin forwarded message:

From: (b) (6) @gmail.com>
Date: September 5, 2012 4:58:51 PM CDT
To: (b) (6) @yahoo.com
Subject: (b) (6) 22SEP BHM ATL

This document is automatically generated.
Please do not respond to this mail.

(b) (6)

DATE 05SEPTEMBER12
BOOKING REF (b) (6)

(b) (6)

SERVICE	FROM	TO	DEPART	ARRIVE
DELTA AIR LINES - SAT 22SEP	(b) (6)	(b) (6)	0915A	1110A

NON STOP

DURATION 0:55
NON SMOKING

RESERVATION CONFIRMED - T ECONOMY
EQUIPMENT:BOEING (DOUGLAS) MD-88
SEATS 26E/26D NO SMOKING CONFIRMED

DELTA AIR LINES - SAT 22SEP	(b) (6)	MONTREAL QC P TRUDEAU INTL	1205P	0236P
-----------------------------	---------	-------------------------------	-------	-------

NON STOP

DURATION 2:31
NON SMOKING

RESERVATION CONFIRMED - T ECONOMY
FLIGHT OPERATED BY PINNACLE DBA DELTA CONNECTION
AIRCRAFT OWNER :9E PINNACLE AIRLINES
EQUIPMENT:CANADAIR REGIONAL JET 900
SEATS 15A/19D NO SMOKING CONFIRMED

DELTA AIR LINES - SEN 30SEP	(b) (6)	MONTREAL QC P TRUDEAU INTL	0606P	0900P
-----------------------------	---------	-------------------------------	-------	-------

NON STOP

DURATION 2:54
NON SMOKING

RESERVATION CONFIRMED - T ECONOMY

7041

FLIGHT OPERATED BY PINNACLE DBA DELTA CONNECTION
AIRCRAFT OWNER :9E PINNACLE AIRLINES
EQUIPMENT:CANADAIR REGIONAL JET 900
SEATS 09D/09C NO SMOKING CONFIRMED

DELTA AIR LINES (b) (6)
SUN 30SEP (b) (6)

1100P 1052P

NON STOP TERMINAL S

DURATION 0:52
NON SMOKING

RESERVATION CONFIRMED - T ECONOMY
EQUIPMENT:BOEING 737-800
SEATS 25F/25E NO SMOKING CONFIRMED

RESERVATION NUMBER(S) (b) (6)

(b) (6)

TICKET:DL/ETKT 006 7104168725
TICKET:DL/ETKT 006 7104168726

(b) (6)

7042

11/15/2012

From: (b) (6) (EOIR)
Sent: Wednesday, April 10, 2013 4:13 PM
To: Sukkar, Elisa (EOIR)
Subject: RE: Court matter
Sensitivity: Confidential

Hi Judge,

I know you're busy, just wanted to remind you that I am out on leave tomorrow through Monday back in the office on Tuesday. The matter I wanted to bring to your attention is (b) (6) I will forward to you under separate cover the email I sent to Jenni Barnes last week regarding the attorney on this case which is self-explanatory.

I am off the bench for the day so I do hope we get the chance to speak before I leave.

Thanks.

(b) (6)

Sincerely,

(b) (6)
Immigration Judge
U.S. Department of Justice
(b) (6)
(b) (6)

From: (b) (6) (EOIR)
Sent: Wednesday, April 10, 2013 12:05 PM
To: Sukkar, Elisa (EOIR)
Subject: Court matter
Importance: High
Sensitivity: Confidential

Good afternoon Judge,

I received your message this morning. We were in FERS training yesterday afternoon. I tried calling you back today and left a voice message at Jorge Rodriguez's number. I do need to talk to you about an incident this morning with an attorney against whom I issued an OSC last week. I will be back in court at 1 to issue a decision on an asylum case I heard this morning, but do not anticipate that should take very long. Please call when you can.

Thank you.

(b) (6)

Sincerely,

(b) (6)

7224

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

(b) (6)

(b) (6)

(b) (6)

7225

To: Sukkar, Elisa (EOIR)
Subject: RE: IJ Conduct Complaint

I'm available now if you are. I have 2 cases this afternoon.

Sincerely,

(b) (6)
Immigration Judge
U.S. Department of Justice

(b) (6)

From: Sukkar, Elisa (EOIR)
Sent: Thursday, April 18, 2013 10:33 AM
To: (b) (6) (EOIR)
Subject: RE: IJ Conduct Complaint

Good Morning Judge:

The attorney explains that she was not trying to address the OSC at all but was trying to make it clear, after being asked, that she had no file to give. That she had only been representing the respondent for 45 days and her file only consisted of a COV motion and a skeleton cancellation application both of which she had already e-mailed to (b) (6). There was no file to hand over. She said that to the extent you had issued an OSC and felt disciplinary proceedings were over her head, that she wanted it to be known that she had no documents or files to turn over. Any and all documents, at best, were with the first attorney of record and not with her. That is what she was trying to explain to you.

She had no intent of addressing the OSC in open court and in front of her colleagues. Please keep in mind that any discussion of disciplinary proceedings is confidential and she had no intent of addressing your concerns publicly.

She felt she never had a chance to even explain all of this to you when she was interrupted, not allowed to explain and then was expelled from the courtroom for no reason. Hearing someone out fully is crucial so that matters do not escalate.

You assumed that (b) (6) was not representing the truth. (b) (6) turned over the extent of the file that was in her possession. And that was what she was trying to explain to you. Both attorneys were representing the truth. But it seems there was this assumption by the court, as you have indicated below, that one was not telling the truth.

Even the DHS attorney was objecting to what the court was doing and the path that the discussion had taken. It was good advice and, as you have indicated, a good suggestion.

Let's try to connect this afternoon at the end of the day so we can discuss further. I am at BTC today at (b) (6).

Thanks you,

EMS

7230

From: (b) (6) (EOIR)
Sent: Thursday, April 18, 2013 8:44 AM
To: Sukkar, Elisa (EOIR)
Subject: RE: IJ Conduct Complaint
Importance: High

Good morning Judge, I listened to the DAR last week.

My main concern was that no further delays be caused resulting from the respondent's file not being turned over to new counsel. (b) (6) stated on the record that she had provided (b) (6) with the file. After (b) (6) left the Courtroom (b) (6) clearly stated that was not the case. (b) (6) then returned and I asked her to please address only where the file was (this was clearly a huge mistake on my part) and she insisted on addressing the OSC and further kept trying to tell me why she was having trouble representing the Respondent implying that the Respondent was misrepresenting things to her. His statements on the record from the last hearing were that she told him she would not appear in court if he didn't pay her. This is exactly what she told my assistant when she called to tell him to let me know she had no intention of appearing in court in spite of my order if she was not paid.

(b) (6) insisted on addressing the OSC in open court. I made it clear to her that I did not have the time to hear her on the OSC, that she could and should address it in writing and that I needed to move on because I had interrupted another hearing in order to reset this case as it was clear I would not have sufficient time to hear the matter that day. I literally pleaded with her repeatedly to simply address the issue of the file transfer as concisely as possible then and there and to address the OSC in writing. When it was clear that she was going to continue speaking and doing as she pleased I did what was advised to me in training and that was to take a recess (announce that I was going to step out and leave the courtroom) to diffuse the situation. I did tell her that I expected her to remove herself from the courtroom by the time I returned and she did so. When I left the bench I went to Cynthia and let her know what was going on so that any further escalation could be avoided and I turned it over to her. As stated, by the time I returned she had left. Once I returned the DHS found it necessary to state on the record that after I had left the Court (b) (6) attempted to engage him repeatedly expecting him to take a position which he declined before she left. I learned of this because he insisted on addressing this on the record. His statement can be heard on the DAR as well.

(b) (6) was present during this incident as was the DHS attorney, (b) (6) and of course (b) (6). (b) (6) respondent's new attorney and the respondent himself.

In retrospect I understand that I should not have addressed her as to the whereabouts of the file. I did this because (b) (6). (b) (6) had made a clear statement that (b) (6) representation that she had given her the respondent's file was not true. I figured I'd want the opportunity to address that if my representation to a court was questioned and for this reason alone I called on her to state her position. I realize this was a huge mistake. This was raised by the DHS and I clearly should have done as he suggested which was to not address the matter in court.

I do not believe I treated her disrespectfully. I trust you will let me know if this is not reflected in the DAR when we discuss the matter. I will make myself available at your convenience. Please let me know when your schedule allows.

Thank you.

(b) (6)

Sincerely,

(b) (6)

7231

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

From: Sukkar, Elisa (EOIR)
Sent: Wednesday, April 17, 2013 5:12 PM
To: (b) (6) (EOIR)
Subject: IJ Conduct Complaint
Importance: High

Good Afternoon Judge (b) (6):

I wanted you to know that attorney (b) (6) has called lodging a complaint as to events that transpired in your courtroom on April 10, 2013 in the matter of A(b) (6).

This is the case involving the COV and the OSC that you issued in which EOIR Counsel Jennifer Barnes was contacted.

The attorney will mail a copy of her response to the OSC for my review so that I become familiar with this matter.

She complains how she was treated during the hearing on April 10, 2013. She indicated she felt humiliated when after being asked to address the issue of the respondent's file in "one minute" (after she had been granted a Motion to Withdraw), she was interrupted, was not allowed to explain and then was thrown out of the courtroom when you told her she needed to be "gone" or she had to "remove herself" from the courtroom by the time you came back to address the matter with the new attorney.

She also indicated that the OSC was first issued and served on the respondent in open court on April 4, 2013 before it was even served on her.

Please listen to all the DAR recordings in this matter and please provide a response as soon as possible.

After you listen to DAR, please let's set up another meeting so we can address this matter.

Thank you,

Judge Sukkar

7232