

(b) (6)

**Keller, Mary Beth (EOIR)**

**From:** Sukkar, Elisa (EOIR)  
**Sent:** Thursday, October 07, 2010 6:24 PM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Keller, Mary Beth (EOIR); Morris, Florencio (EOIR)  
**Subject:** Closing Out Complaints  
**Importance:** High

Dear Deborah:

This is to let you know that today, October 7, 2010, I sat down with the following IJs and closed out any and all matters pending with them with oral counseling.

Judge (b) (6)

It may be closed already (MTK checked as we were talking today) but as part of (b) (6) PWP, the IJ was counseled about the comments made by an intern from FIAC which the BIA sent to us. (b) (6) provided another statement today. I told (b) (6) the matter is treated as a complaint, the disposition is oral counseling and it is being closed. I then spent a few minutes asking (b) (6) to minimize comments.

Judge (b) (6) (b) (6) A(b) (6) (b) (6)  
 complaint)

I indicated to the IJ that OPR does not have a complaint. This does not mean that if they receive a copy of the Motion to Recuse that they may not look into this. As such, OCIJ will proceed with oral counseling. We spent over an 90 minutes with the IJ. The mentor was with me. I went through the transcript with the IJ and explained where the pitfalls may have been. The complaint is that (b) (6) is too prosecutorial and (b) (6) needs to hold back a bit. I asked (b) (6) to spend time in the courtroom alone and think about this. (b) (6) said it has been a learning experience. I went over all the comments I received from AILA and DHS which praise (b) (6) professionalism, (b) (6) knowledge and (b) (6) demeanor. Within the comments from AILA, I do see (b) (6) complaining. I read the comments to the IJ.

Please enter in the database that this was done and close it out. This was part of (b) (6) PWP review as well.

Judge (b) (6) (b) (6) A(b) (6) (b) (6) approach comment)

We went over this matter and conducted PWP review as well. Last time (b) (6) wanted a union rep, this time (b) (6) did not mention it. Told (b) (6) that this is oral counseling and that it will be closed out. We both had the previous two matters but these were discussed on January 25, 2010. Those were "inappropriate tone" (A(b) (6)) and "brusque" comment by the BIA as to IJ's statement (A(b) (6)).

I will conduct PWP review with IJ (b) (6) next week and will go over any and all matters with (b) (6)

Please advise if I owe you guys anything else at this point. Thank you both for your patience!

EMS

2600

10/28/2010

Dmm

**Moutinho, Deborah (EOIR)**

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**From:** Sukkar, Elisa (EOIR)  
**Sent:** Wednesday, March 31, 2010 8:11 PM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR); Morris, Florencio (EOIR)  
**Subject:** RE: (b) (6)

MTK:

The IJ was given the decision and copy of transcripts. We are coordinating a meeting with the IJ. The IJ was out part of this week due to (b) (6). The IJ is aware of what the problems were. (b) (6) knows the declaration from the intern at (b) (6) to be a concern as well as the claim that (b) (6) made statements off the record and then the manner in which the oral decision was rendered showed (b) (6) was not organized. Apparently, the decision was rendered in two sessions with the parties being asked to come back in the afternoon.

# Non-Responsive

As soon as I meet with the IJ, I will send a status report to you.

Thanks. EMS

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Wednesday, March 31, 2010 5:57 PM  
**To:** Sukkar, Elisa (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** (b) (6)

Elisa,  
BIA case of (b) (6) referred to you on March 1. I don't think I have a status on this –  
Tx.  
mtk

*MaryBeth Keller*  
Assistant Chief Immigration Judge  
EOIR/OCIJ  
703/305-(b) (6)  
(b) (6)

2601

4/5/2010

**Moutinho, Deborah (EOIR)**

**From:** Keller, Mary Beth (EOIR)  
**Sent:** Monday, October 04, 2010 2:15 PM  
**To:** Sukkar, Elisa (EOIR)  
**Cc:** Moutinho, Deborah (EOIR); Morris, Florencio (EOIR)  
**Subject:** RE: help me please  
Great, thank you! Another one down...  
And, we rec'd the fax, thanks!  
mtk

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**From:** Sukkar, Elisa (EOIR)  
**Sent:** Monday, October 04, 2010 2:14 PM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR); Morris, Florencio (EOIR)  
**Subject:** FW: help me please  
**Importance:** High

Dear MTK:

The correct date on this one should be April 19, 2010. That is when we looked at it and determined that there was no merit to the complaint because the clock was stopped permanently due to the Respondent's failure to appear at the asylum interview. Therefore, Judge (b) (6) had nothing to do with the fact that the respondent was unable to have employment authorization. The IJ could not even start the clock again.

Please use this date as the closure date. Below you will find the e-mail from Tony to me on this issue. We closed it out here in the field at that time.

Thanks. EMS

PS We just sent the fax to you on the other matter.

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**From:** Morris, Florencio (EOIR)  
**Sent:** Monday, April 19, 2010 1:36 PM  
**To:** Sukkar, Elisa (EOIR)  
**Subject:** RE: help me please

Judge: The Respondent was a no show at the interview therefore, the clock stopped permanently. Tony

2671

10/4/2010

**Keller, Mary Beth (EOIR)**

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**From:** (b) (6) (EOIR)  
**Sent:** Friday, April 16, 2010 12:16 PM  
**To:** Keller, Mary Beth (EOIR)  
**Subject:** RE: Question  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

It's not an accident that (b) (6) asked Brian to respond by 4/22; I believe (b) (6) file something on 4/23.

**Non-Responsive**

**(b) (5)**

**(b) (6)**

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**Moutinho, Deborah (EOIR)**

**From:** Smith, Gary (EOIR)  
**Sent:** Wednesday, June 02, 2010 7:31 AM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** RE: Emailing: (b) (6) .pdf (Judge (b) (6))

Yes, this wasn't a referral as I recall as I picked up on it. Here was my synopsis done at the time. I don't see any basis for further action.

**17. Board Decision.** On April 2, 2009, while reading the BIA decisions on the IJ's whom I supervise, I detected one with conduct issues. The case is (b) (6) and the date of the BIA decision by Chairman Osuna is March 30, 2009. In the decision, the Board makes reference to the record reflecting "a heated and seemingly unprofessional exchange between the Immigration Judge and the respondent's attorney at the last hearing (*see* Tr. at 72-98)." The Board then remanded the record to a different Immigration Judge for further proceedings...and entry of a new decision. I printed the data from the CASE database, which shows the last hearing was on December 18, 2007, and there is no indication of a digital audio recording. I am requesting the ROP from the BIA and have forwarded a note to the court administrator to ensure the case on remand is assigned to another immigration judge. I have also contacted Sharon Pomeranz and MaryBeth Keller to alert them to the matter. A check of the BIA decisions shows that Judge (b) (6) also reviewed the BIA decision on April 2, 2009. I received the ROP on April 3, 2009, and reviewed the appellate briefs and the complete ROP. I read the transcript of the December 18, 2007, hearing. I did not detect anything that particularly concerned me about the judge's treatment of the case or (b) (6) part of the colloquy with (b) (6) at that hearing (b) (6) was obstreperous. He taunted the judge during the MC hearing. I'm waiting to listen to the hearing tape, but unless that is revealing, I don't see any basis for further action.

**From:** Keller, Mary Beth (EOIR)  
**Sent:** Tuesday, June 01, 2010 6:06 PM  
**To:** Smith, Gary (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** FW: Emailing: (b) (6) .pdf (Judge (b) (6))

Gary,  
 Can you tell I've moved on to April 2009?!  
 I don't have a resolution on this one.  
 Tx.  
 mtk

**From:** Smith, Gary (EOIR)  
**Sent:** Thursday, April 02, 2009 7:43 AM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR); Pomeranz, Sharon (EOIR); Hatch, Paula (EOIR)  
**Subject:** Emailing: (b) (6) .pdf (Judge (b) (6))

Note the first sentence of the second paragraph of the Board's decision and the order. I checked in CASE and this wasn't recorded in digital audio recording in December 2007 but there had to have been a tape because it

2823

6/2/2010

**Keller, Mary Beth (EOIR)**

**From:** Griswold, Stephen (EOIR)  
**Sent:** Monday, November 22, 2010 1:29 PM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** RE: Old complaint

No problem. **Non-Responsive**  
 - Steve

**From:** Keller, Mary Beth (EOIR)  
**Sent:** Monday, November 22, 2010 10:23 AM  
**To:** Griswold, Stephen (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** RE: Old complaint

# Non-Responsive

mtk

**From:** Griswold, Stephen (EOIR)  
**Sent:** Monday, November 22, 2010 1:03 PM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR); Griswold, Stephen (EOIR)  
**Subject:** RE: Old complaint

Hi MaryBeth –

I'm a little confused, because I thought you, Deborah and I closed all the items on the old report that pertained to the judges I supervised as ACIJ. In any event, I do remember that (b) (6) made a complaint in February/March about how Judge (b) (6) had handled a case, but she wanted it kept confidential. She had a number of complaints, including Judge (b) (6) handling of the asylum clock, (b) (6) double-booking of cases and (b) (6) demeanor. At least two of her concerns (clock and double-booking) were being already addressed with Judge (b) (6) and were soon resolved, and the question of demeanor was also something that had already been addressed with Judge (b) (6). I looked into the case, and called Ms. (b) (6) back on at least two occasions to follow up. In part, my response to her was that any concerns about what took place off the record must be addressed in the future by a request to summarize on the record what took place off the record. My recollection is that after our final conversation, she did not want to pursue her concerns any further, and that she was satisfied with the response.

I hope this helps.  
 - Steve

**From:** Keller, Mary Beth (EOIR)  
**Sent:** Friday, November 12, 2010 1:54 PM  
**To:** Griswold, Stephen (EOIR)  
**Subject:** Old complaint

2945

11/22/2010

**Moutinho, Deborah (EOIR)**

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Friday, November 26, 2010 9:58 AM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Romig, Jeff (EOIR)  
**Subject:** (b) (6) FY2009

Deborah,  
I spoke w/ Judge Romig about the two (b) (6) matters, 316 and 317. He will probably be sending the forms on these soon, but heads up because the db was showing some funny stuff – i.e., two (340/341) were showing open when they aren't.

ACIJ Romig will send you the date on 316, which was an oral counseling – performance.

317 should be closed out as merits-based, and we should use the date that we used to close out 340 and 341 — they were all interrelated in that they involved clients of the same attorney.

I don't know why those two – 340-341 are still showing up as open, - they are not showing on the open listing, but they are when you go into (b) (6)

Help!

Tx.

mtk

*MaryBeth Keller*

Assistant Chief Immigration Judge

EOIR/OCIJ

703/305-1247

mary.beth.keller@usdoj.gov

3108; 3180; 4413

**Moutinho, Deborah (EOIR)**

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Friday, November 26, 2010 9:58 AM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Romig, Jeff (EOIR)  
**Subject:** (b) (6) FY2009

Deborah,  
I spoke w/ Judge Romig about the two (b) (6) matters, 316 and 317. He will probably be sending the forms on these soon, but heads up because the db was showing some funny stuff – i.e., two (340/341) were showing open when they aren't.

ACIJ Romig will send you the date on 316, which was an oral counseling – performance.

317 should be closed out as merits-based, and we should use the date that we used to close out 340 and 341 --- they were all interrelated in that they involved clients of the same attorney.

I don't know why those two – 340-341 are still showing up as open, - they are not showing on the open listing, but they are when you go into (b) (6)  
Help!  
Tx.  
mtk

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

3180; 3108; 4413
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11/29/2010

**Moutinho, Deborah (EOIR)**

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Friday, October 01, 2010 1:24 PM  
**To:** Burr, Sarah (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** RE: Attorney complaint about Judge (b) (6)

Ok, we have this one. I will have Deborah forward you the intake form that I filled out for you, along with a copy of the complaint that (b) (6) filed w/ Judge McGoings about Judge (b) (6) handling of the case when (b) (6) had it. (b) (6) seems to think his complaint about Judge (b) (6) is still pending, but Mike responded to him, he just didn't like the response and sent Mike another letter, which I doubt Mike subsequently responded to. I have no record of it if he did. Will take a look in (b) (6) file on Monday when Deborah is back and send you anything else that might assist you from there, as well.

Tx,  
mtk

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**From:** Burr, Sarah (EOIR)  
**Sent:** Monday, September 13, 2010 1:26 PM  
**To:** Keller, Mary Beth (EOIR)  
**Subject:** Attorney complaint about Judge (b) (6)

Mary Beth, I'm going to fax you tomorrow a complaint I just received about Judge (b) (6) I believe the complaint to be bogus, but I think we have to enter it into the database. It alleges that (b) (6) is unable to adjudicate the case, is biased and has committed serious misconduct.

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

3269

## Moutinho, Deborah (EOIR)

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Monday, June 27, 2011 9:07 AM  
**To:** Weil, Jack (EOIR); Moutinho, Deborah (EOIR)  
**Subject:** RE: (b) (6)

Also, D, please correct the action item that says "removed from federal court" and change it to "removed to federal court" – tx.

# Non-Responsive

# Non-Responsive

Tx.  
mtk

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**From:** Weil, Jack (EOIR)  
**Sent:** Friday, June 24, 2011 2:36 PM  
**To:** Moutinho, Deborah (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** RE: (b) (6)

Deborah and MaryBeth,

The latest action is:

June 17, 2011 – District Court dismissed the complaint and terminated the case for failure of complainant to follow court orders.

Please conclude the complaint as dismissed as "frivolous."

*For management action please list "other – [details] ACIJ spoke with IJ and recommended better ways to handle the events giving rise to the complaint." I did not counsel the IJ as his conduct was neither unprofessional or misconduct. Instead, I simply recommended a better practice for dealing with the objection to interpretation and the events that followed.*

Please let me know if any additional information is needed to close out this complaint.

Thank you,  
Jack

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**From:** Moutinho, Deborah (EOIR)  
**Sent:** Friday, June 24, 2011 12:02 PM  
**To:** Weil, Jack (EOIR); Keller, Mary Beth (EOIR)  
**Subject:** RE: (b) (6)

Hello Sir,

I just checked and the complaint is still open. The latest action was -- Matter removed from Federal Court.

Deborah

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**From:** Weil, Jack (EOIR)  
**Sent:** Friday, June 24, 2011 11:12 AM  
**To:** Keller, Mary Beth (EOIR); Moutinho, Deborah (EOIR)

3512
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6/28/2011

There is no indication that any relevant conversation occurred off the record. Nothing in the ROP supports (b) (6)'s allegation.

B. August 30, 2011, (b) (6)  
(b) (6)

**Allegation:** Respondents were told by Judge (b) (6) that (b) (6) as an immigration consultant, was committing a crime by preparing their forms.

**Finding:** Unsupported and disproved.

**Specifics:** Judge (b) (6) provided Respondent with the standard warning against unlicensed immigration consultants. (b) (6) also informed Respondents that bonded immigration consultants can translate information, get copies, and file forms. However, only licensed attorneys can provide legal advice, represent Respondents in court, and provide legal services.

Male Respondent stated that his brother-in-law, a U.S. citizen, had filed an I-130 for him. Judge (b) (6) responded: "yes, I see you've had some confusion with an I-130. You need to talk to a lawyer. I'll give you another date. Would be a good use of some money, when you have a toothache you don't go to a carpenter, you go to a dentist." She also told Respondents that removal proceedings were initiated after (b) (6) filed an asylum application, relief they may not pursue, on their behalf.

There is no indication that any relevant conversation occurred off the record. I was unable to locate the ROPs on the fifteenth floor without assistance. If you would like me to locate the files, I will seek assistance from one of the legal assistants.

C. September 13, 2011, pro se male individual appearing before (b) (6)  
(b) (6)

**Allegation:** Judge (b) (6) told a male respondent appearing right before (b) (6) clients (b) (6) that (b) (6) was scheduling his next hearing for Christmas time so that he would skip Christmas, not buy presents, and spend his money on a lawyer.

**Finding:** Unsupported and could find no reference in any recorded DAR.

**Specifics:** I reviewed all of Judge (b) (6) master calendar hearings on September 13, 2011. Out of forty-six individuals, thirteen individuals do not have an attorney. There is no evidence in any of the DAR recordings for these thirteen individuals on September 13, 2011, that supports (b) (6) allegation. I also reviewed the case information for the thirty-three individuals who are now represented by an attorney, checking to make sure they were not unrepresented on September 13, 2011. One individual was unrepresented on September 13, 2011, and has subsequently retained counsel. However, there is no evidence that at the individual's (b) (6) September 13, 2011 hearing, Judge (b) (6) made any statement regarding Christmas. Also, only one pro se individual's ((b) (6)) hearing was rescheduled for anytime in December. There is no indication in the record that Judge (b) (6) made any statement regarding Christmas during that hearing.

**From:** Davis, John (EOIR)  
**Sent:** Thursday, June 14, 2012 5:24 PM  
**To:** Keller, Mary Beth (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** RE: IJC Memo - (b) (6) (June 14, 2012)

Ooooouucchh!!!! We may have a lot more work/training then I previously thought, I did not realize that some of (b) (6) remarks were this bad – what sounds logical vs. illogical and comments about the wife's age in relation to child birth! All based on nothing that is contained in the record!!

(b) (5)

I'll keep you posted.

Regards,

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

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Thursday, June 14, 2012 3:05 PM  
**To:** Davis, John (EOIR)  
**Cc:** Moutinho, Deborah (EOIR)  
**Subject:** FW: IJC Memo - (b) (6) (June 14, 2012)

John,  
Another one on (b) (6) for the training? Though the IJ dec was in 2008 it's not a good one.  
mtk

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**From:** Henderson, Suzette M. (EOIR)  
**Sent:** Thursday, June 14, 2012 4:27 PM  
**To:** O'Leary, Brian (EOIR); Keller, Mary Beth (EOIR)  
**Cc:** Minton, Amy (EOIR); Weil, Jack (EOIR); Moutinho, Deborah (EOIR); Henderson, Suzette M. (EOIR)  
**Subject:** IJC Memo - (b) (6) (June 14, 2012)

Good afternoon,

Please see the attached IJC Memo from Chairman David L. Neal. Thank you.

Suzette Henderson

**Moutinho, Deborah (EOIR)**

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**From:** Weisel, Robert (EOIR)  
**Sent:** Tuesday, July 23, 2013 12:42 PM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** A#s (b) (6) Judge (b) (6) and (b) (6) Judge (b) (6)

Deborah:

I have concluded both these matters with oral counseling. You may close them. Thanks

Robert D. Weisel  
Assistant Chief Immigration Judge  
26 Federal Plaza, Room 1237  
New York, N.Y. 10278

4039; 16597