



Detail

Complaint Number: 793

Immigration Judge: (b)(6)

Complaint Received Date: 08/15/13

Current ACIJ
Davis, John W.
Past ACIJ(s):

Base City
(b) (6)

Status
CLOSED

Final Action

Final Action Date

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	In-court conduct	Respondent (b)(6)

Complaint Narrative: R claims he was denied due process, that the IJ did not meaningfully and impartially review his case. R requests that his case be transferred to another IJ.

Complaint History	
08/15/13	Complaint dismissed as merits-related
09/09/13	Database entry created

(b) (6)
(b) (6) DETENTION CENTER

DETAINED

(b) (6)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the matter of)

(b) (6))

FILE NUMBER: A (b) (6)

IN REMOVAL PROCEEDINGS)

RECEIVED
DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
2013 JUL - 8 A 10 29
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

MOTION FOR CHANGE OF JUDGE

I respectfully request the board of Immigration Appeals consider transferring my case to a different Judge. I have concerns about the quality of review afforded by Honorable Judge (b) (6) towards me. The Board of Immigration Appeals decision, indeed confirms that the Immigration Judge did not meaningfully and impartially review my case.

Procedural due process requires that aliens review determinations be made by an impartial adjudicator; In my case I was denied that opportunity. The Immigration judge was not happy with the Board decision remanding my case back. I strongly feel that the Judge was prejudice, bias and hostile when questioning me on matters irrelevant to the Board of Immigration appeals decision.

I therefore pray that the Board of Immigration Appeals transfer my case to a different Judge.

Respectfully Submitted,

(b) (6)

RECEIVED
2013 JUL 16 PM 2:40
E.O. 1.1.1
J.C.I.

EOIR FOIA Processing (EOIR)

From: Flynn, Gillian A. (EOIR)
Sent: Friday, August 02, 2013 9:17 AM
To: Keller, Mary Beth (EOIR)
Cc: Rosen, Scott (EOIR)
Subject: FW: Compliant letter from detained alien
Attachments: (b) (6) letter from R.pdf; (b) (6) hearing notes.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Judge Keller,

We received a letter, dated July 8, 2013, from detained alien (b) (6). A (b) (6) seeking to have IJ (b) (6) replaced and complaining that, during a hearing on remand, Judge (b) (6) expressed prejudice, bias, and hostility toward him, and that he was denied the opportunity for an impartial review. The only hearing he could mean is the June 24, 2013 master hearing. I have listened to DAR. See attached notes. The matter was remanded because the IJ initially determined that R had committed a disqualifying aggravated felony based on the wrong state statute. I had originally forwarded the matter to Judge Davis, but Scott pointed out that I also should have cc'd you. Please let me know if I can be of further help. The respondent's next hearing is set for August 21.

Regards,

Gillian Flynn

Hearing on 6/24/13 – Case remanded for hearing on non-LPR cancellation because wrong state statute was considered in ag. fel analysis. IJ encouraged R to seek representation. IJ pointed out limited # qualifying relatives. Reviewed EEUH factors for R. Noted that R had heavy burden based on limited information R supplied. But, tone did seem to imply that R would not meet eligibility requirements, some mild sarcasm. However, in pointing out burdens IJ strongly encouraged R to obtain legal representation. IJ noted length of R's custody. Also reviewed burdens for R to prove conviction wasn't disqualifying. IJ emphasized benefit of obtaining representation. At DAR 00:27:00, IJ exhibited some testiness when R attempted to explain that although he currently did not have any additional records of conviction that he could use as evidence, he could try to get the transcript of the court hearing, but had already tried once and the court did not respond. When IJ asked what the likelihood was of getting them, R began speaking over IJ. IJ did not think there would be a legitimate purpose in continuing the case for R to obtain new documents. R asked for further time to get documents. IJ said (b) (6) would not continue the case particularly because transcript, if available, would make a difference and R had not identified any other documents, noting that R had had many months to try to get the documents. But, IJ noted that R could pursue other documents. At DAR 00:33:39, IJ raised voice slightly and used slightly cross tone when (b) (6) cut-off R's statement that the IJ had given him a lot of information. Beginning at DAR 00:34:00, IJ points out that R has 2 problems, and there is a sound of someone sniggering, then IJ states "you are not going to be eligible for cancellation because of your criminal history. I have not decided that, but I think that's a real possibility. Second problem, even if you are eligible to apply, the likelihood does not appear very promising."