



Detail

Complaint Number: 709

Immigration Judge: (b)(6)

Complaint Received Date: 01/02/13

Current ACIJ
Sukkar, Elisa M.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed because it
cannot be substantiated

Final Action Date
02/06/13

Past ACJIS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Due process In-court conduct	Third party (b) (6) (b) (6)

Complaint Narrative:

The R's wife complains because her husband is detained. She is a USC and wants the in-absentia order vacated. She states the judge is not compassionate since the case has not been reopened. She claims she filed a motion to reopen in November 2012.

Complaint History

01/03/13	Complaint referred to ACIJ
01/09/13	Database entry created
01/14/13	ACIJ speaks with the IJ concerning the complaint
01/15/13	CA verifies that the motion to reopen was provided to the judge.
01/16/13	ACIJ requests that the CA obtain a copy of the in-absentia order from DHS
01/16/13	IJ responds to the ACIJ
02/01/13	Complainant inquires about complaint
02/04/13	ACIJ contact CA
02/04/13	CA advises IJ ruled on motion
02/06/13	Complaint dismissed because it cannot be substantiated

Immigration Judge Complaint Intake Form

HQ Use Only:
complaint #: _____
source: first / subsequent

Date Received at OCIJ: 1-2-2013

complaint source type	
<input type="checkbox"/> anonymous <input type="checkbox"/> respondent's attorney <input checked="" type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: <u>Respondent's wife</u>	<input type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input type="checkbox"/> DHS <input type="checkbox"/> OIG <input type="checkbox"/> Main Justice <input type="checkbox"/> media
complaint receipt method	
<input type="checkbox"/> letter <input type="checkbox"/> fax	<input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown <input checked="" type="checkbox"/> email <input checked="" type="checkbox"/> other: <u>IJ Conduct Box</u> <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person
date of complaint source	complaint source contact information
(i.e., date on letter, date of appellate body's decision) January 2, 2013	name: _____ address: _____ email: _____ phone: _____ fax: _____
additional complaint source details	
(i.e., DHS component, media outlet, third party details, A-number) A (b) (6)	

IJ name	base city	ACIJ
IJ (b) (6)		ACIJ Sukkar
relevant A-number(s)	date of incident	
A (b) (6)	N/A	
allegations		
The respondent's wife complains because her husband is detained. She is a USC and wants the in-absentia order vacated. She states the judge is not compassionate since the case has not been reopened. She claims she filed a motion to reopen in November 2012.		
nature of complaint		
<input checked="" type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity	<input type="checkbox"/> out-of-court conduct <input type="checkbox"/> other: _____	<input checked="" type="checkbox"/> due process <input type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal

Moutinho, Deborah (EOIR)

From: (b) (6) @yahoo.com>
Sent: Wednesday, January 02, 2013 2:33 AM
To: IJConduct, EOIR (EOIR)
Subject: Complaint Regarding an Immigration Judge's Conduct.
Attachments: LETTER TO the president.doc

Good morning,

Attached please find a letter I sent to President Barack Obama, in which I mentioned the situation concerning an Immigration Judge who is a unprofessional, cold-hearted, despotic individual:

Honorable (b) (6)
Immigration Judge
U.S. Immigration Court

(b) (6)
Phone: (b) (6)

In November, 2012, the Judge received two "Motions to Reopen" my husband's case. In addition, I attached other EOIR forms and correspondence requesting the Judge to please re-open the case and schedule a hearing. Neither the Judge had the courtesy to reply my letters, nor has scheduled a hearing. In the meantime, my husband continues in I.C.E.'s custody, despite the I-130 application I filed on his behalf, he continues detained by I.C.E. being myself a U.S. Citizen and legally married. My husband has not been convicted of any crimes, he just continues in I.C.E.'s custody thanks to the Judge's negligence and attitude of feeling "empowered" by (b) (6) "title".

The Judge is incompassionated and unprofessional. I believe my husband's case must be transferred to another Judge, someone who has a true sense of JUSTICE.

Please read the attached letter I addressed to President Barack Obama, in which I explained the situation, in more detail.

Should you have any questions, please don't hesitate to contact me at (b) (6), and/or through the email, or regular mail.

Thank you in advance for your cooperation. Look forward to hearing from you soon.

Sincerely,

A rectangular box with a black border, containing a small 'x' icon in the top-left corner, indicating a redacted signature.

(b) (6)

(b) (6)

January 02, 2013

Sent Via Facsimile: FAX: 202-456-2461
USPS First Class

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

Re: (b) (6)
USCIS A (b) (6)

(b) (6)

It's this time of year when your administration receives wonderful letters *bearing* pleasant news. Unfortunately, my letter is a request for assistance.

My name is (b) (6), U.S. Citizen, a resident of (b) (6)
(b) (6) Six months ago I married (b) (6) in (b) (6)
Last November, my husband was detained by I.C.E. and, subsequently transferred
to (b) (6) County detention Center located (b) (6)



President Barack Obama

Page 2 of 2

Nine years ago my husband (b) (6) didn't receive a "Notice to Appear" before an immigration Judge. On April 2004, Honorable (b) (6) ordered him deported. In November, 2012 I filed a "Motion to Reopen" the case at the EOIR Immigration Court in (b) (6). As of today, Judge (b) (6) has not replied stating whether or not a hearing would be scheduled. In addition, Judge (b) (6) ignored my correspondence. My husband continues in I.C.E.'s Custody, in (b) (6) (8 hrs. drive round trip) away from my home. The USCIS 1-130 (Petition for Alien Relative) application I filed on behalf of my husband is still being processed.

I am unemployed, and have a disable child in my household. At this time my two children have no resources. If my husband can't be released from ICE custody, then please have him transfer to "(b) (6) Detention Center" so I can see him every week and not every twenty-one (21) days as I do now. The last time I went to see my husband at (b) (6) County detention Center my vehicle broke on the jail premises and I had to request assistance from the correction officers to repair it. Neither I have reliable transportation nor resources to drive to (b) (6). Please help by transferring my husband to a detention center in (b) (6).

May god bless you each day of the year and keep you in his loving care! Happy New Year

Very truly yours,

(b) (6)

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Monday, February 04, 2013 1:46 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: FW: Judge (b) (6)

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon:

This relates to the second complaint that was filed against IJ (b) (6) by the respondent's wife.

The judge has ruled on the motion to reopen. The motion was denied.

Thanks,

EMS

From: (b) (6) (EOIR)
Sent: Monday, February 04, 2013 12:03 PM
To: Sukkar, Elisa (EOIR)
Subject: RE: Judge (b) (6)

Judge Sukkar, (b) (6) denied that motion today.

From: Sukkar, Elisa (EOIR)
Sent: Monday, February 04, 2013 11:55 AM
To: (b) (6) (EOIR)
Subject: FW: Judge (b) (6)

Good Morning (b) (6)

Please provide the status of this motion before IJ (b) (6)

I am in need of a ruling this week on this matter.

Thanks,

EMS

From: IJConduct, EOIR (EOIR)
Sent: Monday, February 04, 2013 8:13 AM
To: Sukkar, Elisa (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: Judge (b) (6)

From: (b) (6) [REDACTED]@yahoo.com]

Sent: Friday, February 01, 2013 4:52 PM

To: IJConduct, EOIR (EOIR)

Subject: Judge (b) (6) [REDACTED]

About a month ago I submitted a complaint vs. Judge (b) (6) [REDACTED]. In November, 2012 I submitted a "Motion to Reopen" on behalf of my husband (b) (6) [REDACTED]. It's been three months and the Judge still doesn't scheduled a hearing. Besides, your office never replied on a complaint I filed through the email a month ago against the Judge, and, my husband continues in a detention facility four hours away from (b) (6) [REDACTED] breathing in four walls where there are airborne diseases where other detainees have admitted to have TB and other deadly diseases...

My husband's information is as follows:

(b) (6) [REDACTED]

A# (b) (6) [REDACTED]

(b) (6) [REDACTED] County Detention Center

(b) (6) [REDACTED]

Recently, Department of Homeland Security's officer (b) (6) [REDACTED] stated that I.C.E. was considering to release my husband but because there is a "Motion to Reopen" pending at the Immigration Court, they can't grant parole.

I hope your office will investigate this matter and will get back to me as soon as possible. Otherwise, I will have to resubmit this message through the email every single day until someone shows HUMANITY and replies to know why this Judge is abusing (b) (6) [REDACTED] power by delaying a hearing that had to be scheduled long time ago.

Thank you,

(b) (6) [REDACTED]