



Detail

Complaint Number: 732

Immigration Judge: (b)(6)

Complaint Received Date: 05/10/13

Current ACIJ
Sukkar, Elisa M.

Base City
(b)(6)

Status
CLOSED

Final Action
Complaint dismissed because it
cannot be substantiated

Final Action Date
05/14/13

Part ACJIS:

A-Numbers(s)	Complaint Nature(s)	Respondent Atty	Complaint Source(s)
(b)(6)	Bias Due process In-court conduct Legal	(b)(6)	(b)(6)

Complaint Narrative:

Complainant alleges that the judge shouted at her, she complains, in general, as the (b)(6) C, saying it is place where chaos rules. The complainant made the allegation that there was "coercion" in withdrawing the V.D. request, judge took issue with false accusation.

Complaint History

05/13/13	Complaint referred to ACIJ
05/14/13	ACIJ contact U and has discussion over the phone
05/14/13	Complaint dismissed because it cannot be substantiated
05/18/13	Database entry created

Moutinho, Deborah (EOIR)

From: (b) (6)
Sent: Friday, May 10, 2013 11:38 AM
To: IJConduct, EOIR (EOIR)
Subject: Formal Complaint: Judge (b) (6)

On April 15, 2013, Judge (b) (6) grossly abused (b) (6) discretion by attempting to instate punitive measures against respondent, (b) (6) because counsel expressed herself that the government placed undue burden on the respondent to prove he was not an aggravated felon. Here, respondent was initially scheduled for a master calendar hearing in early March. Current counsel appeared and the judge gave more time to counsel to obtain a disposition of a domestic violence charge. The disposition was obtained and on March 26, respondent appeared again with counsel to request Voluntary Departure to Mexico. His daughter is 19 and a USC and VD in this case was very proper. Respondent was convicted of a misdemeanor DV in 1998 and was given 12 months probation. At the hearing, the government contested respondent's VD request asking respondent to prove he was not an aggravated felon. Any judge would have over-ruled the government in this petty and overzealous request, however, judge (b) (6) set the case down for a contested VD hearing in May with a check in date of April 15, 2013. Counsel explained that even though respondent only received probation, because of the way (b) (6) dispositions read with the language of "confinement" on the sentencing document, that in order to "win" the contested VD hearing, respondent would have to get a very expensive "clarification of sentence". Counsel explained, he would remain detained during that time, and that the clarification would not be ready in time for the contested May 13, 2013 VD hearing. With a heavy heart, counsel had to tell the client that they had been left with no choice but to take an order of removal despite the fact that he a 19 year old daughter. This type of overzealous and gross representation by the government to no satisfying end in conjunction with the cost of detaining the individual to the government shows just how skewed the system is down at (b) (6) Detention Center. To say that the place is an abomination is an understatement. Chaos rules there, as well as draconian and misguided attempts at representing the government's interest. Here, the government's interest would have best been served by granting the respondent a VD order, saving the government money and allowing the respondent who only had that one conviction an opportunity to return to the US through the US Consulate. The judge could have easily over-ruled the government's request but did not. On April 15, respondent, through counsel appeared on the record to withdraw the grant of the VD request to take a final order. Counsel merely began to express that due to the government's oppressive request, the respondent had no choice but to take an order of removal. The judge exploded and started screaming at counsel that respondent did have a choice that (b) (6) had given him a hearing on May 15. (b) (6) then went on to say that respondent's request to withdraw his VD order was denied. It was complete lunacy, abuse and clearly punitive action towards the respondent because the judge, ignorant about how clarifications work, and in my opinion, ignorant about many facets of the law as evidenced over and over again by (b) (6) complete lack of practicality and judicial efficiency, simply did not understand that there was no way a clarification could be done by the VD hearing. What sane attorney would advise their client to sit in jail to no end? This point is completely lost on this Judge (again, as most points are). It took counsel getting firm with the judge and telling (b) (6) that (b) (6) was punishing the client for something she said and that (b) (6) had no right to do that and to allow her to finally withdraw the VD plea. (b) (6) finally agreed, but not after creating a shouting, screaming, mockery of a courtroom. The judge then attempted to apologize for (b) (6) complete loss of control of court decorum, ethics, and sanity for the moment. Counsel cut (b) (6) off and explained she would have the transcript pulled and would be filing a formal complaint against (b) (6). (b) (6) abuse of authority is repetitive and abusive. (b) (6) ignorance of the law is astounding as evidenced by (b) (6) continually denying jurisdiction on bond where there was no NTA for many months despite clear evidence to the contrary. The fact (b) (6) is a judge at a detention facility is a scary reality. I cannot sit back and not make an issue of such practices. (b) (6) County is a disgusting mess, and partly because of the poor training of the judges and their

complete lack of good judgement.

(b) (6)

Immigration Judge Complaint Intake Form

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

Date Received at OCIJ: _____

complaint source type	
<input type="checkbox"/> anonymous <input checked="" type="checkbox"/> respondent's attorney <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	<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>
date of complaint source (i.e., date on letter, date of appellate body's decision)	complaint source contact information
May 10, 2013 (E-Mail)	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)	(b) (6)	ACIJ Sukkar
relevant A-number(s)	date of incident	
A(b) (6)	April 15, 2013	
allegations		
The complainant alleges that the judge shouted at her. She complains, in general, as to the (b) (6) IC, saying it is a draconian place where chaos rules. The matter involves a request for voluntary departure for a criminal alien. The DHS opposed the request. The complainant made the allegation that there was "coercion" in withdrawing the V.D request. The judge took issue with that false accusation.		
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 checked="" type="checkbox"/> bias <input checked="" type="checkbox"/> legal <input type="checkbox"/> criminal

