



Detail

Complaint Number: 725

Immigration Judge: (b)(6)

Complaint Received Date: 02/26/13

Current ACIJ
Nadkarni, Deepali

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed as merits-
related

Final Action Date
04/11/13

Past ACJIS:

| A-Numbers(s) | Complaint Nature(s) | Respondent Atty | Complaint Source(s) |
|--------------|----------------------|-----------------|---------------------|
| (b)(6) | Due process Legal | | |
| | | (b) (6) | |

Complaint Narrative: Attorney alleges IJ is unethical, arbitrary, capricious, abusive, discriminatory, and vague.

Complaint History

| | |
|----------|---------------------------------------|
| 02/26/13 | Complaint referred to ACIJ |
| 02/27/13 | Database entry created |
| 04/11/13 | Complaint dismissed as merits-related |

Moutinho, Deborah (EOIR)

From: Nadkarni, Deepali (EOIR)
Sent: Thursday, February 28, 2013 4:20 PM
To: Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: COMPLAINT ABOUT IMMIGRATION JUDGE (b) (6)
Attachments: MOTION TO WITHDRAW.pdf; JUDGE DENIAL PAGE 1.jpg; JUDGE DENIAL PAGE 2.jpg; JUDGE DENIAL PAGE 3.jpg

Please enter the nature of complaint for this one as due process and legal. Thanks! d

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: IJConduct, EOIR (EOIR)
Sent: Wednesday, February 27, 2013 9:52 AM
To: Nadkarni, Deepali (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: COMPLAINT ABOUT IMMIGRATION JUDGE (b) (6)

Good Morning

Please see the attached complaint concerning IJ (b) (6)

Thank you
Deborah

From: (b) (6)
Sent: Tuesday, February 26, 2013 2:59 PM
To: IJConduct, EOIR (EOIR)
Cc: (b) (6)
Subject: COMPLAINT ABOUT IMMIGRATION JUDGE (b) (6)

IN RE: IMMIGRATION JUDGE (b) (6) LAW CLERKS (b) (6) AND (b) (6)
IN THE (b) (6)

Dear Assistant Chief Immigration Judge for Conduct and Professionalism:

I would like to make a formal complaint regarding the unethical, arbitrary, capricious, abusive, discriminatory, and vague misconduct by Immigration Judge (b) (6) of the (b) (6) and (b) (6) Immigration Courts.

I submitted a duly prepared and filed Motion to Withdraw Representation on or about February 7, 2013 which complied with all elements of the Immigration Practice Manual and which has always been effective for our Motions to Withdraw Representation in my private law practice for the past nearly 12 years. My client not only terminated my representation, but retained another lawyer in front of me, and proceeded to verbally threaten and physically intimidate me that day in (b) (6). Additionally, flying to (b) (6) from (b) (6) is extremely expensive and since I already claimed and received a discharge in bankruptcy last year, I can not afford to keep flying down there, and so the clients need to retain local counsel. I am also considered a luminary in the field.

In our last court appearance on February 5, 2013, this Judge was extremely verbally abusive to both myself and the Mexican clients in the courtroom, exhibited racist and discriminatory behavior towards myself, my client, and the other Mexican immigrants in the courtroom, and is totally abusive, arrogant, racist, pompous, full of himself, and in my opinion, should **NOT** be an Immigration Judge as (b) (6) completely lacks the tact, compassion, and neutrality needed for such an important job within the EOIR and DHS.

In (b) (6) abusive, arbitrary, capricious, and arrogant Denial of my duly prepared and filed Motion to Withdraw Representation, Immigration Judge (b) (6) and (b) (6) equally vacuous Law Clerk (b) (6) and (b) (6) on the telephone today arbitrarily and vaguely stated as reason for their Denial that "The Motion does not comply with Section 2.3(i)(ii) of the Practice Manual," which, as anyone knows who has practiced in Immigration Law for any degree or length of time, does **NOT** apply in this case, does not exist as a statute, can not be followed or complied with, is void for vagueness, and furthermore we have fully complied with all elements required therein. Please see the attached Motion to Withdraw, and the arrogantly drafted Denial of my Motion to Withdraw. On the telephone today, Law Clerk (b) (6) and (b) (6) law clerk (b) (6) repeatedly talked down to me, hung up the phone on me, and abused me verbally. When I questioned their racist conduct towards my Mexican clients and myself, or other Mexican people in the courthouse, they both dismissed and derided and hung up the phones on me. I guess that's how it is done in the deep South.

I hereby demand that this Immigration Judge and (b) (6) law clerks listed above, be disciplined, sanctioned, removed from the Bench, and placed somewhere else where (b) (6) can no longer continue to do harm to immigrants, attorneys, or the Immigration Court System and its laws any longer.

Since I am now in fear of the client, this Immigration Judge (b) (6) and (b) (6) arbitrary and nonsensical decisions I will not be appearing in front of (b) (6) both now or at any other time in the future for fear for my own safety. This is the United States of America, and we have a U.S. Constitution in place, and we are not some former Soviet Gulag or King's Court. I am also filing a sister complaint with the Commission on Judicial Conduct as well.

Best regards,

(b) (6)

This electronic transmission is both personal and confidential, and contains privileged information intended only for the use of the individual or entity named above. If the reader is not the intended recipient, you are hereby notified that any dissemination or copying of this transmission is strictly prohibited. If there are any problems with this transmission, or you have received it in error, please immediately notify us by telephone and return the original transmission to us at the above address via the U.S. Postal Service.

Attention: All foreign nationals (permanent residents and children included) are required to report any change in address within ten (10) days to the USCIS using Form AR-11. Foreign nationals must report address changes to the USCIS by completing this form and sending it to the USCIS. The form can be obtained from the USCIS website at: <http://www.uscis.gov/files/form/ar-11.pdf>. Please also notify our office of your new address.

(b) (6)

(b) (6)

NON-DETAINED

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

-----X
In the Matter of:)
)
(b) (6))
)
Applicant)
-----X

File No.: A (b) (6)

Immigration Judge: (b) (6)

Next Hearing: APRIL 13, 2013 AT 1 PM

MOTION TO WITHDRAW AS COUNSEL

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

-----X
In the Matter of:)
)
(b) (6))
)
Applicant)
-----X

File No.: A (b) (6)

MOTION TO WITHDRAW AS COUNSEL

(b) (6) are the attorneys of record for the above respondent.

We were retained to represent the respondent before and during his removal proceedings before this Court. We are filing this Motion to Withdraw our representation based on the respondent's hiring of a new and local immigration law firm (b) (6) specifically (b) (6)

(b) (6) and for severe financial hardship to the client and the law firm. Due to financial hardship of the client and the law firm and not having enough associates, we are not longer able to sustain the man-hours needed to litigate this case.

The respondent retained our law office on or about February 2012 in connection with legal representation on his immigration/deportation case. We diligently prepared our Motions

and Petitions including a VAWA Petition, Application for Political Asylum/UNCAT/Withholding of Removal, a Hardship Waiver using Form I-601, Application for Work Authorization, Adjustment of Status, and reviewing his huge and voluminous file from previous Immigration lawyers, and preparing for his court-mandated hearing.

The respondent's next hearing is scheduled for April 13, 2013.

We have repeatedly advised (b) (6) and his spouse of our motion to this Court to withdraw our representation, and he has peacefully agreed to and consented to said withdrawal.

WHEREFORE, it is respectfully requested that this Court grant our Motion to Withdraw as Counsel and to be discharged as Attorneys of Record.

Respectfully submitted,

(b) (6)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 7th day of February 2013 a copy of the foregoing Motion to Withdraw as Counsel was served on the parties listed below via US Mail:

(b)(6) & (b)(7)(C)

ENCLOSURES:

1. Motion to Withdraw

(b) (6)

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

-----X
In the Matter of:)
)
(b) (6))
)
Applicant)
-----X

File No.: A (b) (6)

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's MOTION TO WITHDRAW AS
COUNSEL, it is HEREBY ORDERED that the motion be **GRANTED** **DENIED**

Date:

Judge (b) (6)

Immigration Judge Complaint Intake Form

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

Date Received at OCIJ: 2.27.13

| 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"/> Circuit <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 type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> other: _____ |
| date of complaint source | complaint source contact information |
| (i.e., date on letter, date of appellate body's decision) 2.26.13 | name: (b) (6) address: _____ _____ _____ email: _____ phone: _____ fax: _____ |
| additional complaint source details | |
| (i.e., DHS component, media outlet, third party details, A-number) A (b) (6) | |

| complaint details | | |
|--|--|--|
| IJ name | base city | ACIJ |
| (b) (6) | | Nadkarni |
| relevant A-number(s) | date of incident | |
| | | |
| allegations | | |
| 13 (b) (6) improperly denied motion to withdraw. | | |
| nature of complaint | | |
| <input 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 checked="" type="checkbox"/> legal <input type="checkbox"/> criminal |

[illegible]