



## Detail

Complaint Number: 716

Immigration Judge: (b)(6)

Complaint Received Date: 12/14/12

Current ACIJ  
Sukkar, Elisa M.

Base City  
(b) (6)

Status  
CLOSED

Final Action  
Complaint dismissed because it  
cannot be substantiated

Final Action Date  
01/17/13

### Past ACIJ:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Due process In-court conduct	Respondent (b) (6) Detained at [REDACTED]

**Complaint Narrative:** The respondent is detained and claims he is a USC. He complains that the IJ yelled at him. The respondent has been ordered removed and the BIA on September 30, 2011 affirms the decision of the judge. The respondent falsely claimed that he is a USC. He is a citizen of Jamaica.

### Complaint History

12/18/12	Complaint referred to ACIJ
12/18/12	complaint sent to IJ
01/14/13	ACIJ follows up with the IJ
01/17/13	Complaint dismissed because it cannot be substantiated
01/24/13	Database entry created

Sep 11, 2013

1 of 1

2013-2789

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E.O.R.  
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(b) (6)

U.S. DEPARTMENT OF JUSTICE.  
EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW.

OFFICE OF THE GENERAL COUNSEL.  
5107 LEESBURG PIKE. SUITE 2600.  
FALLS CHURCH VIRGINIA 22041,

June-14-2011.

GRIEVANCE FOR REVIEW OF IMMIGRATION JUDGE MISCONDUCT.

Complainant is a native citizen of the U.S. Virgin Island of ST. Thomas. Who was born on (b) (6) as an mid wives, and his parent did not take the opportunity to register him after birth. Complainant has been force medicated against his will with mental health treatment in the state of (b) (6) twice. Complainant has never wants to complied with the treatments. Because of various Sid effects and normal Function from the treatments. When complainant was first detained on 6-30-2010 out of the state (b) (6) The two I.C.E. officers that detained complainant in there custody. Did not let the mental health treatments fallows him that he was technically forced to complied with at the halfway house. On his first master calendar hearing, he had brought the issue to the court. Just to acknowledges the court of the instances in its discretion of proceeding. And that he can't represents his self. A list of pro bono was given to complainant. But he was unsuccessful to obtain representation. That first judge was disqualified. On his second master calendar hearings. He have acknowledges the court with the similar issues to judge (b) (6) Another list of pro bono address as one solo address was handed to him. And he was later transported out the facility to be seen by an psychiatrist, who have deliberately prescribe medication for him to comply with. Complainant have tried to obtained representation. But also unsuccessful.

On 12-14-2010, at his final master calendar immigration proceeding hearing with judge (b) (6) Complainant have tried to addresses the court with the unsuccessfulness of obtaining a lawyer. (b) (6) demanded him to represents his self. He have tried to inquire from the court about his medical records, that the judge ordered him to subpoena. The judge claims that complainant was not mentally ill, and falsely claimed that complainant has being playing games with government professionalism for years. I am not sure if these statements was on records at the time. And (b) (6) would not gives complainant a fair chance to be heard. When (b) (6) ask the chief counsel about why his case was terminated on 9-18-2000 and he was release back into the U.S. The chief counsel was falsely claiming that he was release because of mental health issues. Which was incorrect. When the complainant was trying to object to the government lawyer claims she raises. The judge got up out of chair yelled at complainant respondent objection

(2).

completely cutting him off, through out the entirely proceeding hearing. Which was totally unfairly unprofessionally to the lowest ethical of conducting the hearing. Which is in violation of the first . fifth and eighth amendment due process clause. In the judge deliberation. (b) (6) begins claims that respondent is a native citizen of the Jamaican Island with just some old exhibits evidence back from 1981. wherein exhibit (B). The officials claims that respondent was a career liar, he was not telling the truth. But insisted to signed off on all documents. Which was contradicted to be use as proving alienage under I.N.A. section code 240 (a)(1). This section also required that the government has the burden to prove that respondent complainant was in fact a true Jamaican citizen, by ordering D.H.S. assigned officer to obtained birth records to prove by clear and convincing evidence. The government failed to presented such evidence at the hearing. The judge order the government to check the Virgin Island for proof and not Jamaica. On 9-18-2000 the government check both the U.S. Virgin Island and the Jamaican Island for prove. Which contrary and contradicted to this court final decision order of removal. In addition to this controversy of the case. These exhibits that the government are using now. Was the same exhibits evidence had used or should used in the (b) (6) immigration court proceeding hearing, while respondent complainant were detained for two-2 long years, Which was unlawful and illegal under the 8<sup>th</sup> amendment. Cruel and unusual punishment under the color of federal law. In recent years the United States supreme court have ruled out that a detainee presence in detention center for 90 days and 6 months is illegal. And this court is technically trying to hold complainant here illegally. The drug cases and other cases including other confidential information that the government are deliberately using to hold complainant here in this facility. Does not constitute years behind bars. Complainant have filed an appeal to the Board of Immigration Appeals. The Board of Immigration Appeals have remand the case back here for written and oral decision to be completed by the judge, the judge have takes over three long months to types the written decision and forwards a copy complainant. The written decision suppose to forwards back to the board for further decision. When complainant have check with a board supervisor. He has told complainant not to filed another appeal. Now when complainant have check the statics of his appeal. He understand that his appeal is due on 6-22-2011, This is ridiculous. And the judge has not filed the written decision back to the Immigration Board of Appeals yet.

Wherefore. Respondent complainant requested on formal investigation from the E.O.I.R. to take any and all appropriate action in this pending matter. As for as where interest of justice lies.

(3).

Wherein the immigration judge inappropriately handling and conducting of the case on 12-14-2010 from thereon consisted deliberate indifference prejudice and bias forbid under I.N.A. section code 240 (a)(1). Pursuant to immigration conduct and professionalism of an proceeding hearing. An immigration judge should strive to act honorably, fairly and accordance with the highest level of ethical standard, thereby to ensure the public confidence in the integrity of immigration court proceedings.

The first amendment required freedom of speech...Congress shall make no law respecting and establishment of religion, or abridging the freedom of speech,"  
On 12-14-2010, Respondent complainant did not get a fair chance of free speech in his own defenses, by the immigration judge, (b) (6)

The fifth amendment due process clause, required equal protection from deprivation. No person shall be deprived of life liberty or property, without the due process of law.

(2). Complainant respondent did not given a fair opportunity to be heard in his own defense, and is subject to bodily restraint while continued remained in detention awaiting the outcome of his appeal process.

(3). The eighth amendment forbid cruel and unusual punishment in the federal facility. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Of all the charges that the government used on the N.T.A. and charge respondent complainant with. Those charges were old charges dated back from 1989. And the government have withdraw those charges on 9-18-2000 and release respondent complainant on his own consent, required by I.N.A. section 212 (a)(2) A.I.F. Inadmissible, 212 A..F.A.I. Of exhibit 2 (a) 8 C.F.R, section 1003 (4)(a). Now the government have reinstated the prior order on 6-30-2010, and is using them and other charges. One of the new charge is still pending on appeal. Which is about to be overturn. Under I.N.A. The government can not used that charge against respondent complainant in a removal proceeding, until the case is completed, Contrary to the I.N.A. section 1003 (4)(a) and other.

### CONCLUSION.

Pursuant to 8 C.F.R. Section 1208, 15,1240,8(d). Respondent complainant hereby requested that the E.O.I.R. requested an formal investigation into this critical matter as soon as possible. And take any and all appropriate action into this matter to insure justice as for as where the federal laws applied, as for as where interest of justice.

(4).

CERTIFICATION OF SERVICE.

I hereby certify that the original of this complaint was mailed to the U.S,  
DEPARTMENT OF JUSTICE. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.  
OFFICE OF THE GENERAL COUNSEL. This 14<sup>TH</sup> DAY OF JUNE-2011, prepaid  
postage herein true and correct to the best of respondent complainant ability and  
acknowledgment.

Signed

(b) (6)

Dated 6-14-2011,

# Immigration Judge Complaint Intake Form

**HQ Use Only:**  
complaint #: \_\_\_\_\_  
source: first / subsequent

**Date Received at OCIJ:** \_\_\_\_\_

complaint source type	
<input type="checkbox"/> anonymous <input 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 checked="" 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 checked="" type="checkbox"/> letter <input type="checkbox"/> fax	<input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown <input type="checkbox"/> email <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> other: _____
date of complaint source (i.e., date on letter, date of appellate body's decision)	complaint source contact information
Date Received: December 14, 2012 at OCIJ	name: (b) (6) address: Detained at (b) (6) _____ _____ 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)	December 14, 2010	
allegations		
The respondent is detained and claims he is a USC. He complains that the IJ yelled at him. The respondent has been ordered removed and the BIA on September 30, 2011 affirms the decision of the judge. The respondent falsely claimed that he is a USC. He is a citizen of Jamaica.		
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





U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals  
Office of the Clerk

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

(b) (6)

DHS/ICE Office of Chief Counsel -  
(b)(6) & (b)(7)(C)

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

Name: (b) (6)

A (b) (6)

Date of this notice: 2/22/2011

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Holmes, David B.

SP-101570



Falls Church, Virginia 22041

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File: A(b) (6)

Date: FEB 22 2011

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

The Immigration Judge did not prepare a separate oral or written decision in this matter setting out the reasons for the decision. An explanation of the reasons in the transcript is not sufficient. Accordingly, the record will be returned to the Immigration Judge for preparation of a full decision. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Upon preparation of the full decision, the Immigration Judge shall issue an order administratively returning the record to the Board. The Immigration Judge shall serve the administrative return order on the respondent and the Department of Homeland Security (DHS). The Board will thereafter give the parties an opportunity to submit briefs in accordance with the regulations.

ORDER: The record is returned to the Immigration Court for further action as required above.

  
\_\_\_\_\_  
FOR THE BOARD

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT

(b) (6)

In the Matter of:

(b) (6)

RESPONDENT

IN REMOVAL PROCEEDINGS

## ORDER OF THE IMMIGRATION JUDGE

After considering the facts and circumstances of this case and as there is no opposition from the parties, it is HEREBY ORDERED that these proceedings be terminated, as being improvidently issued.

(b) (6)

Immigration Judge

Date: Sep 19, 2000

## CERTIFICATE OF SERVICE :

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: ☐ ALIEN ☐ ALIEN c/o Consular Officer ☒ ALIEN'S ATT/REP ☒ INS

DATE: 9-18-00 BY: COURT STAFF

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

A (b) (6)

Form EOIR 35

SMG

## EOIR FOIA Processing (EOIR)

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**From:** Sukkar, Elisa (EOIR)  
**Sent:** Wednesday, January 23, 2013 3:26 PM  
**To:** Moutinho, Deborah (EOIR); Morris, Florencio (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: Immigration Judge Complaint Intake Forms (8)

Deborah:

The complaint that you are referring to is included in the 8 updates that we sent to you. This matter was dismissed as not substantiated and it was closed on January 17, 2013. This is the one that Sabina sent to me on December 14, 2012.

Thanks,

Judge Sukkar

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**From:** Moutinho, Deborah (EOIR)  
**Sent:** Friday, January 18, 2013 9:27 AM  
**To:** Sukkar, Elisa (EOIR); (b) (6) (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: Immigration Judge Complaint Intake Forms (8)

Thank you, I will enter these and send you a report later today. Also I have a Complaint on (b) (6) from a Mr. (b) (6) that was sent to you on 12/14 from Sabina -- I check and don't have any updated info on that one.

Thank you  
Deborah

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**From:** Sukkar, Elisa (EOIR)  
**Sent:** Thursday, January 17, 2013 6:47 PM  
**To:** (b) (6) (EOIR); Moutinho, Deborah (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: Immigration Judge Complaint Intake Forms (8)

☺ ☺ ☺ .....

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**From:** (b) (6) (EOIR)  
**Sent:** Thursday, January 17, 2013 6:30 PM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Sukkar, Elisa (EOIR)  
**Subject:** Immigration Judge Complaint Intake Forms (8)

Hi Deborah:

Attached please find a total of eight IJ Complaint Intake forms. This includes updates and new intake sheets. Please let us know if there are any others pending.

Thanks,

(b) (6) Staff Assistant

(b) (6)