



## Detail

**Complaint Number:** 719

**Immigration Judge:** (b)(6)

**Complaint Received Date:** 11/15/12

**Current ACIJ**  
Bartolomei, Richard J.

**Base City**  
(b) (6)

**Status**  
CLOSED

**Final Action**  
Complaint dismissed because it cannot be substantiated

**Final Action Date**  
02/01/13

**Past ACJIS:**

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Bias In-court conduct	DHS (b)(6) and (b)(7)

**Complaint Narrative:** IJ gave alien piece of paper the information regarding (b) (6) case and the ACLU phone number. IJ told alien that when he is removed to Mexico he should still contact ACLU because of mental health issues.

Complaint History	
12/13/12	ACIJ requested more info from the source
02/01/13	Complaint dismissed because it cannot be substantiated
02/08/13	Database entry created

Sep 11, 2013

1 of 1

# Immigration Judge Complaint Intake Form

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

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

complaint source information	
<b>complaint source type</b>	
<input type="checkbox"/> anonymous <input type="checkbox"/> BIA <input type="checkbox"/> ___ Circuit <input type="checkbox"/> EOIR <input checked="" type="checkbox"/> DHS <input type="checkbox"/> Main Justice <input type="checkbox"/> respondent's attorney <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> OPR <input type="checkbox"/> OIG <input type="checkbox"/> media third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	
<b>complaint receipt method</b>	
<input type="checkbox"/> letter <input type="checkbox"/> IJC memo (BIA) <input checked="" type="checkbox"/> email <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> fax <input type="checkbox"/> unknown <input type="checkbox"/> other: _____	
<b>date of complaint source</b> (i.e., date on letter, date of appellate body's decision) November 15, 2012	<b>complaint source contact information</b>
<b>additional complaint source details</b> (i.e., DHS component, media outlet, third party details, A-number) (See complaint source—anonymous ICE Assistant Chief Counsel in (b)(6) & (b)(7)(C))	name: (b)(6) & (b)(7)(C) address: (b)(6) & (b)(7)(C) ICE Ethics Office Office of Principal Legal Advisor email: (b)(6) & (b)(7)(C) phone: (b)(6) & (b)(7)(C) fax: (b)(6) & (b)(7)(C)

complaint details		
<b>IJ name</b>	<b>base city</b>	<b>ACIJ</b>
Immigration Judge (b) (6)		Rico J. Bartolomei
<b>relevant A-number(s)</b>	<b>date of incident</b>	
A(b) (6)	November 13, 2012 at 8:50 a.m.	
<b>allegations</b>		
Immigration Judge gave alien piece of paper the information regarding (b) (6) case and the ACLU phone number. Immigration Judge told alien that when he is removed to Mexico he should still contact ACLU because of mental health issues.		
<b>nature of complaint</b>		
<input checked="" type="checkbox"/> in-court conduct <input type="checkbox"/> out-of-court conduct <input type="checkbox"/> due process <input checked="" type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal <input type="checkbox"/> incapacity <input type="checkbox"/> other: _____		



## Moutinho, Deborah (EOIR)

---

**From:** Bartolomei, Jr. Rico (EOIR)  
**Sent:** Friday, February 01, 2013 4:51 PM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Keller, Mary Beth (EOIR); (b) (6) (EOIR)  
**Subject:** FW: Immigration Judge (b) (6)  
**Attachments:** complaint DHS ACLU.doc

Good Afternoon Deborah,

I have closed this matter out as unsubstantiated as the DHS Attorney never responded to my emails. I have completed the form and have attached it to this email. If you need me to do anything else, please let me know. Regards, Rico

---

**From:** IJConduct, EOIR (EOIR)  
**Sent:** Thursday, November 15, 2012 11:45 AM  
**To:** Bartolomei, Jr. Rico (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** FW: Immigration Judge (b) (6)

Good Afternoon

Please see the below message that came into the IJ Conduct mailbox. If you would like to respond to the email from the IJ Conduct mailbox, please send me what you would like sent and I will reply to the email.

Thank you  
Deborah

---

**From:** (b)(6) & (b)(7)(C)  
**Sent:** Thursday, November 15, 2012 9:21 AM  
**To:** IJConduct, EOIR (EOIR)  
**Subject:** Immigration Judge (b) (6)

Good morning,

I have received information from an ICE Assistant Chief Counsel in (b) (6) that on November 13, 2012 Immigration Judge (b) (6) made statements in court advising at least one alien to contact the ACLU and providing the name of a specific attorney to ask for. At approximately 8:50 a.m. the IJ made this statement directly to (b) (6) (b) (6) A# (b) (6). This was the first case of the day. The IJ gave the alien a piece of paper with the information regarding the (b) (6) case and the ACLU phone number written down. (b) (6) also provided the name of an attorney at the ACLU, although the ICE attorney did not catch the ACLU attorney's name. The IJ informed the alien that even when he is removed to Mexico, he should still contact the ACLU because of his mental health issues. The ICE attorney stated that at no point did the respondent display indicia of incompetency.

Also believed to be present in the courtroom at the time these statements were made were the following individuals: the Spanish interpreter, (b) (6); the IJ's clerk, (b) (6); and several other aliens.

I bring this matter to your attention because of the concern that the IJ is not acting impartially in this matter. Please feel free to contact me if you require any additional information.

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

(b)(6) & (b)(7)(C) ICE Ethics Office

Department of Homeland Security  
Immigration and Customs Enforcement  
Office of the Principal Legal Advisor

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

\*\*\* Warning \*\*\* Attorney/Client Privilege \*\*\* Attorney Work Product \*\*\*

This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).