



Detail

Complaint Number: 706

Immigration Judge: (b)(6)

Complaint Received Date: 12/27/12

Current ACIJ
Maggard, Print

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed because it
cannot be substantiated

Final Action Date
01/07/13

Past ACJIS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Bias	Respondent (b) (6)
		(b) (6)

Complaint Narrative: Respondent alleges the IJ acted in a hostile and "very biased way"

Complaint History

12/28/12 Complaint referred to ACIJ
01/07/13 Complaint dismissed because it cannot be substantiated
01/07/13 Database entry created
01/08/13 EOIR communication sent

Sep 11, 2013

1 of 1

EOIR FOIA Processing (EOIR)

From: IJConduct, EOIR (EOIR)
Sent: Tuesday, January 08, 2013 4:04 PM
To: (b) (6)
Subject: RE: IJ misconduct

Sir, your complaint is indeed noted. You requested a higher authority because you state I did not take your complaint seriously. I assure you I reviewed the case carefully and listened to all of the recordings. As I stated you can raise issues in your pending appeal. You may also contact Deputy Chief Immigration Judge Mike McGoings through the IJ conduct email, or by writing to him at: 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041.

From: (b) (6) [mailto:(b) (6)@yahoo.com]
Sent: Monday, January 07, 2013 9:21 PM
To: IJConduct, EOIR (EOIR)
Subject: Re: IJ misconduct

Sir, thank you for your mail...explaining my "rights" is not the issue for this particular complaint...the issue here is INAPPROPRIATE behavior as far as professionalism is concerned...whether (b) (6) turned the recorder OFF during this behavior is quite possible, seeing the recorder is controlled by (b) (6), however we are the witnesses to this.

Explaining rights and behaving in a biased and unprofessional manner are two different things. I hold this Judge PERSONALLY responsible for ruining my marriage that after 14 years of struggling with DHS and court cases was very fragile, as well as my ex spouse just recovered from cancer, and all it took was for my now ex spouse to NOT wanting to be in (b) (6) courtroom again. (She attended EVERY hearing with me as well as all appointments with DHS) When the court case drew near she withdrew and was not prepared to face a judge again that humiliated her.

The case before the BIA should not have anything to do with this complaint before yourself.

I need this complaint to be NOTED...Also please supply me with all other authorities I can forward the complaint to as it seems you are not particularly taking my complaint seriously.

The case is before the BIA, however I plan to appeal to the higher circuits as well.

I have for my best interest denied the voluntary departure at this time as with a charge against me would make it impossible to return to the US, and I wanted the opportunity to clear my name, which the IJ refused. I may also have other forms of relief from removal if successful at the Criminal Appeal, however the IJ refused me that opportunity as due to my divorce the waiver became unobtainable, and a criminal appeal my only hope, which again, as with all my motions, the IJ refused me that opportunity.

In short if I had known the IJ personally I would have thought (b) (6) despised me, but I don't and expected a non-biased, professional treatment, NOT chasing my spouse out of the courtroom, is that recorded?

If not it should be deemed as UNETHICAL for the IJ to turn the recorder OFF at any time during the proceeding and should signify unprofessional/ unethical behavior, that was totally UNCALLED for.

Thank You

(b) (6)

ATTENTION!

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From: "IJConduct, EOIR (EOIR)" <EOIR.IJConduct@usdoj.gov>
To: (b) (6) @yahoo.com>
Sent: Monday, January 7, 2013 2:36 PM
Subject: RE: IJ misconduct

Dear Mr. (b) (6)

I am ACIJ Print Maggard, I am the supervisory immigration judge over the (b) (6) Court. I received your complaint concerning IJ (b) (6) and (b) (6) handling of your case. I listened to the recordings of all of the proceedings in your case. I found no inappropriate actions by IJ (b) (6) explained your rights many times, answered your questions and explained why you were not eligible for the relief you were seeking; you declined (b) (6) offer of voluntary departure. I found no inappropriate behavior on the part of IJ (b) (6). Further, any substantive legal disagreements are properly addressed at the BIA where I note you already have an appeal pending.

From: (b) (6) [mailto:(b) (6) @yahoo.com]
Sent: Thursday, December 27, 2012 6:39 PM
To: IJConduct, EOIR (EOIR)
Subject: IJ misconduct

To whom it may concern...

I am very distraught and disparaged by the conduct of (b) (6), the IJ that conducted my "removal" hearing. The first time in (b) (6) courtroom for the Calendar hearing (b) (6) informed us (b) (6) courtroom is not a joke and we should not take this lightly and that I should get an attorney.

The judge acted in a very BIASED way and denied every motion for CHANGE OF VENUE, MOTION TO CONTINUE and TELEPHONIC HEARING I have send (b) (6) citing "DHS OPPOSE" AS THE REASONS. I spoke with (b) (6) "assistant" by phone twice and was HORRIFIED when she blatantly informed me that Judge (b) (6) would NEVER allow ANY motion if opposed by DHS...That is not IMPARTIAL conduct but absolutely BIASED conduct...My reasons were NOT frivolous AND LEGIT for the motions.

The judge also denied a hearing on my I601 waiver when me and my spouse were in court for the very hearing on the I601..we were not aware we needed to pay a fee.The DHS attorney SUGGESTED he could call the payment through for us THAT day if we were prepared to do so to allow us to continue the hearing on the I601 that DAY. The IJ immediatly announced (b) (6) was not "comfortable" to do that because the respondent is "Pro Se" and rather would delay the case for another year. When my spouse heard this she showed emotion as it took us 8 years to get to that point after 14 years of marriage, numerous hearings that got continued every time for another year. My spouse was not vocal but showed emotional distress upon which the IJ (b) (6) CHASED her harshly out of the court room WITHOUT any WARNING, and continued the case for yet another year. i WAS TAKEN BY SURPRISE as my back was towards my spouse and I did not hear anything coming from her. My spouse attended EVERY hearing with me up to that point and was so noted.

My spouse was severely upset over this incident and another year continuance and had an emotional meltdown and our marriage was already under severe strain due to my spouse having just been a cancer survivor and me having NO work

authorization since 2009 putting the burden of finances on my spouse alone. The IJ was aware of my work authorization that was revoked as I asked (b) (6) what to do about this (b) (6) told me (b) (6) does not issue work authorization" My spouse has had enough of everything and her being chased out of the courtroom was the ultimate humiliation to her and she filed for divorce 2 months before the next hearing on the I601, she did NOT want to go back into Judge (b) (6) (b) (6) courtroom and I had to ask for another continuance because I had NO waiver anymore and I hold the judge responsible for my divorce. I have been in the US for 18 years, married to the same woman for 14 years, NO departures, and ONE misdemeanor "simple stalking" charge in 2001 to which I claim innocence for.

The IJ compared my simple stalking case to a aggravated stalking charge and I gave (b) (6) a brief on the matter and expected a hearing on the matter but (b) (6) found me inadmissible on the brief alone merely finding me inadmissible on the "title" of the charge. I filed a coram vobis writ of error with the criminal court in (b) (6) on the charge and was granted a RE-OPEN of the case based on new evidence and incompetent council at the time.

I showed this evidence to the IJ and asked (b) (6) for a continuance to allow me to finish the appeal (a constitutional right), so that I can clear my name and find another form of relief from removal. I have maintained my innocence of the offence with the IJ as well from the beginning.

(b) (6) REFUSED the continuance and told me I have NO form of relief available, as now I am "divorced and don't qualify for anything", except maybe "voluntary departure" which I refused and then (b) (6) promptly ordered me REMOVED. (b) (6) addressed me harshly in the court when I tried to explain I wanted my name cleared which will open up other forms of removal relief. (b) (6) jumped up and walked over to get some appeal forms and handed them to me in a very arrogant manner and said "good luck in (b) (6) and snarled "hopefully you come up with another form of relief from removal"

This judge acted as though (b) (6) was my enemy from day one. I have been granted a re-open for the very charge (b) (6) found me "inadmissible" for based on the merits of the charge and new evidence, and (b) (6) REFUSED me the right to show my innocence and I insist on the fact that (b) (6) destroyed my marriage by exercising unnessecary "delay's" for a hope of a favorable outcome for the state. If I was allowed the hearing on the I601 the day my spouse and me were in the courtroom perhaps the waiver would have qualified as we thought it should, but the IJ REFUSED to conduct the hearing that day (The DHS attorney recommended we should and we were willing to do so) resulting in my divorce after 14 years of marriage.

This IJ is hostile and told us (b) (6) court room is not a joke (because I was Pro-Se) and that I should get an attorney. I believe (b) (6) payback was to refuse the I601 waiver hearing for reasons stated: "I do not feel comfortable to do that because he is Pro-Se" which makes NO sense whatsoever.

I am appealing to the BIA and feel in the very least this IJ should have allowed me the time and since I proved to (b) (6) I had NO employment (not allowed) I am now divorced and moved back to (b) (6) and proved my address (b) (6) should have allowed me the change of venue to (b) (6). If I am successful at the appeal (pending) My hearing is Jan 23rd 2012...I have other options for relief such as a relative petition by my brother (a US citizen) and Removal of condition of residence, Special circumstances due to a successful appeal on the criminal charge, Voluntary departure without the problem of a CHARGE so I could return to the US and perhaps reconciliation of my marriage etc.

If it was not for the charge on me I would have had permanent residency/ citizenship long ago as I qualified for this based on relative petition...I had an approved I130. This IJ CAUSED MY DIVORCE and adds (b) (6) is under NO obligation to allow me the appeals process even though its HARD to get a Court to re-open a case so old to which a defendant pleaded guilty to but they DID re-open based on the merits. I pleaded guilty to get out of jail due to a hold by ICE and was told I may face immigration consequences instead of I WILL be automatically found "inadmissible"

Please tell me what I can do, this IJ treated me and my spouse with the utmost DISREGARD and DISRESPECT and would not allow ANY motions unless the DHS don't appose (from the words of (b) (6) "assistant")

If I didnt know (b) (6) personally I would have honestly thought (b) (6) hated me.

I dont care for (b) (6) either and I KNOW I should not blame ALL IJ's for the unprofessional bahaviour of Judge (b) (6) (b) (6). (b) (6) should not be an IJ.

Thank you kindly,
(b) (6)

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