



Detail

Complaint Number: 747

Immigration Judge: (b)(6)

Complaint Received Date: 04/09/13

Current ACIJ
Davis, John W.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed because it
cannot be substantiated

Final Action Date
04/18/13

Past ACIS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	In-court conduct	Respondent Atty/ (b) (6)
		(b) (6)

Complaint Narrative: Respondent's counsel believed that judge was excessive

Complaint History	
04/15/13	ACIJ reviewed the complaint
04/18/13	ACIJ responds to the Attorney via email
04/18/13	Complaint dismissed because it cannot be substantiated
04/23/13	Database entry created

Moutinho, Deborah (EOIR)

From: Davis, John (EOIR)
Sent: Thursday, April 18, 2013 6:21 PM
To: (b) (6)
Cc: Keller, Mary Beth (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: IJ (b) (6)

(b) (6)

Continued success to you sir!

Regards,

John W. Davis
Assistant Chief Immigration Judge
Executive Office for Immigration Review
627 17th Street #300
Denver, CO 80293

From: (b) (6)
Sent: Thursday, April 18, 2013 4:20 PM
To: Davis, John (EOIR)
Cc: Keller, Mary Beth (EOIR); Moutinho, Deborah (EOIR)
Subject: Re: IJ (b) (6)

Dear Judge Davis:

Thank you for your prompt and diligent inquiry into my complaint. Please note that in my 18 years of practice, I have found the overwhelming majority of Immigration Judges to be fair and just, consistent not only in the letter of the law, but also the spirit of the law.

This is the first complaint I have ever made against an Immigration Judge; I certainly hope that all parties have benefitted in some way from your investigation.

Thank you again for your prompt response.

Respectfully submitted,

(b) (6)

On Thu, Apr 18, 2013 at 5:18 PM, Davis, John (EOIR) <(b) (6)> wrote:

Dear (b) (6)

(b) (6)

I am Assistant Chief Immigration Judge John Davis; I am the supervisory immigration judge over the (b) (6) Immigration Court. I have received and reviewed 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 client's rights numerous times; (b) (6) answered your questions and explained why (b) (6) was required to conduct a separate bond hearing. I found no inappropriate behavior on the part of IJ (b) (6). Further, any substantive legal disagreements you had regarding the bond amount in your client's case are properly addressed at the BIA where I note you already have an appeal pending.

Respectfully Yours,

John W. Davis

Assistant Chief Immigration Judge

Executive Office for Immigration Review

627 17th Street #300

Denver, CO 80293

From: (b) (6)

Sent: Tuesday, April 09, 2013 3:56 PM

To: Davis, John (EOIR)

Subject: IJ (b) (6)

Judge Davis,

Thanks for personally returning my call.

Here is complaint I e-mailed regarding incident today. I have never before filed a complaint against an immigration judge in my 18 years as immigration lawyer.

Respectfully submitted,

(b) (6)

----- Forwarded message -----

From: (b) (6)

Date: Tue, Apr 9, 2013 at 2:20 PM

Subject: IJ (b) (6)

To: "EOIR.IJConduct@usdoj.gov" <EOIR.IJConduct@usdoj.gov>

(b) (6)

I represented the above-referenced Salvadoran national at a telephonic bond hearing today, April 9, at approximately 10:35 local time.

The judge, who apparently took the bench (b) (6) set an extraordinarily high bond of \$15,000 for an individual who passed a credible fear interview based on a claim of persecution by Salvadoran police officers, and who had no criminal record. In addition, the Respondent had a father with TPS status living in (b) (6)

Furthermore, the judge took it upon (b) (6) to ask detailed questions about Respondent's asylum claim -- in effect substituting (b) (6) judgment in a telephone conversation for a detailed credible fear, face-to-face interview.

I objected to the judge's persistent questioning of my client's asylum claim, but (b) (6) kept on interrogating him.

Without deferring to the Assistant Chief Counsel's position, (b) (6) set an extraordinarily high bond of \$15,000. (b) (6) stated reason was that he was a flight risk, because Respondent correctly stated that he never physically met his biological father, who had TPS and who had hired me. (b) (6) never asked about the parental relationship. I told the judge the bond amount was "outrageous" since he was definitely not a flight risk nor a threat to public safety.

In fact, the Respondent having passed a credible fear interview on persecution on a very meritorious nexus, had every incentive to appear in Immigration Court. There was no evidence that he posed any threat to public safety. (The Respondent, under the Judge's interrogation, gave virtually the same answers as appeared in his credible fear interview transcript.)

The result is continued detention, at taxpayer's expense, for a Respondent with a highly meritorious asylum claim and no criminal record.

I respectfully request that you investigate this matter. I did speak to the (b) (6) Assistant Chief Counsel immediately after the hearing to complain. (b) (6) suggested I do a Motion to Redetermine Bond.

I can be reached at my (b) (6) office below or by email. Thank you.

Respectfully submitted,

(b) (6)

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(b) (6)

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