



OCIJ CORRESPONDENCE CONTROL SHEET

FOLDER: EOIR Correspondence

DATE OF DOCUMENT: 7/13/2009

CONTROL NUMBER: 1447

DATE REC: 7/17/09 2009

FROM: (b) (6)

TO: Chief Greg,

Please see the attached and let me know how we are tracking this type of correspondence

Make! Ed

SUBJECT: Complaint Against Judge (b) (6)

RESPONSE DUE DATE:

ROUTING / INITIALS	OFFICE
Bills	CIJ: O'Leary
	ACIJ:
<i>[Signature]</i>	ACIJ Professionalism
	ACIJ Training
	Deputy Chief Counsel:
	Chief Clerk
	Chief LSU
	Chief of Staff
	Exec Programs Mgr:
	Staff Ass't:
	HR:
	Other:
	FOIA

O'Leary

To ACIS Keck
 To have - please enter copy for us, provide to ACIS Romig, then return this to Greg.
 TH 7/17/09

If any questions, please contact the Vicki Butler at (703) 305-(b) (6)

Thursday, July 16, 2009

Moutinho, Deborah (EOIR)

Complaint 440 - 3390

From: Keller, Mary Beth (EOIR)
Sent: Thursday, March 03, 2011 1:58 PM
To: Moutinho, Deborah (EOIR)
Cc: McGoings, Michael (EOIR)
Subject: (b) (6) complaint

D -
Judge (b) (6) rendered a decision today on (b) (6)
Please close this complaint, with oral counseling and use the date of Feb 22, which is the date on Judge
McGoings' email to Judge (b) (6)

Judge McGoings: I've surmised this from the email chains that this is the proper close out. Let me know if
not.
Tx.
mtk

MaryBeth Keller
Assistant Chief Immigration Judge
EOIR/OCIJ
703/305-1247
(b) (6)@usdoj.gov

EOIR FOIA Processing (EOIR)

From: Fong, Thomas (EOIR)
Sent: Friday, December 16, 2011 12:49 PM
To: Keller, Mary Beth (EOIR); Moutinho, Deborah (EOIR)
Subject: Complaint re (b) (6) (retired IJ (b) (6) and IJ (b) (6) - all (b) (6) IC)
Attachments: Complaint (b) (6) (IJs (b) (6)).doc

Mary Beth and Deborah,

Attached is a completed IJ Complaint Intake form, action taken and response letter mailed this date. After review of the complaint and all three separate ROPs/records/tapes --- I found frivolous, allegations disproven, and thus failure to state a claim.

Mary Beth please note: this came by way of a referral from the OIG, USDOJ as you will see from my attached review. My only question to you is whether I should or need to send a copy of my response letter to the OIGs office?

Thomas Y.K. Fong
Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ
606 South Olive Street, 15th Floor
Los Angeles, CA 90014

(b) (6)

EOIR FOIA Processing (EOIR)

From: Burr, Sarah (EOIR)
Sent: Wednesday, March 17, 2010 2:34 PM
To: Keller, Mary Beth (EOIR)
Subject: (b) (6) updates

Non-Responsive

Regarding a complaint made about Judge (b) (6) by (b) (6) another detainee, the original letter I sent him in February has been returned. I have reviewed the ROP and the same allegations he makes were made in an appeal to the BIA. The BIA dismissed his appeal a few weeks ago. I am sending you a copy of the letter that is going out to (b) (6) (b) (6) who we located at (b) (6) County Jail in (b) (6). Basically, I did not find his allegations to be substantiated by the record. However, having reviewed the record, I will speak to Judge (b) (6) about some of (b) (6) comments on the record.

Sarah M. Burr
Assistant Chief Immigration Judge
26 Federal Plaza
New York, N.Y.

Keller, Mary Beth (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Tuesday, June 15, 2010 5:00 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: (b) (6) update?

MTK and Deborah:

I am going to meet with IJ (b) (6) tomorrow. I have 2 matters that I want to go on record to address with (b) (6). They relate to the format of (b) (6) decisions. (b) (6) apparently just received a BIA decision that (b) (6) wanted to discuss with me. I told (b) (6) that I had a few matters to address with (b) (6). We agreed to meet tomorrow.

I know these do not appear on the latest report that Deborah sent out but I will sit down with IJ nevertheless to close out any loops:

Non-Responsive

(b) (6) (BIA February 20, 2009). As MTK pointed out, the only issue here was that the BIA found the credibility determination of the IJ to be clearly erroneous. That is a decision the IJ made on the merits and that was (b) (6) determination. Absent any unusual or unnecessary commentary, it is best to close out. I believe it may be closed out already but if it shows pending anywhere please indicate that upon review by the ACIJ, the matter was properly addressed as an appealable issue by the parties and the BIA.

Non-Responsive

Will keep you posted. Thanks. EMS

From: Sukkar, Elisa (EOIR)
Sent: Tuesday, June 15, 2010 4:18 PM
To: Sukkar, Elisa (EOIR)
Subject: FW: (b) (6) update?

FYI

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, June 08, 2010 2:35 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: FW: (b) (6) update?

Non-Responsive

Keller, Mary Beth (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Tuesday, June 15, 2010 5:00 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE (b) (6) update?

MTK and Deborah:

I am going to meet with IJ (b) (6) tomorrow Non-Responsive

Non-Responsive

The one I cannot find is the (b) (6) IJC memo. Could you please forward? It seems from MTK's comments that the decision was informal but no criticism by BIA.

Non-Responsive

Will keep you posted. Thanks. EMS

From: Sukkar, Elisa (EOIR)
Sent: Tuesday, June 15, 2010 4:18 PM
To: Sukkar, Elisa (EOIR)
Subject: FW: Non-Responsive (b) (6) update?

FYI

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, June 08, 2010 2:35 PM
To: Sukkar, Elisa (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: FW: Non-Responsive (b) (6) update?

Elisa,
 Same thing wrt to (b) (6) which also came back in Feb 2009. IJ dec informal, but no criticism by bia.
 I've attached an email between us genlly discussing.

Keller, Mary Beth (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Thursday, June 17, 2010 4:18 PM
To: Moutinho, Deborah (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: IJC Memo - (b) (6) (BIA February 23, 2009)

MTK and Deborah:

I do recall that the BIA did not make any negative comments and instead affirm the IJ's decision completely. There are no copies of a transcript to review. A review of the decision does indicate that the format the IJ used in (b) (6) decision, which was rendered in 2007, is not what is expected. There is the use of questions being posed by the IJ which the IJ answers (b) (6) instead of making concise findings in straight forward statements.

This has already been addressed with the IJ and (b) (6) indicates that (b) (6) uses the more formal format in rendering (b) (6) decisions. I will use this one as an example when we sit down again based upon the one (b) (6) said (b) (6) received recently which I do not have and do not know if it would be one that would make it as an IJC memo.

I will copies from the IJ and review since (b) (6) was the one that called me on this latest BIA decision.

Thanks. EMS

From: Moutinho, Deborah (EOIR)
Sent: Wednesday, June 16, 2010 10:53 AM
To: Sukkar, Elisa (EOIR)
Subject: FW: IJC Memo - (b) (6) (BIA February 23, 2009)

As requested ☺

Thank you
 Deborah

From: Moutinho, Deborah (EOIR)
Sent: Tuesday, February 24, 2009 1:59 PM
To: Sukkar, Elisa (EOIR)
Subject: FW: IJC Memo - (b) (6) (BIA February 23, 2009)

The case is being forwarded to you on behalf of ACIJ Keller concerning IJ (b) (6)

Thank you
 Deborah

From: Smith, Terry (EOIR)
Sent: Tuesday, February 24, 2009 1:54 PM
To: McGoings, Michael (EOIR); Keller, Mary Beth (EOIR)
Cc: Liebowitz, Ellen (EOIR); Weil, Jack (EOIR); Moutinho, Deborah (EOIR); Butler, Vicki A. (EOIR); Smith, Terry (EOIR)
Subject: IJC Memo - (b) (6) (BIA February 23, 2009)

Hi Michael & MaryBeth,

Find attached an IJC memo in the (b) (6) (BIA February 23, 2009).

Thank you,
Terry Smith

ROUTING AND TRANSMITTAL SLIP DATE 12/6/10

TO: Name, Office Symbol, Room Number, Building, Agency	Initials	Date
1. <u>ACIJ Smith</u>		
2.		
3.		
4.		
5.		

- | | | | |
|--|---|---|------------------------------------|
| <input checked="" type="checkbox"/> Action | <input type="checkbox"/> Coordination | <input type="checkbox"/> Investigate | <input type="checkbox"/> See Me |
| <input type="checkbox"/> Approval | <input type="checkbox"/> File | <input type="checkbox"/> Justify | <input type="checkbox"/> Signature |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> For Clearance | <input type="checkbox"/> Note and Return | |
| <input type="checkbox"/> Circulate | <input type="checkbox"/> For Correction | <input type="checkbox"/> Per Conversation | |
| <input type="checkbox"/> Comment | <input type="checkbox"/> For Your Information | <input type="checkbox"/> Prepare Reply | |

REMARKS

It appears that the attorney is filing a motion w/ IT **(b) (6)**. He also cites the FOIA.

- 1) I'm sure IT **(b) (6)** will deal w/ the motion (if this individual has standing)?
- 2) Check w/ Scott - I'm thinking we should consider the letter to me as a FOIA + refer to the FOIA unit.
- 3) Is it a complaint? I think we need to log it w/ ACIJ Kohn + dispose as appropriate.

FROM: Name, Org. Symbol, Agency Brian M. O'Leary Department of Justice Executive Office for Immigration Review Office of the Chief Immigration Judge	Room No. - Bldg. Suite 2500 - Sky Tower Phone No. (703) 305-1247
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Moutinho, Deborah (EOIR)

From: Kelly, Ed (EOIR)
Sent: Monday, August 22, 2011 5:08 PM
To: Moutinho, Deborah (EOIR)
Subject: RE: Status of Open Complaints in the Database

(b) (6) #524 is complete – oral counseling on 8/22/2011. Don't I owe you more paperwork on that one? Thanks, -Ed

From: Moutinho, Deborah (EOIR)
Sent: Monday, August 22, 2011 1:13 PM
To: Kelly, Ed (EOIR)
Subject: RE: Status of Open Complaints in the Database

Non-Responsive

Deborah

From: Kelly, Ed (EOIR)
Sent: Monday, August 22, 2011 1:12 PM
To: Moutinho, Deborah (EOIR)
Subject: RE: Status of Open Complaints in the Database

Deborah,

Non-Respondent

524 (b) (6) will be done as soon as I talk to (b) (6) this week (b) (6) off to (b) (6) on detail but I'm going to give (b) (6) a call.) Cheers,

-Ed

From: Moutinho, Deborah (EOIR)
Sent: Monday, August 22, 2011 1:07 PM
To: Kelly, Ed (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Status of Open Complaints in the Database

Good Afternoon ACIJ Kelly

Per ACIJ Keller's request I am sending you a summary report of all open complaints from your courts currently in the database along with detail report that shows you the specifics concerning each of the open complaints.

After reviewing the reports please let me know if there are any updates and or resolutions to the open complaints – no need to complete a new complaint intake sheet just send me the update along with the corresponding complaint number found on the left hand side of the summary report.

Please let me know if you have any questions or require additional assistance.

Thank you
Deborah

EOIR FOIA Processing (EOIR)

From: Fong, Thomas (EOIR)
Sent: Thursday, August 09, 2012 4:33 PM
To: Keller, Mary Beth (EOIR); Weil, Jack (EOIR); Barnes, Jennifer (EOIR); Moutinho, Deborah (EOIR)
Cc: Rosen, Scott (EOIR)
Subject: FW: Complaint about an IJ
Attachments: IJ Complaint.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Yes, I will take care of this and I am also fyi'ing ACIJ Keller, ACIJ Jack Weil and Deborah Moutinho. (b) (5)

(b) (5)

Resent with attachments included.

Thomas Y.K. Fong
 Assistant Chief Immigration Judge
 Immigration Court/EOIR/DOJ
 606 South Olive Street, 15th Floor
 Los Angeles, CA 90014
 (213)894-2811
thomas.fong@usdoj.gov

From: Rosen, Scott (EOIR)
Sent: Thursday, August 09, 2012 11:47 AM
To: Fong, Thomas (EOIR)
Cc: Byrd, Sarah (EOIR)
Subject: Fw: Complaint about an IJ

Okay to refer this to you for a response?

From: Allen, Patricia M. (EOIR)
Sent: Thursday, August 09, 2012 02:20 PM
To: Rosen, Scott (EOIR)
Subject: FW: Complaint about an IJ

Dear Scott,

OOD informs me that they would like this letter answered by August 16. Will OCIJ be handling the response? If so, I will inform OOD to re-assign the letter.

Thank you.

Kind regards,

Patricia Allen

Associate General Counsel
Office of the General Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike
Falls Church, VA 22041
Tel. (703) 305-(b) (6)
Patricia.M.Allen@usdoj.gov

From: Allen, Patricia M. (EOIR)
Sent: Tuesday, August 07, 2012 3:35 PM
To: Rosen, Scott (EOIR)
Subject: Complaint about an IJ

Dear Scott,

OGC received this letter in which an attorney makes a complaint about an IJ.

Would this be a letter that OCIJ would like to respond to? Please advise.

Thank you.

Kind regards,

Patricia Allen
Associate General Counsel
Office of the General Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike
Falls Church, VA 22041
Tel. (703) 305-(b) (6)
Patricia.M.Allen@usdoj.gov