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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
FLORENCE, ARIZONA

In the matter of: LASTNAME, Firstname Respondent (Detained) In Removal Proceedings	Case No.: A012-345-678 Hearing: Master Calendar Hearing Hearing Date: January ##, 2012 Time: 8:30 AM Judge: Hon. Silvia R. Arellano

RESPONDENT'S MOTION TO TERMINATE REMOVAL PROCEEDINGS

TABLE OF CONTENTS

INTRODUCTION

COMES NOW Respondent, and through undersigned counsel, respectfully moves this Honorable Court to terminate removal proceedings with prejudice based on lack of *clear and convincing* evidence[1] of the Respondent's removability.

STATEMENT OF FACTS

Respondent is a ## year old male, native of the former USSR and stateless by virtue of revocation of his former USSR citizenship back in 198#.

[1] *See Woodby v. INS*, 385 US 276, 285 (1966).

In or about April 198# Respondent, a ten-year-old child at that time, was stripped of his USSR citizenship and displaced from the USSR.

On 6/5/198# Respondent entered the United States as Jewish refugee from the former USSR. Respondent's refugee status was derivative of refugee status of his parents.

On 8/2/19## Respondent became a lawful permanent resident.

On ##/22/20## the U.S. Department of Homeland Security (DHS) arrested Respondent at the Respondent's home and served onto Respondent a copy of the Notice to Appear (NTA) dated ##/22/20##.

STATEMENT OF CASE

The instant case is a removal case against a Lawful Permanent Resident.

On or about #/4/20## DHS placed Respondent in removal proceedings before the Florence U.S. Immigration Court (detained settings) via the NTA served onto Respondent on ##/22/20##.

Because Respondent is a Lawful Permanent Resident, he is not removable unless DHS establishes his removability by *clear and convincing* evidence. *See Woodby v. INS*, 385 US 276, 285 (1966).

On ##/18/20## Respondent via Written Pleadings denied the allegations of criminal convictions set forth in the NTA and denied the charge of removability set fort in the NTA, therefore removability is not established by admission.

LEGAL STANDARD

Only the Immigration Judge may terminate removal proceedings upon request by either party. *See Matter of G-N-C*, 22 I&N Dec. 281 (BIA 1988).

The government has the burden of establishing removability by *clear and convincing* evidence. *Woodby v. INS*, 385 US 276, 285 (1966).

The Immigration Judge may terminate when the Department failed to prove removability by clear and convincing evidence, as required by *Woodby v INS*,

385 U.S. 276, and 8 CFR §240.8(a). *See United States Department of Justice Immigration Judge Benchbook*, 4th Ed., V.2, p.605.

When the Department alleges removability based on a criminal conviction, the Department, pursuant to INA statute, its implementing regulations and case law, has high burden to:

1) produce certified criminal record (Emphasis added);

2) prove that Respondent is removable by virtue of the Respondent's criminal conviction. *See Matter of Bahta*, 22 I&N Dec. 1318, 1393 (BIA 2000); *see also Matter of Beckford*, 22 I&N Dc. 1216, 1218 (BIA 2000) (the Service has the initial burden of proof in removal proceedings); *Matter of Pichardo-Sufren*, 21 I&N Dec. 330 (BIA 1996) (holding that a respondents testimony concerning his violations of law is not admissible and does not relieve the Service of its burden of proving that respondent is subject to deportation or removal based on a particular conviction); INA §240(c)(3)(A) (burden of proof on ICE to prove respondent's removability); 8 CFR §1240.8 (same); 8 CFR § 1003.41 (ICE's burden to produce certified record of conviction).

The definition of the "record of conviction" is set in *Shepard*, where the United States Supreme Court held that the "record of conviction" involving a guilty plea includes "*charging document, written plea agreement, transcript of plea colloquy, and any explicit factual finding of the trial judge to which the*

defendant assented." *Shepard v U.S.*, 544 U.S. 13, 125 S.Ct. 1254, 1257 (2005). In the Ninth Circuit pursuant to the binding authority from the same circuit Shepard is the authority defining the "record of conviction". *See Martinez-Perez v. Ashcroft*, 417 F.3d 1028-29 (9th Cir. 2005) (documents to be considered as part of the record of conviction under the modified categorical approach are those specified in Shepard v. U.S.) In the Ninth Circuit, pursuant to *Penuliar v. Mukasey* abstract of judgment is insufficient to establish the guilty plea to a specific crime. *See Penuliar v. Mukasey*, 528 F.3d 603, 610-11 (9th Cir. 2008)(abstract of judgment may not sufficiently establish that the defendant plead guilty to a specific crime when only other document was the charge.)

Use of a Respondent's own testimony to establish removability is prohibited. *Picardo-Sufren*, 21 I&N Dec. 330 (BIA 1996); *see also Tokatly v. Ashcroft*, 371 F.3d 613 (9th Cir. 2004) (finding that the "*Immigration Judge erred in relying on testimonial evidence adduced at the immigration proceedings, including the petitioner's own admissions regarding the nature of his relationship with the victim, and in finding him removable*.")

The "best-evidence rule" applies in removal proceedings and must be considered. *Matter of M-*, 5 I&N Dec. 484 (BIA 1953); *see also United States v. Bennett*, 363 F.3d 947 (9th Cir. 2004); *see also United States v. Rivera-Carrizosa*, No.93-10642, 1994 U.S. App. LEXIS 25488 at *6 (9th Cir. 1994). The "best-evidence rule" is defined in the Black's Law Dictionary as follows, *"[t]he evidenciary rule providing that, to prove the contents of a writing (or a*

recording or photograph), a party must produce the original writing unless it is unavailable, in which case secondary evidence – such as copies, notes, or testimony – may be admitted. Fed.R. Evid 1001-1004". Black's Law Dictionary , 7th Ed., p. 153.

Hearsay is admissible in immigration proceedings only as long as hearsay evidence is clear, unequivocal and convincing. *Matter of Lam*, Int. Dec. 2157 (BIA 1972); *In re Aricio Pichardo-Sufren*, Int. Dec. 3275 (BIA 1996). In the Ninth Circuit hearsay is only admissible if hearsay statement is probative and its admission is fundamentally fair. *Abreu-Reyes v. INS*, 292 F.3d 1029, 1032 (9th Cir 2002) ("[]*the test for admissible hearsay in removal proceedings is whether the hearsay statement is probative and whether its admission is fundamentally fair*.")

There is a CONUNDRUM OF LAW concerning the analytical methodology for examining criminal convictions:

> On one hand an IJ is a delegate of the Attorney General and is bound to follow the A.G.'s decision, specifically, *Matter of Silva-Trevino*, 24 I&N Dec.687 (A.G. 2008), even though at least one court held "*that Silva-Trevino is contrary to the unambiguously expressed intent of Congress*". *See Fajardo v. U.S. Atty. Gen.*, 659 F.3d 1303 (11th Cir. 2011).

On the other hand the well established analytical methodology from the U.S. Supreme Court set forth in *Taylor v. United States*, 495 U.S. 575 (1990) and *Shepard v. United States*, 544 U.S. 13 (2005) and volume of binding case law from circuit courts.

The analytical methodology for examining criminal convictions is well established in *Taylor v. United States*, 495 U.S. 575 (1990) and *Shepard v. United States*, 544 U.S. 13 (2005), but pursuant *Matter of Anselmo*, 20 I&N Dec. 25 31 (BIA 1989) and 8 CFR §1003.1(g) absent a BIA's case law on point an IJ is bound by the Attorney General's decision, specifically by the analytical framework set forth in *Matter of Silva-Trevino*, 24 I&N Dec.687 (A.G. 2008) where the scope of the IJ's review is not subject to the evidentiary limitations of *Taylor* and *Shepard*.

When a statute is non-divisible, an IJ should examine the minimum conduct necessary to satisfy the elements of the offense and should not look at the record of conviction. *Matter of Short*, 20 I&N 136, 137-38. (BIA 1989). Where any such minimum conduct is outside of grounds of removanility, respondent is *not* removabe. *See Hadman v. INS*, 98 F. 3d 183 (5th Cir. 1996), *see also U.S. v. Jennings*, 515 F.3d 980 (9th Cir. 2008) (when a crime of conviction is missing an element of the generic crime all together, the modified categorical approach can not be used.)

When the statute covering the criminal offense is divisible, a modified categorical approach must be used to determine removability, where an IJ is not

to look behind the formal record of conviction in order to determine whether the offense is a removable one. *Tokatly*, 371 F.3d at 615. The divisibility analysis applies to all grounds of removability. *See Matter of Mena*, 17 I&N Dec. 38 (BIA 1979)(controlled substance); *Matter of Short*, 20 I&N 136 (BIA 1989) (CIMTs); *Matter of Sweetser*, 22 I&N Dec. 709 (BIA 1999); *Matter of Teixiera*, Int. Dec 3273 (BIA 1996)(firearms offenses).

If the formal record of conviction is not sufficient to support basis of removability under a divisible statute, an IJ is bound by *Matter of Silva-Trevino*, 24 I&N Dec.687 (A.G. 2008) to consider probative evidence beyond the formal record of conviction. However, the Ninth Circuit has three binding authorities that contradict the Attorney General's decision set forth in *Silva-Trevino*. In *Notash v. Gonzales*, 427 F.3d 693 (9th Cir. 2005) the United States Court of Appeals for the Ninth Circuit decided that moral turpitude established through a categorical and modified categorical analysis in which reference may be made to the "*narrow specified set of document that are part of the record of conviction*". In *Cisneros-Perez v. Gonzales*, 465 F.3d 386 (9th Cir. 2006) the United States Court of Appeals for the Ninth Circuit decided that in conducting a modified categorical analysis of a conviction, an Immigration Judge may not go beyond the record of conviction and consider the administrative record, or examine the facts of the underlying offense to determine whether a conviction qualifies as a particular type of crime that would render an alien ineligible for relief. Furthermore, pursuant to *Marmolejo-Campos v. Holder* 2009 W.L. 530950 (9th Cir. 2009) it is improper to apply the *Silva-Trevina* analytical framework to establish nature of the conviction. Although the *Marmolejo-*

Campos court "*reserved judgment*" of the *Silva-Trevino* framework and acknowledged the applicability of *Chevron* deference to the Board's precedential decisions interpreting the Immigration and Nationality Act, the *en bank* court made clear that it is "*well established*" that the court gives "*no deference*" to the Board's interpretation of the statute of conviction to determine "*the specific act for which the alien was convicted*" inasmuch as the agency "*has no specific experience by virtue of its statutory responsibilities in construing State or Federal criminal statutes*." *Marmolejo-Campos v. Holder* 2009 W.L. 530950 (9th Cir. 2009) at 3.

The BIA held that when looking at probative evidence outside of record of conviction (for discretionary purposes relating to consideration of relief) "*the Immigration Judge and this Board may not go beyond the record of conviction to determine the guilt or innocence of the alien*". *In re Mendez-Moralez*, 21 I&N Dec. 296, 303 n.1 (BIA 1996).

At least one court held "*that Silva-Trevino is contrary to the unambiguously expressed intent of Congress*". *See Fajardo v. U.S. Atty. Gen.*, 659 F.3d 1303 (11th Cir. 2011).

Pursuant to persuasive legal authority from the Third Circuit "*any ambiguity concerning the meaning of a criminal statute be resolved in favor of the criminal defendant*". *See Government of Virgin Islands v. Knight*, 989 F. 2d 619, 633 (3rd Cir. 1993).

Pursuant to INA §240(b)(4)(B) "*the alien shall have the reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, and to cross-examine witnesses presented by the Government []*". *See* INA §240(b)(4)(B). Respondent has a statutory right to cross-examine a witness pursuant to constitutional right. *See Gonzalez v Zubrick*, 45 F.2d 934 (6th Cir. 1930) Denial of such a right renders the hearing unfair. *See Navarette-Navarette v. Landon*, 223 F.2d 234 (9th Cir 1955). The BIA once held that any evidence gathered by the (legacy) INS (now the Department of Homeland Security), whether oral or written, should not be permitted to become a part of the record if respondent had been denied the right to cross-examination. *See Matter of Martinez*, 16 I&N Dec. 723 (BIA 1979).

The Administrative Procedure Act mandates to "*set aside agency action, findings, and conclusions found to be ... unsupported by substantial evidence*." 5 U.S.C. § 706(2)(E). Under well-recognized definition, *"[s]ubstantial evidence is more than a scintilla, less than a preponderance, and is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion*." *Hames v. Heckler*, 707 F.2d 162, 164 (5th Cir.1983); *see also Omagah v. Ashcroft*, 288 F.3d 254, 258 (5th Cir.2002). any decision or finding not supported by even "*substantial evidence*" should be reversed as being

"*utterly without foundation*." *Galvez-Vergara v. Gonzales*, 484 F.3d 798, 801 (5th Cir.2007) (citing *Osuchukwu v. INS*, 744 F.2d 1136, 1142 (5th Cir.1984)).

Where a party withholds evidence, the court may draw a negative inference that the evidence is adverse. *See Singh v. Gonzales*, 491 F.3d 1019, 1023-27 (9th Cir. 2007)

The Department cannot establish prima facie for the Respondent's removability solely through inference drawn by the respondent's Fifth Amendment assertion of silence. *See Matter of Guevara*, 20 I&N Dec. 238 (BIA 1991).

ARGUMENT

The Department seeks to remove the LPR Respondent based under the single charge of removability pursuant to INA § 237(a)(2)(B)(i) alleging in the factual allegation 5 that on August ##, 20## Respondent was convicted in the 6th Circuit Court, Pontiac, Michigan for Count 1, Controlled Substance –

Possession (Narcotic or Cocaine) less than 25 grams, in violation of MCL 333. 74032A5, for which Respondent was sentenced to 273 days of incarceration and 3 years Probation; and further alleging in the factual allegation 6 that on August 10, 2005 Respondent was convicted in the 6th Circuit Court, Pontiac, Michigan for Count 2, Controlled Substance –Possession (Narcotic or Cocaine) less than 25 grams, in violation of MCL #####, for which Respondent was sentenced to 273 days of incarceration and 3 years Probation.

As proposed evidence in support of the factual allegations 5 and 6 as set forth in the NTA, the Department submitted some documents that appear to be relating to three different criminal charges:

- Offense of July 04, 20## Town of Royal Oak;
- Offense of March 22, 20## City of Madison Heights;
- Offense of May 9, 20## City of Southfield.

Respondent, through counsel, filed his Motion To Preclude, Exclude And Suppress Evidence, where argued upon good legal authorities that the Department provided documents shall not be admitted into the record.

Even if the Respondent's Motion To Preclude, Exclude And Suppress Evidence is denied, the Department still did not meet its burden of proving removability by clear and convincing evidence.

None of these documents is an original, as would be preferred by the "best-evidence rule". The Department made no showing that originals are unavailable, therefore there is no legal basis to admit copies.

Some of these documents have no certification at all.

Some other documents have what appears an impression of a rubber stamp from Ruth Johnson, County Clerk for the County of Oakland and the Clerk of the County of Oakland, dated October 18, 20## and a round embossed "Seal of the Circuit Court of Oakland and Michigan". The IJ must take judicial notice of the fact that the documents are not certified by the 6th Circuit Court, Pontiac, Michigan where the conviction was entered according to the factual allegations 5 and 6. The certification is defective because:

- certifying court is not the same as alleged in the factual allegations 5 and 6;
- certification is dated October 18, 20## and, being over 6 years old, and documents lacking pagination, it does not prove any longer by the requisite clear and convincing evidence that it accompanies the same documents as it was originally attached to. Under the "best-evidence rule" the best evidence is a record of conviction freshly certified to best insure that it currently exists and remove guess work whether the old certification is still attached to the same pages where it was (or was not) placed over 6 years ago.

Based on the fact that the Department initiated removal proceedings 6 years after the alleged criminal conviction but uses the documents purportedly certified on October 18, 20##, Respondent respectfully contents that the

Department might be withholding more recent court records and, pursuant to *Singh* a negative inference should be drawn that the more recent court record does not support the Respondent's removability by clear and convincing evidence. *See Singh v. Gonzales*, 491 F.3d 1019, 1023-27 (9th Cir. 2007) (when a party withholds evidence, the court may draw a negative inference that the evidence is adverse.)

The documents certified on October 18, 20## do not equate to "clear and convincing evidence" that the convictions are legally noticeable as of time of initiating removal proceedings on [date]. It would be a clear violation of the "best-evidence rule" and lead to uncontiable results to find an LPR removable solely based on a collection of documents, some of which are not certified and some are certified 6 years prior to initiation of removal proceedings. It is the burden of the Department to show by clear and convincing evidence that Respondent stands convicted as alleged in the NTA's factual allegations 5 and 6 as of time the Department initiated removal proceedings. The documents introduced by the Department do not meet the statutory requirement of being clear and convincing.

The Administrative Procedure Act mandates to "*set aside agency action, findings, and conclusions found to be ... unsupported by substantial evidence*." 5 U.S.C. § 706(2)(E). Under well-recognized definition, *"[s]ubstantial evidence is more than a scintilla, less than a preponderance, and is such*

relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Hames v. Heckler,* 707 F.2d 162, 164 (5th Cir.1983); *see also Omagah v. Ashcroft,* 288 F.3d 254, 258 (5th Cir.2002). In the present case, the Department failed to provide "*substantial evidence*" (or any evidence whatsoever) that the original documents are unavailable. Thus, admitting the copies (some certified, others not) into the record would violate the "best-evidence rule", and could be reversed as being "*utterly without foundation*." *Galvez-Vergara v. Gonzales*, 484 F.3d 798, 801 (5th Cir.2007) (citing *Osuchukwu v. INS*, 744 F.2d 1136, 1142 (5th Cir.1984)).

Respondent did not have a statutorily[2] guaranteed reasonable opportunity to cross-examine Ruth Johnson as a person who certified some of the documents back on October 18, 20##. It is unlawful to make documents certified by Ruth Johnson a part of the record, unless Respondent was afforded his right to cross-examine Ruth Johnson as witness. Respondent has a statutory right to cross-examine a witness pursuant to constitutional right. *See Gonzalez v Zubrick*, 45 F.2d 934 (6th Cir. 1930) Denial of such a right renders the hearing unfair. *See Navarette-Navarette v. Landon*, 223 F.2d 234 (9th Cir 1955). The BIA once held that any evidence gathered by the (legacy) INS (now the Department of Homeland Security), whether oral or written, should not be permitted to become

[2] "*[T]he alien shall have the reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, and to cross-examine witnesses presented by the Government []*". INA §240(b)(4)(B)

a part of the record if respondent had been denied the right to cross-examination. *See Matter of Martinez*, 16 I&N Dec. 723 (BIA 1979).

The Michigan statute MCL 333.7403(2)(a)(v) is divisible, as a person commits offense violating MCL 333.7403(2)(a)(v) by possessing a controlled substance either classified in schedule 1 or 2 as narcotic drug, or a drug described in section 7214(a)(iv).

The section 7214(a)(iv). Provides in pertinent part as follows: " *The substances include cocaine, its salts, stereoisomers, and salts of stereoisomers []*" (Original grammar.) MCL 333.7214(a)(iv). The grammatical construction of the statute is such that, *stereoisomers, and salts of stereoisomer*s are substances included in the list. If the statute meant to include only *, stereoisomers, and salts of stereoisomers* of cocaine it would have stated "its stereoisomers*"* and "salts of its stereoisomers", just as it actually states "its salts". Because the word "its" is absent before the word "stereoisomers", the direct language of the statute treats stereoisomers, and salts of stereoisomers as independent substances independent from cocaine. Neither stereoisomers, nor salts of stereoisomers are on the federal list of controlled substances. Even if the direct language of the MCL 333.7214(a)(iv) is ambiguous, "*any ambiguity concerning the meaning of a criminal statute be resolved in favor of the criminal defendant*". *See Government of Virgin Islands v. Knight*, 989 F. 2d 619, 633 (3rd Cir. 1993)

The nature of the Respondent's conviction is not apparent under the modified categorical approach, because Respondent is convicted for possession of either drugs on schedules 1 or 2, or for possession of cocaine or its salts, or for possession of *stereoisomers, and salts of stereoisomers* within meaning of the direct language of MCL 333.7214(a)(iv), where *stereoisomers, and salts of* stereoisomers are not controlled substances on the federal list.

Pursuant to the Ninth Circuit binding authority *Marmolejo-Campos v. Holder* 2009 W.L. 530950 (9th Cir. 2009) it is improper in the instant case to apply the *Silva-Trevina* analytical framework to establish nature of the conviction. Although the *Marmolejo-Campos* court "*reserved judgment*" of the *Silva-Trevino* framework and acknowledged the applicability of Chevron deference to the Board's precedential decisions interpreting the Immigration and Nationality Act, the en bank court made clear that it is "*well established*" that the court gives "*no deference*" to the Board's interpretation of the statute of conviction to determine "*the specific act for which the alien was convicted*" inasmuch as the agency "*has no specific experience by virtue of its statutory responsibilities in construing State or Federal criminal statutes*." *Marmolejo-Campos v. Holder* 2009 W.L. 530950 (9th Cir. 2009) at 3.

The minimum conduct to be convicted under MCL 333.7403(2)(a)(v) is to possess *stereoisomers, and salts of stereoisomers* within meaning of the direct language of MCL 333.7214(a)(iv). This minimum conduct falls outside of grounds or removability as set forth in the NTA.

Even if the documents provided by the Department are admitted into the record as evidence the Department still did not prove removability by clear and convincing evidence.

CONCLUSION

The Department failed to prove removability of Respondent by clear and convincing evidence. Such evidence should have been already available when the Department placed Respondent in removal proceedings after 6 years past the alleged conviction date. It is substantially unlikely that the Department would produce better evidence if allowed more time, because the Department already had 6 years to prepare and did not produce a sufficient prove of the Respondent's removability.

WHEREFORE the removal proceedings should be terminated with prejudice effective immediately.

RESPECTFULLY submitted on January 18, 20##

By: _____

Marina Alexandrovich, Esq.

IMMIGRATION ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the

RESPONDENT'S MOTION TO TERMINATE REMOVAL PROCEEDINGS

was served personally, and by deposition in "ICE Litigation" box situated on the left side of the U.S. Immigration Court filing window, and by the USPS by placing in a designated USPS mail box with postage prepaid on:

Office of the Chief Counsel
U.S. Immigration and Customs Enforcement
3250 N. Pinal Parkway Ave
Florence, AZ 85232

this 18th day of January, 20##

by: _____

Marina Alexandrovich, Esq.

IMMIGRATION ATTORNEY

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
3250 NORTH PINAL PARKWAY AVENUE
FLORENCE, ARIZONA 85132

IN THE MATTER OF:	)	
	)	
A012-345-678	)	IN REMOVAL PROCEEDINGS
LASTNAME, Firstname	)	
_____	)	

ORDER

Upon consideration of the

RESPONDENT'S
MOTION TO TERMINATE REMOVAL PROCEEDINGS

the Court hereby

___ grants

____ denies

the said motion this _____ day of _____, 20_____.

_____

U.S. Immigration Judge

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
3250 NORTH PINAL PARKWAY AVENUE
FLORENCE, ARIZONA 85132

IN THE MATTER OF:	)	
	)	
A012-345-678	)	IN REMOVAL PROCEEDINGS
LASTNAME, Firstname	)	
_____	)	

ORDER

Upon consideration of the

RESPONDENT'S
MOTION TO TERMINATE REMOVAL PROCEEDINGS

the Court hereby

___ grants

____ denies

the said motion this _____ day of _____, 20_____.

_____

U.S. Immigration Judge

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
U.S. IMMIGRATION COURT
3250 NORTH PINAL PARKWAY AVENUE
FLORENCE, ARIZONA 85132

IN THE MATTER OF:	)	
	)	
A012-345-678	)	IN REMOVAL PROCEEDINGS
LASTNAME, Firstname	)	
_____	)	

ORDER

Upon consideration of the

RESPONDENT'S
MOTION TO TERMINATE REMOVAL PROCEEDINGS

the Court hereby

___ grants

____ denies

the said motion this _____ day of _____, 20_____.

_____

U.S. Immigration Judge