




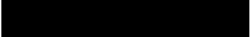


NON-DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT**



IN THE MATTER OF	IN REMOVAL PROCEEDINGS
 Respondents.	 

Immigration Judge: 

Next Master Calendar Hearing: 


MOTION TO WITHDRAW AS COUNSEL

IN THE MATTER OF

IN REMOVAL PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

Respondents.

Immigration Judge: [REDACTED]

Next Master Calendar Hearing: [REDACTED]

[REDACTED]

Pursuant to 8 C.F.R. § 1003.17(b) and the Immigration Court Practice Manual ¶ 2.3(i)(ii), the undersigned counsel for the Respondents, [REDACTED], respectfully moves this Court for an Order to permit him to withdraw as counsel for all proceedings involving the Respondents. In support of this Motion, [REDACTED] states as follows:

1. I entered my appearance as counsel for the Respondents during the months of [REDACTED] [REDACTED], succeeding prior counsel for the Respondents.

2. On [REDACTED], I first learned about certain facts involving the Respondents which established a conflict of interest among the Respondents. As an attorney licensed to practice in the [REDACTED], I am generally prohibited from representing clients in the same matter where there is a risk that my representation of one of the clients will be limited or affected by my representation of the other client.¹ [REDACTED]

¹ [REDACTED]

[REDACTED] rules further prohibit me from continuing my representation of a client if I cannot provide “competent and diligent representation” to each of my clients because their interests are in conflict.² After reviewing the facts constituting the conflict; conferring with Respondents [REDACTED]; and consulting with the pro bono organization through whom I have has been representing Respondents, I have concluded that the [REDACTED] rules governing my practice as an attorney require me to withdraw from representing all four of the Respondents.³

3. At the time I undertook representation of Respondents, I was advised that they all resided at [REDACTED]. My current understanding that this is still the residential address for [REDACTED], but I now understand that Respondent [REDACTED] has not always resided with the rest of his family at this address. My current understanding is that since I undertook representation of the Respondents, Respondent [REDACTED]’s residential address may have been [REDACTED] for at least part of this year.

4. On [REDACTED], I spoke by telephone with Respondent [REDACTED] regarding my need to seek leave to withdraw as

[REDACTED]

² [REDACTED]

³ The rules applicable to my practice as an attorney further prohibit me from continuing to represent any of the Respondents because my duties to a former Respondent client potentially would conflict with my duty to any Respondent that I continued to represent.

counsel for her and her family.⁴ During my calls with Respondent [REDACTED] and pursuant to Immigration Court Practice Manual ¶ 2.3(i)(ii), I reminded her that the next Master Calendar Hearing date for the Respondents is [REDACTED] and that they should appear, preferably represented by new counsel, at that time. I further advised her of the necessity that they meet deadlines, that they appear at scheduled hearings, and described the possible consequences for failing to meet deadlines or to appear at scheduled hearings. During my call on [REDACTED], Respondent [REDACTED] confirmed to me that she consented to my request to withdraw as counsel for her and her children.

5. On [REDACTED], I spoke by telephone with Respondent [REDACTED] regarding my need to seek leave to withdraw as counsel for him and his family. During this call and pursuant to Immigration Court Practice Manual ¶ 2.3(i)(ii), I reminded him that the next Master Calendar Hearing date for the Respondents is [REDACTED] and that they should appear, preferably represented by new counsel, at that time.⁵ I further advised him of the necessity that they meet deadlines, that they appear at scheduled hearings, and described the possible consequences for failing to meet deadlines or to appear at scheduled hearings. Near the conclusion of my call, Respondent [REDACTED] confirmed to me that he consented to my request to withdraw as his counsel.

⁴ [REDACTED]

⁵ During my calls with both Respondent [REDACTED] and Respondent [REDACTED], I offered to provide them with contact information for other organizations which may be able to provide pro bono representation to them and their children. Given the conflict I identified in my representation, I intend to recommend that they contact different organizations for possible representation.

6. On [REDACTED], I sent a letter accompanying a copy of this motion to Respondent [REDACTED] and to Respondent [REDACTED], in English and in Spanish, confirming my prior discussions with them about this motion and their consent to the motion.⁶ My letter to the Respondents further contained the following specific information:

1. Your family's next scheduled hearing in Immigration Court is a Master Calendar Hearing before Judge [REDACTED] on [REDACTED] at [REDACTED] in the [REDACTED] Immigration Court, [REDACTED]
2. With the exception of the upcoming hearing on [REDACTED], you currently have no other pending deadlines.
3. It is essential that your family appear at all scheduled hearings, including the next hearing on [REDACTED], and meet any deadlines that may be established in the future.
4. If you fail to appear at a scheduled hearing, including the next hearing on [REDACTED] or fail to meet a deadline, the Court may order appropriate relief, including an order that you be removed (deported) from the United States.

My letter concluded by advising them that "if [they] have any questions about the content of the Motion to Withdraw as Counsel, I can be available to confer with you, along with a Spanish-speaking interpreter, to answer your questions."

⁶ I mailed the letter and this motion to Respondent [REDACTED] at her last known address, [REDACTED]. I mailed a copy of this letter and this motion to Respondent [REDACTED] at both of his last known addresses, [REDACTED] and [REDACTED]

Wherefore, for the foregoing reasons [REDACTED] respectfully requests that this motion be granted and that he be allowed to withdraw as counsel for for all proceedings involving the Respondents.

Respectfully submitted,

[REDACTED]

[REDACTED]



PROOF OF SERVICE

On [REDACTED] I, [REDACTED] served by United States mail (first class and postage prepaid) a copy of this Motion to Withdraw as Counsel to:

Office of the Chief Counsel
U. S. Immigration and Customs Enforcement
U. S. Department of Homeland Security

at the following address:



I further sent by United States mail (first class and postage prepaid) a copy of the Motion to Withdraw as Counsel to Respondents [REDACTED]

[REDACTED] at the following address: [REDACTED] I included with this copy an offer in Spanish to confer with them, along with a Spanish interpreter, if they had any questions about the content of the motion.

I further sent by United States mail (first class and postage prepaid) a copy of the Motion to Withdraw as Counsel to Respondent [REDACTED] at the following address: [REDACTED]

[REDACTED] I included with this copy an offer in Spanish to confer with him, along with a Spanish interpreter, if he had any questions about the content of the motion.




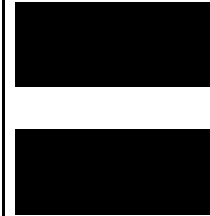
Signature



Date

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT**



IN THE MATTER OF	IN REMOVAL PROCEEDINGS
	
Respondents.	

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the  **Motion to Withdraw as Counsel**, it is HEREBY ORDERED that the motion be **GRANTED** **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The respondent's next Individual/Master Hearing is set for _____.
- The application(s) for relief must be filed by _____.
- The respondent must comply with DHS biometrics instructions by _____.

Date

Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/ Rep DHS
Date: _____ By: Court Staff _____