

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals Office of the Clerk

5107 Leesburg Pike, Suite 2000 Falls Church, Virginia 22041

Patterson, Shannon Wayne Patterson & Assoicates 8 West Third Street Suite 220 Winston-Salem, NC 27101 DHS/ICE Office of Chief Counsel - SDC 146 CCA Road, P.O.Box 248 Lumpkin, GA 31815

Name: MENDOSA-SOSA, DIMAS AQUIL... A 074-868-193

Date of this notice: 6/17/2016

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr Chief Clerk

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Enclosure

Panel Members: Pauley, Roger

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Userteam: Docket

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MENDOSA-SOSA, DIMAS AQUILEO A074-868-193 146 CCA ROAD P.O. BOX 248 LUMPKIN, GA 31815 DHS/ICE Office of Chief Counsel - SDC 146 CCA Road, P.O.Box 248 Lumpkin, GA 31815

Name: MENDOSA-SOSA, DIMAS AQUIL...

A 074-868-193

Date of this notice: 6/17/2016

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr Chief Clerk

onne Carr

Enclosure

Panel Members: Pauley, Roger

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Userteam: Footage

Falls Church, Virginia 22041

File: A074 868 193 - Lumpkin, GA

Date:

JUN 1 7 2016

In re: DIMAS AQUILEO MENDOSA-SOSA a.k.a. Dimas Mendoza

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: S. Wayne Patterson, Esquire

ON BEHALF OF DHS: Kelly Johnson

Assistant Chief Counsel

APPLICATION: Continuance

The respondent, a native and citizen of El Salvador, has appealed from the Immigration Judge's decision dated March 9, 2016. We review questions of law, discretion, and judgment arising in appeals from decisions of Immigration Judges de novo, whereas we review findings of fact in such appeals under a "clearly erroneous" standard. *See* 8 C.F.R. § 1003.1(d)(3). The record will be remanded.

At the respondent's hearing on March 9, 2016, the Immigration Judge noted that no attorney had filed a notice of appearance on behalf of the respondent and declined to grant an additional continuance for that purpose (Tr. at 146-47). The Immigration Judge had granted three previous continuances for a total of a month. On appeal, however, the respondent has submitted evidence that on March 7, 2016, his attorney had filed a notice of appearance and a motion to appear telephonically. Given this apparent oversight of the filed documents, we find it appropriate to remand the record to allow the respondent a further hearing with the benefit of counsel.²

ORDER: The record is remanded for further proceedings.

FOR THE BOARD

¹ The respondent's motion to consider his untimely filed appeal brief states insufficient reasons for the failure to submit it by the deadline. We therefore will not consider the brief.

² Contrary to the respondent's appellate claim, the Immigration Judge did not "refuse" to call his attorney. She had no record of the March 7, 2016, filing. Nor do we discern any evidence that the Immigration Judge ordered the respondent removed out of anger. The respondent refused to speak throughout the hearing except to "plead the Fifth," and the Immigration Judge was therefore limited to a consideration of the evidence before her.

IMMIGRATION COURT 146 CCA ROAD, PO BOX 248 LUMPKIN, GA 31815

In the Matter of

Case No.: A074-868-193

MENDOZA-SOSA, DIMAS AQUILEO Respondent

IN REMOVAL PROCEEDINGS

		. /
		ORDER OF THE IMMIGRATION JUDGE
3/9/20/6		
		is a summary of the oral decision entered on Office.
		memorandum is solely for the convenience of the parties. If the
		edings should be appealed or reopened, the oral decision will become ficial opinion in the case.
	_	The respondent was ordered tempved from the United States to or in the alternative to
1	1	Respondent's application for volvetary departure was denied and
V L	J	respondent was ordered removed to or in the
`		alternative to .
ſ	ı	Respondent's application for voluntary departure was granted until
L	J	upon posting a bond in the amount of \$
		with an alternate order of removal to .
Pos	eno.	ndent's application for:
ſ)	Asylum was ()granted ()denied()withdrawn.
ſ	-	Withholding of removal was ()granted ()denied ()withdrawn.
[A Waiver under Section was () granted () denied () withdrawn.
-		Cancellation of removal under section 240A(a) was () granted () denied
ι	J	() withdrawn.
Pos	220	ndent's application for:
_) J	
ι	J	() withdrawn. If granted, it is ordered that the respondent be issued
		all appropriate documents necessary to give effect to this order.
[1	Cancellation under section 240A(b) (2) was ()granted ()denied
	J	()withdrawn. If granted it is ordered that the respondent be issued
		all appropriated documents necessary to give effect to this order.
[]	Adjustment of Status under Section was ()granted ()denied
ı	,	()withdrawn. If granted it is ordered that the respondent be issued
		all appropriated documents necessary to give effect to this order.
[1	Respondent's application of () withholding of removal () deferral of
L	,	removal under Article III of the Convention Against Torture was
		() granted () denied () withdrawn.
ſ	1	Respondent's status was rescinded under section 246.
ſ	j	Respondent is admitted to the United States as a until .
ſ	í	As a condition of admission, respondent is to post a \$ bond.
ſ	j	Respondent knowingly filed a frivolous asylum application after proper
L	,	notice.
r]	
ı	,	failure to appear as ordered in the Immigration Jugge's oral decision.
ſ	1	Proceedings were tarminated.
í	í	Other: XX Child Molestee: 1 Asc 33 1 A
•	-	Date: Feb 9, 2016 101-105- Av (13+
		Children gold Di Compen
		SAUNDRA D. ARRINGTON
		Immigration Judge
		Appeal: Waived/Reserved Appeal Due By:
		4/8/2016
		~ 1 ' D