



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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**Macias, Maria Eugenia
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Name: PINNOCK, MARSHALLE ALEES... A 074-089-677

Date of this notice: 10/14/2015

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

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Holmes, David B.
Miller, Neil P.
Holiona, Hope Malia

User team: Docket

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10/14/15

Falls Church, Virginia 22041

File: A074 089 677 – Dallas, TX

Date: OCT 14 2015

In re: ALEESHA MARSHALLE PINNOCK a.k.a. Marshalle Aleesha Pinnock

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Maria Eugenia Macias, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's August 6, 2015, decision denying the parties' joint motion to terminate removal proceedings. To avoid piecemeal review of the myriad of questions which may arise in the course of proceedings before us, this Board does not ordinarily entertain interlocutory appeals. *See Matter of Ruiz-Campuzano*, 17 I&N Dec. 108 (BIA 1979). We have, however, on occasion ruled on the merits of interlocutory appeals where we deemed it necessary to correct recurring problems in the handling of cases by Immigration Judges. *See e.g., Matter of Guevara*, 20 I&N Dec. 238 (BIA 1990, 1991); *Matter of Dobere*, 20 I&N Dec. 188 (BIA 1990).

We will entertain this appeal and vacate the Immigration Judge's order insofar as that order denied the parties' joint motion to terminate proceedings. While an Immigration Judge has the ultimate authority to deny a joint motion filed by the parties, the Immigration Judge's decision does not reflect that he accorded any meaningful weight or consideration to the factual circumstances presented in the parties' motion or to the agreement of the parties as to the appropriate course of action in these proceedings.

Further, particularly given the challenging caseloads and extended dockets facing Immigration Judges, joint filings and pre-hearing agreement by the parties, while not determinative in and of themselves of the appropriate resolution of a case or an issue before an Immigration Judge, should be encouraged and given serious consideration. *See Matter of Yewondwonsen*, 21 I&N Dec. 1025, 1026 (BIA 1997) (noting that "the parties have an important role to play in these administrative proceedings, and that their agreement on an issue or proper course of action should, in most instances, be determinative"). Absent a legal impediment or matter of similar significance, or unusual circumstances not evident in the case before us, we find that the Immigration Judge erred in not granting the parties' joint motion to terminate these proceedings. Accordingly, the following orders will be entered.

ORDER: The appeal is sustained.

FURTHER ORDER: The removal proceedings are terminated.



FOR THE BOARD