



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 20530

**Philip J. LaMonica, Esq.
150 Market Street
Lynn, MA 01901-0000**

**DHS/ICE Office of Chief Counsel - BOS
P.O. Box 8728
Boston, MA 02114**

Name: MANCIA LOPEZ, MARIO

A 094-417-094

Date of this notice: 11/4/2014

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:
Grant, Edward R.

Userteam: Docket

For more unpublished BIA decisions, visit www.irac.net/unpublished

Falls Church, Virginia 20530

File: A094 417 094 – Boston, MA

Date:

NOV - 4 2014

In re: MARIO MANCIA LOPEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Philip J. LaMonica, Esquire


APPLICATION: Reopening

The respondent, a native and citizen of El Salvador, appeals the decision of the Immigration Judge, dated July 8, 2014, denying his motion to reopen.

The Immigration Judge's decision, which consists of a stamp stating that the respondent's motion is denied, does not meaningfully make any findings of fact or law regarding the merits of the respondent's claim. *See Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (holding that an Immigration Judge's decision must identify and fully explain the reasons for the denial of a motion to reopen); *see also Matter of S-H-*, 23 I&N Dec. 462 (BIA 2002) (finding that, because the Board's fact finding ability on appeal is limited, it is important for Immigration Judges to include in their decisions clear and complete findings of fact that are supported by the record and are in compliance with controlling law).

Accordingly, the record will be returned to the Immigration Judge for preparation of a full type-written decision that clearly articulates his rationale for denying the respondent's motion to reopen. Upon preparation of the full decision, the Immigration Judge shall issue an order administratively returning the record to the Board. The Immigration Judge shall serve the administrative return order on the respondent and the Department of Homeland Security. The Board will thereafter give the parties an opportunity to submit briefs in accordance with the regulations. Accordingly, the following order shall be entered:

ORDER: The record is returned to the Immigration Judge for further action as required above.¹



FOR THE BOARD

¹ The respondent remains subject to the Immigration Judge's order of removal, entered in absentia on May 4, 2010. Pending final adjudication of the respondent's appeal, this Board's decision, dated August 15, 2014, staying the respondent's removal remains in effect.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
JFK FEDERAL BLDG., ROOM 320
BOSTON, MA 02203

Philip J. LaMonica
LaMonica, Philip J
150 Market Street
Lynn, MA 01901

IN THE MATTER OF
MANCIA LOPEZ, MARIO

FILE A 094-417-094

DATE: Jul 14, 2014

UNABLE TO FORWARD - NO ADDRESS PROVIDED

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:

BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
5107 Leesburg Pike, Suite 2000
FALLS CHURCH, VA 20530

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
JFK FEDERAL BLDG., ROOM 320
BOSTON, MA 02203

OTHER: _____

COURT CLERK
IMMIGRATION COURT

CC: BECKWITH, ANDREW
JFK BLDG, ROOM 425
BOSTON, MA, 02203

FF

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court Boston, Massachusetts

pmb
Detained

Matter of

File A 094 417 094

Mario Mancía Lopez
Respondent

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Dear Sir/Madam Clerk:

Please find the enclosed Motion to Re-Open Removal Proceedings.

Thank you.

DATE: May 5, 2014

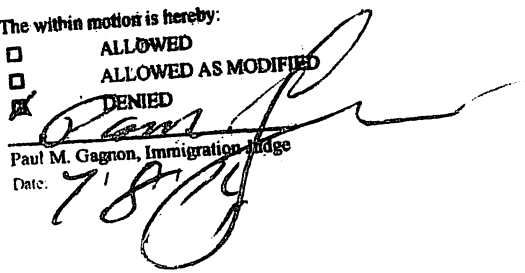
Respectfully Submitted,
Mario Mancía Lopez
By his Attorney,



Philip J. La Monica
150 Market Street
Lynn, MA 01901
BBO# 284030
781-593-3266
EOIR# PP202455

The within motion is hereby:

☐ ALLOWED
☐ ALLOWED AS MODIFIED
☒ DENIED


Paul M. Gagnon, Immigration Judge

Date: 7/8/14