



**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

**Moreno, Julio E**  
**The Moreno Law Firm**  
**3060 Mercer University Dr., Suite 210**  
**Atlanta, GA 30341**

**DHS/ICE Office of Chief Counsel - SDC**  
**146 CCA Road, P.O.Box 248**  
**Lumpkin, GA 31815**

**Name: RICARDO PLASCENCIA, ERICK**

**A 206-650-761**

**Date of this notice: 2/9/2015**

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.

Userteam: Docket

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**RICARDO PLASCENCIA, ERICK  
A206-650-761  
OIC WILLIAM MCMINN  
STEWART DETENTION CENTER  
146 CCA ROAD  
LUMPKIN, GA 31815**

**DHS/ICE Office of Chief Counsel - SDC  
146 CCA Road, P.O.Box 248  
Lumpkin, GA 31815**

**Name: RICARDO PLASCENCIA, ERICK**

**A 206-650-761**

**Date of this notice: 2/9/2015**

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*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Holmes, David B.

Userteam:

Falls Church, Virginia 20530

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File: A206 650 761 – Lumpkin, GA

Date: FEB - 9 2015

In re: ERICK RICARDO PLASCENCIA a.k.a. Eric Plasencia

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Julio E. Moreno, Esquire

APPLICATION: Remand

This case has an unfortunate procedural history largely caused by deficiencies in the recording of the hearings. The respondent, a native and citizen of Mexico, initially appealed the decision of the Immigration Judge, dated July 8, 2014, denying his request for a continuance and ordering his removal from the United States. On November 5, 2014, the Board remanded the case to the Immigration Judge both due to indiscernible notations rendering the transcript incomplete and the absence of a separate decision. Further hearings were held in December 2014, but unfortunately once again there are indiscernible notations (including during the pleadings) and there is no separate oral or written Immigration Judge decision. Accordingly, the case must once again be remanded for further proceedings and that the entry of a decision. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Accordingly, the following order is entered.

ORDER: The record is remanded to the Immigration Court for further proceedings and the entry of a new decision.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
146 CCA ROAD  
LUMPKIN, GA 31815

The Moreno Law Firm  
Moreno, Julio E  
3060 Mercer University Dr. Suite 210  
Atlanta, GA 30341

IN THE MATTER OF  
RICARDO PLASCENCIA, ERICK

FILE A 206-650-761

DATE: Dec 8, 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  
146 CCA ROAD  
LUMPKIN, GA 31815

✓ \_\_\_ OTHER: Order of the Immigration Judge dtd 12/8/14

  
COURT CLERK  
IMMIGRATION COURT

FF

IMMIGRATION COURT  
146 CCA ROAD  
LUMPKIN, GA 31815

In the Matter of

Case No.: A206-650-761

RICARDO PLASCENCIA, ERICK  
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 12/8/14.  
This memorandum is solely for the convenience of the parties. If the  
proceedings should be appealed or reopened, the oral decision will become  
the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to Mexico  
~~or in the alternative to~~.
- ☐ Respondent's application for voluntary departure was denied and  
respondent was ordered removed to or in the  
alternative to .
- ☐ Respondent's application for voluntary departure was granted until  
upon posting a bond in the amount of \$ \_\_\_\_\_  
with an alternate order of removal to .

Respondent's application for:

- ☐ Asylum was ( ) granted ( ) denied ( ) withdrawn.
- ☐ 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  
( ) withdrawn.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was ( ) granted ( ) denied  
( ) withdrawn. If granted, it is ordered that the respondent be issued  
all appropriate documents necessary to give effect to this order.
- ☐ Cancellation under section 240A(b)(2) was ( ) granted ( ) denied  
( ) 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  
( ) withdrawn. If granted it is ordered that the respondent be issued  
all appropriated documents necessary to give effect to this order.
- ☐ Respondent's application of ( ) withholding of removal ( ) deferral of  
removal under Article III of the Convention Against Torture was  
( ) granted ( ) denied ( ) withdrawn.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- ☐ As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper  
notice.
- ☐ Respondent was advised of the limitation on discretionary relief for  
failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☐ Other: \_\_\_\_\_

Date: Dec. 8, 2014

Dan Trimble  
DAN TRIMBLE  
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

7 January 2015