



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

Smallwood, Evelyn R. G., Esq.
Velasquez and Associates
107 N. Church St. Ste. 200
Durham, NC 27701

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

Name: MORENO-LEYVA, VICTOR MAN... A 206-413-255

Date of this notice: 3/7/2016

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:
Guendelsberger, John

Userteam: Docket

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**MORENO-LEYVA, VICTOR MANUEL
A206-413-255
STEWART DETENTION CENTER
146 CCA RD
LUMPKIN, GA 31815**

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

Name: MORENO-LEYVA, VICTOR MAN... A 206-413-255

Date of this notice: 3/7/2016

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

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Guendelsberger, John

User team:

Falls Church, Virginia 22041

File: A206 413 255 – Lumpkin, GA

Date: MAR - 7 2016

In re: VICTOR MANUEL MORENO-LEYVA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Evelyn R.G. Smallwood, Esquire

ON BEHALF OF DHS: R. Reid McKee
Assistant Chief Counsel

APPLICATION: Administrative closure

The respondent, a native and citizen of Mexico, has appealed from the Immigration Judge's decision dated November 10, 2015. 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 respondent appeals the Immigration Judge's denial of his November 6, 2015, Motion to Administratively Close Proceedings.¹ The record contains no decision by the Immigration Judge in explanation for the apparent denial of the motion. We therefore find it appropriate to remand the record for the preparation of a decision on the motion, including findings of fact and analysis. See *Matter of Avetisyan*, 25 I&N Dec. 688 (BIA 2012).

Accordingly, the following order will be entered.

ORDER: The record is remanded for further proceedings.



FOR THE BOARD

¹ The record also contains an October 1, 2015, motion for the same purpose.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
146 CCA ROAD, PO BOX 248
LUMPKIN, GA 31815

VELASQUEZ & ASSOCIATES
SMALLWOOD, EVELYN R., ESQ.
107 N. CHURCH STREET., SUITE 200
DURHAM, NC 27701

Date: Nov 12, 2015

File A206-413-255

In the Matter of:
MORENO-LEYVA, VICTOR MANUEL

____ Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with the Board of Immigration Appeals on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

____ Enclosed is a copy of the oral decision.

____ Enclosed is a transcript of the testimony of record.

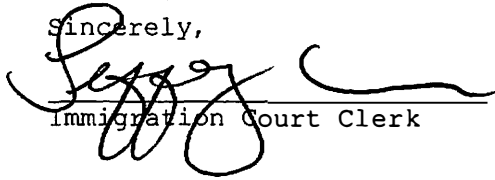
____ You are granted until _____ to submit a brief to this office in support of your appeal.

____ Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

X _____ Enclosed is a copy of the order/decision of the Immigration Judge.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,


Immigration Court Clerk

UL

cc: 

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

In the Matter of

Case No.: A206-413-255

MORENO-LEYVA, VICTOR MANUEL
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 11/10/2015.
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 or in the alternative to Mexico
- ☐ 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: ~~Sept 8, 2015~~

11

Appeal: Waived/Reserved

Appeal Due By:

12/10/2015

Gv't

R

SAUNDRA D. ARRINGTON
Immigration Judge