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U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
1 Federal Drive, Suite 1800  
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**DETAINED?**

☐ YES

☒ NO

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
FORT SNELLING, MINNESOTA**

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In the Matter of: [REDACTED]  
[REDACTED]

File No.: A [REDACTED]

In Removal Proceedings

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**U.S. DEPARTMENT OF HOMELAND SECURITY'S  
MOTION TO DISMISS WITHOUT PREJUDICE**

The U.S. Department of Homeland Security (Department) moves to dismiss removal proceedings, without prejudice, in the exercise of its sole and unreviewable prosecutorial discretion. Specifically, the Department has reviewed the facts and circumstances of the case and determined that circumstances after issuance of the Notice to Appear have changed to such an extent that continuation is no longer in the best interest of the government. 8 C.F.R. §§ 1239.2(c), 239.2(a)(7) and (c).<sup>1</sup>

Dismissal pursuant to this motion is without prejudice and does not constitute a final judgment rendered on the merits of any issue in these proceedings. *See* 8 C.F.R. § 1239.2(c) (providing that dismissal “shall be without prejudice” to the noncitizen or the Department). As appropriate, the Department may, in the exercise of its sole and unreviewable prosecutorial discretion, subsequently seek the respondents’ removal, potentially in new removal proceedings.

**WHEREFORE**, for the reasons stated above, the Department requests this Court grant its motion to dismiss without prejudice.

Respectfully submitted on the 12th day of May 2022.

ANNA G DONNELL  
Digitally signed by  
ANNA G DONNELL  
Date: 2022.05.12  
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Anna Donnell  
Assistant Chief Counsel

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<sup>1</sup> The Department recognizes that the Immigration Court Practice Manual recommends that the party filing a motion “make a good faith effort to ascertain the opposing party’s position on the motion” and that a “description of the efforts made to contact opposing counsel” be included if the filing party is unable to ascertain the opposing party’s position. EOIR Policy Manual, Part II, Chapter II.5.2(i) (Feb. 14, 2022). However, this unilateral motion to dismiss is based on the Department’s determination that this case is not a priority for enforcement and assessment that continuation of the proceedings is therefore “no longer in the best interest of the government.” 8 C.F.R. § 239.2(a)(7); *see* 8 C.F.R. § 1239.2(c). Respectfully, the respondents are simply not in a position to opine as to the Department’s enforcement priority assessments. In addition, obtaining the respondents’ concurrence, or that of the respondents’ legal representative, prior to filing this motion would generally require the expenditure of more effort than the preparation, service, and filing of the motion itself. Accordingly, the Department respectfully requests this Court afford the respondents the requisite 10 days to respond to this motion to dismiss pursuant to EOIR Policy Manual, Part II, Chapter II.3.1(b)(1)(A)–(2)(B) (Feb. 14, 2022). *See also* EOIR Policy Manual, App. C (Dec. 16, 2021).

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
BLOOMINGTON, MINNESOTA

In the Matter of: \_\_\_\_\_  
\_\_\_\_\_

A Number: \_\_\_\_\_

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Department of Homeland Security's Motion to Dismiss it is HEREBY ORDERED, that the motion be

☐ GRANTED      ☐ DENIED because:

- ☐ DHS does not oppose the motion.
- ☐ The respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the motion.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per \_\_\_\_\_.
- ☐ Other:

Deadlines:

- ☐ The application(s) for relief must be filed by \_\_\_\_\_.
- ☐ The respondent must comply with DHS biometrics instructions by \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Immigration Judge

Certificate of Service

This document was served by: ☐ Mail      ☐ Personal Service  
To: ☐ Alien      ☐ Alien c/o Custodial Officer      ☐ Alien's Atty/Rep      ☐ DHS

Date: \_\_\_\_\_

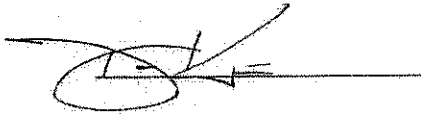
By: Court Staff \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

On May 12, 2022, the undersigned placed in the office outgoing mail to be sent via First Class United States mail a complete copy of this motion to:

[REDACTED]

Submitted,

A handwritten signature in black ink, consisting of a stylized 'K' or similar character, followed by a horizontal line.