John Bruning Non-Detained

The Advocates for Human Rights

330 Second Avenue South, Suite 800

Minneapolis, MN 55401

**UNITED STATES DEPARTMENT OF JUSTICE**

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

**IMMIGRATION COURT**

**FORT SNELLING, MINNESOTA**

|  |  |
| --- | --- |
| **In the Matter of:**  **BROWN, John**  **In Removal Proceedings** | File No.: A240-123-456 |

**Individual Hearing: January 10, 204 at 8:30 a.m.**

**Immigration Judge: Katherine L. Hansen**

**RESPONDENT’S UNOPPOSED MOTION TO DISMISS**

**September 28, 2023**

**UNOPPOSED MOTION TO DISMISS**

Respondent, John Brown, through undersigned counsel, hereby moves the Court to dismiss these proceedings. Respondent is currently scheduled for an individual hearing on January 10, 2024.

Respondent entered the United States on September 5, 2014, without inspection. Respondent does not have a criminal record. Respondent is not considered an enforcement priority under the Mayorkas Memo[[1]](#footnote-2) and Doyle Memo.[[2]](#footnote-3) As indicated in the attached e-mail correspondence with the Department of Homeland Security, the Department has reviewed the facts and circumstances of this case and determined that it is in the best interests of the government to dismiss the proceedings against Respondent without prejudice. *See* Attached at 1. Respondent intends to renew his asylum claim before U.S. Citizenship and Immigration Services.

“Where there is no dispute between the parties, efficiency and fairness will be served by such a dismissal.” Memorandum from David L. Neal [“Neal Memo”], Director of EOIR, *Department of Homeland Security Enforcement Priorities and Prosecutorial Discretion Initiatives*, DM 23-04 (Sept. 28, 2023), at 4; *see also* 8 C.F.R. § 1003.10(b) (“In all cases, immigration judges shall seek to resolve the questions before them in a timely and impartial manner consistent with the [Immigration and Nationality Act] and regulations.”); *Matter of Yewondwosen*, 21 I&N Dec. 1025, 1026 (BIA 1997) (stating the parties’ “agreement on an issue or proper course of action should, in most instances, be determinative”). Dismissal in this situation is contemplated in the regulations. *See* Neal Memo at 4; 8 C.F.R. §§ 239.2(a)(7), (c); 1239.2(c). Respondent is filing this motion, rather than the Department, in agreement with the Department and to conserve government resources.

Therefore, Respondent respectfully requests this Court grant this unopposed motion to dismiss proceedings.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date John Bruning, Attorney at Law

THE ADVOCATES FOR HUMAN RIGHTS

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# SUPPORTING DOCUMENTS

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**TAB A**

Email from OPLA 1

**PROOF OF SERVICE**

On September 28, 2023, I, John Bruning, personally served by mail a true and correct copy of the **Respondent’s Unopposed Motion to Dismiss** (A240-123-456) on the Office of Chief Counsel at the following address:

1 Federal Drive, Suite 1800

Fort Snelling, MN 55111

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**United States Department of Justice**

**Executive Office for Immigration Review**

**Immigration Court**

**Fort Snelling, Minnesota**

In the Matter of: John BROWN A #: 240-123-456

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of Respondent’s Unopposed 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 Katherine L. Hansen

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Memorandum from Alejandro N. Mayorkas, Secretary of Homeland Security, *Guidelines for the* *Enforcement of Civil Immigration Law* (Sept. 30, 2021); *see also United States v. Texas*, 599 U.S. 670 (2023). [↑](#footnote-ref-2)
2. Memorandum from Kerry E. Doyle, Principal Legal Advisor, Immigration and Customs Enforcement, *Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion* (Apr. 3, 2022). [↑](#footnote-ref-3)