

NON-DETAINED

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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEWARK, NEW JERSEY**

In the Matter of:

[REDACTED]

In Removal Proceedings

File No. A [REDACTED]

Immigration Judge: CHEN, SHANA

Last Hearing Date: [REDACTED] 1:30 PM

**U.S. DEPARTMENT OF HOMELAND SECURITY AND RESPONDENT'S
JOINT MOTION FOR ADMINISTRATIVE CLOSURE**

The U.S. Department of Homeland Security (Department) and the respondent, by and through their respective undersigned counsel, jointly move the Immigration Judge to administratively close the removal proceedings in this case.

The U.S. Court of Appeals for the Third Circuit, in whose jurisdiction this case arises, has found that the power to administratively close derives from the ability to take “any action” that “is appropriate and necessary for the disposition” of cases. *See Arcos Sanchez v. Att’y Gen. U.S.*, 997 F.3d 113, 117 (3d Cir. 2021) (quoting both 8 C.F.R. §§ 1003.10(b) and 1003.1(d)(1)(ii) and declining to defer to the Attorney General’s opinion in *Matter of Castro-Tum*, 27 I&N Dec. 271 (A.G. 2018)). At the same time, the Board of Immigration Appeals (Board) has emphasized that the Immigration Courts and the Board must consider whether a “party opposing administrative closure has provided a persuasive reason” for its opposition. *See Matter of W-Y-U-*, 27 I&N Dec 17, 20 (BIA 2017).¹

In the instant matter, the parties have concluded that it is in their best interest that proceedings be administratively closed. Should either party wish to place this matter back on the active calendar or docket that party will file a motion to recalendar with this Court. Moreover, notwithstanding any administrative closure of these proceedings, the respondent acknowledges the obligation to timely notify the Department and Immigration Court of each change of address and new address, consistent with section 265 of the Immigration and Nationality Act and 8 C.F.R. § 1003.15(d)(2).

WHEREFORE, the Department and respondent jointly move the Immigration Judge to administratively close the respondent’s removal proceedings.

Respectfully submitted,

On behalf of the
U.S. Immigration and Customs Enforcement,
U.S. Department of Homeland Security:

On behalf of the respondent(s):

¹ This consideration is inapplicable where neither party has opposed. *See Matter of W-Y-U-*, 27 I&N Dec. at 20 n.5.

STEPHANIE I
ROBINS

Digitally signed by STEPHANIE I
ROBINS
Date: 2022.03.15 09:45:34 -04'00'

Stephanie Robins
Assistant Chief Counsel

Date: March 15, 2022

Elaine Cheung, Esq.

Date: _____

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
NEWARK, NEW JERSEY

In the Matter of: JAMES WENDE STINEBAUGH

A-Number: 2012-00000

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **U.S. Department of Homeland Security and the Respondent's Joint Motion to Dismiss**, it is HEREBY ORDERED that the motion be:

GRANTED.

DENIED, because: _____

Date

Immigration Judge CHEN, SHANA

CERTIFICATE OF SERVICE

This document was served by: M] Mail; P] Personal Service; O] Other: _____

To:] Alien;] Alien c/o Custodial Officer;] Alien's Atty/Rep.;] DHS

Date: _____

By: _____

CERTIFICATE OF SERVICE

On March 15, 2022, the undersigned mailed or delivered a copy of this **U.S. Department of Homeland Security and the Respondent's Joint Motion to Administratively Close** addressed as follows:

Elaine Cheung, Esq.
Law Offices of Elaine Cheung, LCC
10 Grove Street
Haddonfield, NJ 08033

- through normal government processes to be mailed by first-class mail to the person at the address set forth above.
- by personal delivering a true copy thereof to the person set forth above.
- by electronic service, in accordance with applicable office procedure and DHS polices, to the addressee set forth above, at the following e-mail address:
- by UPS Courier Service to the person at the address set forth above.
- by telefaxing with acknowledgment of receipt to the person at the address set forth above.

Signed:  _____

Dated: 