

Cristina dos Santos, Esq.
Community Legal Services in East Palo Alto
2117-B University Avenue
East Palo Alto, CA 94303
Telephone: (650) 326-6440
Facsimile: (866) 688-5204

Attorney for Respondent
NAME

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

In the Matter of:

NAME

Respondent,

In Removal Proceedings.

Number: A 123 456 789

Hearing Date: March 1, 2017

Hearing Time: 8:30 a.m.

Before Hon. Holyoake

**EXHIBITS IN SUPPORT OF RESPONDENT'S UNOPPOSED MOTION TO CANCEL
MASTER CALENDAR HEARING AND SET INDIVIDUAL CALENDAR HEARING**

<u>Exhibit</u>	<u>Page</u>
A. Declaration of Cristina dos Santos.....	1
B. Declaration of NAME.....	3
C. Copy of Notice to Appear dated October 1, 2013.....	6

Cristina dos Santos (NY 4949111; CA 303356)
Community Legal Services in East Palo Alto
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East Palo Alto, CA 94303
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In the Matter of:

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Respondent,

In Removal Proceedings.

Numbers: A123 456 789

Hearing Date: March 1, 2017

Hearing Time: 8:30 AM

Before Hon. Dalin R. Holyoake

RESPONDENT'S UNOPPOSED MOTION TO CANCEL MASTER CALENDAR HEARING
AND SET INDIVIDUAL CALENDAR HEARING

Respondent NAME (“Respondent”) hereby requests that her Master Calendar hearing, currently set March 1, 2017, be cancelled and that the Court instead set an Individual Calendar Hearing for her case.

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Respondent is a native and citizen of El Salvador. On or about May 12, 2013, Respondent entered the United States at Rio Grande City, Texas. On July 14, 2014, Respondent filed Form I-589 with the Immigration Court *pro se*. The Court granted her a continuance to allow her time to find legal representation. Her next Master Calendar Hearing was set for May 13, 2015.

On March 12, 2015, Respondent retained the services of undersigned counsel. Undersigned counsel intended to request the scheduling of an Individual Calendar Hearing for Respondent at her upcoming Master Calendar Hearing on May 13, 2015. See Declaration of Cristina dos Santos. However, Respondent’s May 13, 2015 Master Calendar Hearing was cancelled and reset to November 4, 2015. Undersigned counsel intended to attend the November 4, 2015 hearing and request that an Individual Calendar Hearing be set. Id. Unfortunately, Respondent’s November 4, 2015 Master Calendar Hearing was also cancelled. It was reset to a date almost a year and half later, March 1, 2017.

II. ARGUMENT

Pursuant to 8 C.F.R. §1003.18 the Immigration Court is responsible “for scheduling cases and providing notice to the government and the alien of the time, place, and date of hearings.” There is good cause in this case to support cancelling Respondent’s Master Calendar Hearing currently set for March 1, 2017 and setting an Individual Calendar Hearing to allow Respondent to move forward with her application for asylum, withholding of removal, and protection under the Convention against Torture filed in July 2014.

Respondent has been prepared since early 2015 to move forward with her request for relief. But for the multiple cancellations of her Master Calendar Hearings, she would already have requested that an Individual Calendar Hearing be set. See Declaration of Cristina dos Santos. Respondent suffers from headaches, insomnia, flashbacks, anxiety, and other symptoms of trauma which are exacerbated by the delay in her case. See Declaration of NAME. Respondent has prepared a detailed declaration in support of her request for relief. Id. She has also obtained supporting documentation from her home country. Id.

For the foregoing reasons, good cause exists for this Court to cancel Respondent's Master Calendar Hearing, currently set for March 1, 2017, and set an Individual Calendar Hearing for the adjudication of the Respondent's request for asylum, withholding of removal, and protection under the Convention against Torture.

III. GOVERNMENT'S POSITION

On March 2, 2016, undersigned counsel emailed the duty attorney for the Office of Chief Counsel. Assistant Chief Counsel Michael Alster responded and indicated that the government is not opposed to the instant motion, so long as written pleadings to the Notice to Appear are included in the motion. See Declaration of Cristina dos Santos.

IV. PLEADINGS PURSUANT TO SECTION 5.10(c) OF THE IMMIGRATION COURT PRACTICE MANUAL

A copy of the Notice to Appear is attached as Exhibit C.

Pursuant to Section 5.10(c) of the Immigration Court Practice Manual, Respondent NAME pleads as follows:

- (1) She admits factual allegations numbered one through five;
- (2) She concedes the charge of inadmissibility pursuant to INA § 212(a)(7)(A)(i).

Respondent concedes proper service.

Respondent declines to designate a country of removal.

Respondent has filed Form I-589 with the Court, requesting relief from removal in the form of asylum, withholding of removal, and/or protection under the Convention Against Torture.

IV. CONCLUSION

For the foregoing reasons Respondent respectfully requests that the Court cancel her Master Calendar Hearing currently set for March 1, 2017 and set an Individual Calendar Hearing for the consideration of her request for relief from removal.

Dated: March 3, 2016

Respectfully submitted,

Cristina dos Santos
Attorney for Respondent

United States Department of Justice
Executive Office for Immigration Review
Immigration Court
San Francisco, California

In the Matter of NAME

A Number: A123 456 789

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondents' **Unopposed Motion to Cancel Master Calendar Hearing and Set Individual Calendar Hearing** 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

Hon. Dalin R. Holyoake
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 _____

In the Matter of NAME

A Number: A123 456 789

PROOF OF SERVICE BY PERSONAL DELIVERY

I, Cristina dos Santos, the undersigned, say:

I am over the age of eighteen years and a party to the within action or proceedings.

On March 3, 2016, I caused to be served the within:

**Respondent's Unopposed Motion to Cancel Master Calendar Hearing and Set Individual
Calendar Hearing;
Exhibit List;
Exhibits; and
Proposed Order**

on the opposing counsel by personal delivery to the following address:

Department of Homeland Security
Office of the Chief Counsel
100 Montgomery Street, Suite 200
San Francisco, California 94104

Executed on March 3, 2016, San Francisco, California. I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Cristina dos Santos