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10 Attorneys for Plaintiffs,
THE PEOPLE OF THE STATE OF CALIFORNIA,
11 and Real Party in Interest,
THE CITY AND COUNTY OF SAN FRANCISCO
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO
15 UNLIMITED JURISDICTION

16 THE PEOPLE OF THE STATE OF
CALIFORNIA, acting by and through San
17 Francisco City Attorney Dennis J. Herrera,

18 Plaintiff,

19 vs.

20 MARTIN R. GUAJARDO; CHRISTOPHER
STENDER; IMMIGRATION PRACTICE
21 GROUP, P.C.; and DOES 1 through 20,
inclusive,

22 Defendants.
23

Case No.

**DECLARATION OF CHRISTINE NESS IN
SUPPORT OF THE PEOPLE'S APPLICATION
FOR PRELIMINARY INJUNCTION**

24 I, CHRISTINE NESS, declare as follows:
25

26 1. I have personal knowledge of the contents of this declaration, except where indicated
27 otherwise, and I could and would testify competently thereto if called upon to do so.
28

1 I Work as an Intern at the East Bay Sanctuary Covenant

2 2. I am a second year law student at Hastings College of the Law. I have worked as an intern at
3 the East Bay Sanctuary Covenant in Berkeley, California since June 2010. The East Bay Sanctuary is
4 a nonprofit that represents refugees and immigrants.

5 3. One of the immigrants who I have worked with at the East Bay Sanctuary is Maria Orbelina
6 Orellana Hernandez. The East Bay Sanctuary assisted Ms. Hernandez in her asylum application. Her
7 application was granted on August 3, 2010.

8 4. Ms. Hernandez has two daughters. One of them, Brenda Elizabeth Lopez-Hernandez
9 ("Brenda"), attempted to enter the United States in June 2010. Brenda is over eighteen years old. The
10 other daughter is under eighteen years old. The East Bay Sanctuary is currently assisting the younger
11 daughter in gaining legal status through her mother's asylum status.

12 I Accompanied Ms. Hernandez to Guajardo's Office on July 19, 2010

13 5. On July 19, 2010, I attended Ms. Hernandez's asylum interview in San Francisco.

14 6. After the interview, I accompanied Ms. Hernandez to 555 Clay Street to meet with Martin
15 Guajardo. At the time of this visit, I did not know that Guajardo was no longer a lawyer and that he
16 did not have a license to practice law.

17 7. At the time of the visit, I had some familiarity with the facts of Brenda's case. I knew that she
18 was one of Ms. Hernandez's daughters and that she had attempted to enter the United States in June
19 2010. I knew that Ms. Hernandez had retained Guajardo as her lawyer to help get Brenda out of
20 detention and entry into the United States.

21 8. We did not have an appointment. When we arrived, I spoke with the receptionist. I informed
22 her that I was a law student who was helping Ms. Hernandez with her asylum case. I asked to speak
23 with Guajardo. Ms. Hernandez and I were made to wait for about thirty minutes.

24 9. Ms. Hernandez and I initially met alone with Guajardo. Guajardo was wearing all black: black
25 shoes, black pants, a black shirt, a black jacket, and a black beret. Ms. Hernandez spoke in Spanish
26 with Guajardo. After a very brief conversation, Guajardo called attorney Marie Kayal into the room. I
27 know she is an attorney because she gave me her business card, which indicates that she is an attorney.

1 10. Once Kayal arrived, I spoke with Kayal in English, and Guajardo spoke with Ms. Hernandez in
2 Spanish. I do not speak Spanish, so I could not understand what Guajardo was telling Ms. Hernandez.
3 Occasionally, Guajardo would say things to me in English. Throughout our meeting, Guajardo called
4 members of his law firm's administrative staff into the room.

5 11. Kayal blamed the immigration court for not providing enough notice of Brenda's hearing.
6 Kayal claimed that members of the law firm's staff had been contacting the immigration court to try to
7 determine when the hearing would be, but that they had been unable to find out. Kayal claimed that
8 they then received a notice from the immigration court on July 13, 2010 that Brenda's hearing would
9 occur on July 13, 2010. When she said this, she showed me a document that she claimed was from the
10 immigration court indicating that Brenda's hearing was to occur on July 13, 2010, and the proof of
11 service at the bottom appears to state that the document was mailed from Texas on July 13, 2010. A
12 true and correct copy of this document is attached hereto as Exhibit A-1.

13 12. Kayal also told me that the same day they received this notification, they filed a motion to
14 continue the hearing because Ms. Hernandez's lawyer, Teresa Salazar-Cosmos, was out of the country.
15 Kayal also stated that she could file a complaint against the immigration court for failing to provide
16 timely notification of Brenda's hearing.

17 13. Guajardo also stated in English that, prior to June 13, 2010, the staff at the law firm had been
18 unable to learn the date of Brenda's hearing, despite multiple phone calls. Guajardo then summoned
19 members of his administrative staff to ask them questions about their attempts to learn the date of
20 Brenda's hearing. A female member of the staff stated that, on least two occasions, she had contacted
21 the clerk at the immigration court to attempt to learn the date of Brenda's hearing. On the first
22 occasion, the clerk stated that she did not have any information about Brenda's hearing, and on the
23 second occasion, the clerk stated that the court was not permitted to provide that information.

24 14. Guajardo seemed concerned about Brenda's situation. He stated in English that they should
25 take immediate action to help Brenda. He told a staff member that she should immediately find a
26 psychologist in Texas to visit Brenda.

1 15. I asked Kayal why nothing at all had been done on Brenda's case since July 13, 2010. Kayal
2 did not answer this question directly. Instead, she stated that they would take action on Brenda's case
3 immediately. This explanation did not seem to make sense to me. If, as Kayal told me, she had
4 learned about Brenda's hearing on July 13, 2010, I could not understand why she had waited until our
5 meeting on July 19, 2010 to start to help Brenda.

6 16. After the meeting, Ms. Hernandez and I left Guajardo's office. Ms. Hernandez agreed to give
7 Guajardo another chance to help Brenda.

8 17. Based on what I observed during this meeting, I believed Guajardo was attorney. He ran the
9 entire meeting. He sat at the head of the table and, after his initial meeting with Ms. Hernandez and I,
10 he started ordering people into the conference room and they responded immediately. First, he
11 ordered attorney Kayal into the room and instructed her to explain to me the circumstances of why no
12 one from his law firm went to Brenda's hearing. Second, he ordered members of the administrative
13 staff into the room, and instructed them to tell us what efforts they had made to learn the dates of the
14 hearing. The staff members spoke only when Guajardo ordered them to speak. I also believed
15 Guajardo was an attorney because he came up with an idea he believed could help with Brenda's legal
16 situation, then instructed staff members to carry it out. He stated that the staff member should find a
17 psychologist in Texas and have the psychologist go visit Brenda. I saw the staff member write down
18 this instruction in a notebook.

19 I Learned that Guajardo Was Not a Lawyer

20 18. Immediately after leaving, I called the East Bay Sanctuary and spoke with my supervisor who
21 told me that Guajardo was no longer an attorney and was not eligible to practice law.

22 19. Ms. Hernandez and I went back to Guajardo's office a few minutes later. We met with Kayal.
23 I told her that my supervisor was going to take on Brenda's case, and Ms. Hernandez would like her
24 money back. Kayal agreed. She took us into an office, and a couple of minutes later, she handed Ms.
25 Hernandez \$5,000 in cash. I did not tell Kayal that I knew Guajardo was not a lawyer. We did not see
26 Guajardo during that meeting.

1 20. I asked Kayal for Ms. Hernandez's file back, but she told me that they could not give it to me
2 on that day because it would take too long to copy it. I knew that it was absolutely urgent to get the
3 file immediately because Brenda could be deported at any moment. I expressed to Kayal how urgent
4 it was that we get the file immediately. She stated again that there was no way that she could give me
5 the file that afternoon because it would take too long to copy. She told me to come back the next day.

6 I Returned the Following Day to Get the File

7 21. I returned to Guajardo's law firm the following day to get Ms. Hernandez's file. The
8 receptionist told me that the file had not been copied yet. She told me to wait. After waiting for
9 several minutes, a staff member gave me what she claimed was the entire file. It was no more than
10 one hundred pages. The file was so small, I could not understand why Kayal could not have made a
11 copy for me the previous afternoon.

12 22. I sat down and reviewed the documents they gave me, and I knew that it was not the entire fire
13 because the motion to continue that Kayal said she had filed was not there. I told the receptionist that I
14 wanted a copy of the motion to continue. She made a call, then told me I needed to wait.

15 23. About ten minutes later, Kayal came downstairs and handed me an envelope with the motion to
16 continue inside. She told me that the reason she did not include a copy of the motion in the file that I
17 was originally given was because I could have obtained the motion from the court.

18 24. To this day, I do not know if she gave me the entire file. True and correct copies of all of
19 documents that she gave me related to Brenda's case are attached to this declaration as Exhibit A.
20 Kayal also gave me copies of Ms. Hernandez's tax documents that Ms. Hernandez had previously
21 provided to them. Those tax documents are not attached to this declaration.

22 Reviewing the Documents from Ms. Hernandez's File

23 25. After Kayal gave me the file, I reviewed it. The documents seem strange.

24 26. First, the document entitled "Notice of Review of Credible Fear Determination," a true and
25 correct copy of which is attached hereto as Exhibit A-1, states on the bottom that it was served *by mail*
26 *from Texas* on Brenda's attorney on July 13, 2010. This seemed strange to me because Kayal had told
27 me that she had received that document the same day in San Francisco.

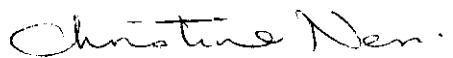
1 27. Next, the document entitled "Order of the Immigration Judge," a true and correct copy of
2 which is attached hereto as Exhibit A-2, states that Brenda's hearing *also* occurred on July 13, 2010. It
3 makes no sense that the immigration court would mail to Brenda's lawyers notice of the hearing on the
4 exact same day that the hearing occurred.

5 28. Also odd for several reasons is Kayal's motion to continue, a true and correct copy of which is
6 attached hereto as Exhibit A-3. The proof of service for that motion is dated July 12, 2010. This
7 directly contradicts what Kayal told me, which was that she had not received notice of the hearing
8 until the next day, July 13, 2010.

9 29. The proof of service, a true and correct copy of which is attached hereto as Exhibit A-4, states
10 that the motion to continue was *mailed* to the immigration court on July 12, 2010. This is strange
11 because the file also contains what appears to be an order from the immigration court dated July 13,
12 2010 denying the motion to continue. It makes no sense that Guajardo's law firm could have mailed
13 the motion to continue to the immigration court in Texas, which would have received it and ruled on it
14 the following day.

15 30. Most significantly, the motion to continue fails to describe the alleged late notice that Kayal
16 and Guajardo claim to have received from the immigration court. The motion contains no sense of
17 urgency whatsoever. If it was actually true that Kayal did not receive notice of the hearing until the
18 day before or the day of the hearing, it seems that she would have mentioned this in her motion. The
19 only explanation given for why the hearing should be continued is that Brenda's lawyer, Teresa
20 Salazar-Cosmos, would be out of the country.

21
22 I declare under penalty of perjury that the foregoing is true and correct and was executed in
23 San Francisco, California on October 8, 2010.

24 

25 Christine Ness
26
27
28

EXHIBIT A-1

IMMIGRATION COURT
800 DOLOROSA STREET-SUITE 300
SAN ANTONIO, TX 78207

IMMIGRATION PRACTICE GROUP
KAYAL, MARIE L. ESQ.
555 CLAY ST.
SAN FRANCISCO, CA 94111

FILE: A200-812-463

RE: LOPEZ-HERNANDEZ, BRENDA ELIZABETH

NOTICE OF REVIEW OF CREDIBLE FEAR DETERMINATION

PLEASE TAKE NOTE THAT YOUR REQUEST FOR REVIEW OF THE DHS CREDIBLE FEAR DETERMINATION HAS BEEN SCHEDULED/~~RESCHEDULED~~ BEFORE THE IMMIGRATION COURT ON Jul 13, 2010 AT 10:00 A.M. AT THE FOLLOWING ADDRESS:

1001 WELCH STREET
TAYLOR, TX 76574

YOU MAY CONSULT WITH A PERSON OR PERSONS OF YOUR CHOOSING PRIOR TO THE REVIEW. SUCH CONSULTATION IS AT NO EXPENSE TO THE GOVERNMENT AND MAY NOT UNREASONABLY DELAY THE PROCESS.

IN THE EVENT THAT YOU ARE RELEASED FROM CUSTODY, YOU MUST IMMEDIATELY REPORT ANY CRANGE IN YOUR ADDRESS AND TELEPHONE NUMBER TO THE IMMIGRATION COURT ON THE ATTACHED FORM EOIR-33. IF YOU FAIL TO PROVIDE AN ADDRESS, YOUR SCHEDULED REVIEW MAY BE HELD IN YOUR ABSENCE.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE 1-800-898-7180 OR 703-305-1662.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [M] ALIEN'S ATT/REP [P] DHS
DATE: 07/13/10 BY: COURT STAFF VLP
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

EXHIBIT A-2

IMMIGRATION COURT
800 DOLOROSA STREET-SUITE 300
SAN ANTONIO, TX 78207

In the Matter of:

Case No: A200-812-463

LOPEZ-HERNANDEZ, BRENDA ELIZABETH

IN: CREDIBLE FEAR REVIEW PROCEEDINGS

Respondent

ORDER OF THE IMMIGRATION JUDGE

On Jul 13, 2010 at 10:00 A.M. a review of the DHS Credible Fear Determination was held in the matter noted above. Testimony was was not taken regarding the background of the Applicant and the Applicant's fear of returning to his/her country of origin or last habitual residence.

After consideration of the evidence, the Court finds that the Applicant has has not established a significant possibility that he/she would be persecuted on the basis of his/her race, religion, nationality, membership in a particular social group, or because of his/her political opinion.

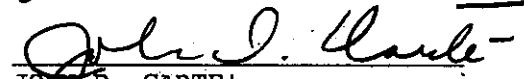
ORDER: It is hereby ordered that the decision of the immigration officer is:

Affirmed, and the case is returned to the DHS for removal of the alien.

Vacated.

This is a final order. There is no appeal available.

DONE and ORDERED this 13th day of July, 20 10.


JOHN D. CARTE
Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE
TO: ALIEN ALIEN c/o Custodial Officer, ALIEN'S ATT/REP DHS
DATE: 7-13-10 BY: COURT STAFF 10e
Attachments: EOIR-33 EOIR-28 Legal Services List Other

U2

Hearing was conducted by teleconferencing (audio or video). The Immigration Judge was located in San Antonio, TX. The location of the hearing was GEO Karnes Pearsall Laredo, TX. All filings related to the matter should be filed with:
San Antonio Immigration Court
800 Dolorosa Street, Suite 300
San Antonio, TX 78207

EXHIBIT A-3

CHRISTOPHER J. STENDER
MARIE L. KAYAL
TERESA SALAZAR COSMOS
IMMIGRATION PRACTIC GROUP, APC
555 Clay Street
San Francisco, CA 94111
Telephone: 415-398-3852
Facsimile: 415-296-8730

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN ANTONIO, TEXAS

IN THE MATTER OF:

Brenda Elizabeth LOPEZ HERNANDEZ,
A200-812-463,

§
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§

IN REMOVAL PROCEEDINGS

Hon. Judge John D. Carte

Respondent

Hearing Date: July 13, 2010 at 10:00 a.m.

MOTION TO CONTINUE INDIVIDUAL HEARING

RECEIPT OF DOCUMENT CANCELED.
Executive Office for Immigration Review
United States Immigration Court
San Antonio, Texas
Immigration Judge Carte

IMMIGRATION
SAN ANTONIO
2010 JUN 10

JULY 13 2010
OFFICE OF THE CLERK

CHRISTOPHER J. STENDER
MARIE L. KAYAL
TERESA SALAZAR COSMOS
IMMIGRATION PRACTIC GROUP, APC
555 Clay Street
San Francisco, CA 94111
Telephone: 415-398-3852
Facsimile: 415-296-8730

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN ANTONIO, TEXAS

IN THE MATTER OF: §
§
§
Brenda Elizabeth LOPEZ HERNANDEZ, § IN REMOVAL PROCEEDINGS
A200-812-463, §
§
§ Hon. Judge John D. Carte
§
Respondent § Hearing Date: July 13, 2010 at 10:00 a.m.
§

MOTION TO CONTINUE INDIVIDUAL HEARING

PLEASE TAKE NOTICE that I, Marie L. Kayal, Immigration Practice Group, APC., 555 Clay Street, San Francisco, CA 94111, hereby enters my appearance on behalf of Respondent, Brenda Elizabeth Lopez Hernandez. Respondent, Brenda Elizabeth Lopez Hernandez, through undersigned counsel, respectfully requests that the Honorable Judge grant a continuance of the individual hearing, presently scheduled for July 13, 2010 in that retained counsel is presently out of the United States. (copy of itinerary attached) The Respondent submits that the basis for the continuance satisfies the "good cause" standard codified at 8 C.F.R. §1003.29.

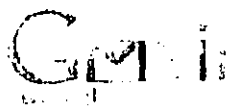
In *Alford v. U.S.*, the Fifth Circuit Court of Appeals quoted the U.S. Supreme Court's statement that "a myopic insistence upon expeditiousness in the face of a justifiable request for delay can render the right to defend with counsel an empty formality." 708 F.2d 418, 423 (5th Cir. 1983), citing *Unger v. Sarafite*, 376 U.S. 575, 589 (1964). This statement certainly applies in the instant case. The desirability of completing cases and moving the docket forward are praiseworthy but they must not trump the Respondent's right to a fair hearing.

Pursuant to 8 C.F.R. §1003.29, the Immigration Judge "may grant a motion for continuance for good cause shown." See also 8 C.F.R. §1240.6. In determining a motion to continue, the Immigration Judge has broad legal power. "Immigration judges have broad legal power to decide whether or not to grant continuances." See, e.g. *Castaneda-Delgado v. INS*, 525 F.2d 1295, 1300 (7th Cir. 1975); *Patel v. INS*, 803 F.2d 804, 806 (5th Cir. 1986). The Respondent submits that this constitutes good cause for purposes of receiving a continuance of this matter. A copy of this motion has been forwarded to assigned District Counsel.

WHEREFORE, the Respondent respectfully asks the Honorable Judge to grant the instant motion and reschedule the hearing currently scheduled for July 13, 2010.

Respectfully submitted,


MARIE L. KAYAL
Attorney for Respondent



Fwd: FW: eTicket Itinerary and Receipt for Confirmation DWQ6XG

Wed, Apr 14, 2010 at 3:33 PM

-----Original Message-----

From: Continental Airlines, Inc. [mailto:continentalairlines@continental.com]

Sent: Wednesday, February 10, 2010 10:37 PM

Subject: eTicket Itinerary and Receipt for Confirmation DWQ6XG

To ensure delivery of this e-mail please add continentalairlines@continental.com to your address book or approved senders list. See [instructions](#) for adding us to your address book.



Confirmation:
DWQ6XG



Issue Date: February 11, 2010

Traveler	eTicket Number	Frequent Flyer	Seats
KAYAL/MARIEL	0052155038350		

FLIGHT INFORMATION

Day, Date	Flight	Class	Departure City and Time	Arrival City and Time	Aircraft	Meal
Thu, 01JUL10	CO1049	V	SAN FRANCISCO (SFO) 8:50AM	NEWARK EWR (EWR) 5:18PM	737-800	Snack
Thu, 01JUL10	CO82	V	NEWARK EWR (EWR) 8:30PM	DELHI INDIA (DEL) 8:15PM (02JUL)	777-200	Dinner
Fri, 16JUL10	CO83	V	DELHI INDIA (DEL) 10:50PM	NEWARK EWR (EWR) 4:25AM (17JUL)	777-200	Dinner
Sat, 17JUL10	CO6259 ¹	V	NEWARK EWR (EWR) 6:18AM	SAN FRANCISCO (SFO) 9:34AM		

¹Operated by UNITED AIRLINES

FARE INFORMATION

Fare Breakdown

7

4

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN ANTONIO, TEXAS

In the Matter of: §
§ A200-812-463
Brenda Elizabeth Lopez Hernandez, §

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the respondent's Motion to Continue, 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: _____

JOHN D. CARTE
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

EXHIBIT A-4

IN THE MATTER OF: §
§
Brenda Elizabeth LOPEZ HERNANDEZ, § IN REMOVAL PROCEEDINGS
A200-812-463, §
§
_____)

I, the undersigned, declare that:

I am an employee of the IMMIGRATION PRACTICE GROUP and my business address is 555 Clay Street, San Francisco, California 94111, and;

That I served the original/a true copy of the attached:

MOTION FOR CONTINUANCE

in person/by placing said copy in a sealed envelope, which was then sealed, with postage fully paid thereon, and was this day addressed as follows:

Executive Office for Immigration Review
Office of the Immigration Judge
800 Dolorosa Street, Suite 300
San Antonio, TX 78207

District Counsel
Bureau of Immigration and Customs Enforcement
8940 Fourwinds Drive
San Antonio, TX 78239

[Handwritten Signature]

Executed on this 12th day of July 2010 at San Francisco, California.

[Handwritten Signature]

IMMIGRATION PRACTICE GROUP



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

*San Antonio Immigration Court
800 Dolorosa Street, Suite 300
San Antonio, TX 78207*

MARIE KAYAL, ESQ
555 Clay Street
San Francisco, ca 94111

**Department of Homeland Security
Office of Chief Counsel
P.O. Box 1939
San Antonio, TX 78297-1939**

Name: BRENDA LOPEZ-HERNANDEZ

A 200 812 463

Date of Notice: July 13, 2010

**REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE**

This notice is to inform you that the filing received by the Immigration Court on July 13, 2010, is being rejected for the reasons given below. We have returned your filing and all attachments for correction of the defects. If you return the documents, you must return them promptly to the Immigration Court. See Practice Manual Chapter 3.1(d)(i). You must also attach this rejection notice to the documents. In addition, you must serve a copy of the corrected filing on the Department of Homeland Security.

Documents being rejected: MT TO CONTINUE.

- No Proof of Service** – The filing did not include a proof of service. An exact copy of your filing must be served on the opposing party. See Practice Manual Chapter 3.2 and Appendix G.
- Improper Proof of Service** – The Proof of Service does not comply with the applicable requirements. See Practice Manual Chapter 3.2 and Appendix G.
- No Fee Receipt, Other Proof of Payment, or Fee Waiver Request** – There is a fee required for this filing. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof of payment, or fee waiver request. See Practice Manual Chapter 3.4.
- Fee Incorrectly Paid to Court** – You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security. See Practice Manual Chapter 3.4.
- No Name** – The filing is missing the respondent's name. See Practice Manual Chapter 3.3 and Appendix F.
- No A-Number** – The filing is missing the respondent's A-number. See Practice Manual Chapter 3.3 and Appendix F.

- No Notice of Entry of Appearance** – No Notice of Entry of Appearance (Form EOIR-28) has been filed indicating that you are the attorney or representative of record. Until you have filed a Form EOIR-28 with the court, you cannot represent this respondent before the court. See *Practice Manual Chapter 2.1*.
- Other Counsel Entered** – A properly filed Form EOIR-28 indicates that the respondent is presently being represented by another attorney or accredited representative. The court cannot accept your Form EOIR-28 until you either file a motion to substitute or annotate your Form EOIR-28 to reflect an "on-behalf-of" appearance or an appearance as co-counsel, as appropriate. See *Practice Manual Chapter 2.3*.
- Incorrect Filing Location (Case at Court)**. This Immigration Court is not, at this time, the correct filing location. Our records indicate that the _____ Immigration Court is the correct filing location.
- Incorrect Filing Location (Case at BIA)** – This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Board of Immigration Appeals is the correct filing location.
- Case not Pending** – According to our records, this case is not pending before this Immigration Court, nor does it appear in our national computer database as pending before any Immigration Court. Please check the A-number and name of the respondent and/or contact the Department of Homeland Security regarding the filing of a Notice to Appear. The Immigration Court cannot schedule a hearing or take any action unless the Department of Homeland Security has filed the charging document with the Immigration Court.
- Missing or Improper Signature** – The filing is not properly signed. Most filings require an original signature by the filing party. See *Practice Manual Chapter 3.3(b)*.
- No Translation or Improper Translation** – You did not provide an English translation for a foreign language document, or you provided an improper translation. See *Practice Manual Chapter 3.3(a)*.
- No Cover Page** – You did not provide a cover page. See *Practice Manual Chapter 3.3(c)(vi) and Appendix F*.
- Not Two-Hole Punched** – The filing was not two-hole punched. See *Practice Manual Chapters 3.3(c)(iv) and 3.3(c)(viii)*.
- No Pagination** – The filing was not page-numbered. See *Practice Manual Chapter 3.3(c)(iii)*.
- No Proposed Order** – You filed a motion seeking a ruling but did not provide a proposed order. See *Practice Manual Chapter 5.2(b) and Appendix Q*.
- Other: DOCUMENTS REJECTED PER IJ. RESPONDENT NOT IN REMOVAL PROCEEDINGS, NOR IS THE HEARING AN INDIVIDUAL HEARING AS STATED WITHIN MOTION/COVER PAGE.**

The Immigration Court Practice Manual may be found at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: Mail Personal Service

To: Allen Allen c/o Custodial Officer Allen's Att/Rep DHS

Date: July 13, 2010 By: Court Staff SO

Attachments: EOIR-33 EOIR-28 Legal Services List Other

Immigration Practice Group
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852

Maria Orellana
4200 Portrero Ave Apt B
Richmond, CA 94804

Date: June 9, 2010

File Number: 90083

Receipt of Payment

Received fee payment in the amount of
\$2,000. CASH

CASH
CHECK
MONEY ORDER
VISA
MASTERCARD
AMERICAN EXPRESS
DISCOVER

Present Balance:
\$3,000.00

Received by: 

Immigration Practice Group
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852

Maria Orellana
4200 Portrero Ave Apt B
Richmond, CA 94804

Date: June 9, 2010

File Number: 90083

Receipt of Payment

Received fee payment in the amount of
\$3,000.

CASH
CHECK
MONEY ORDER
VISA
MASTERCARD
AMERICAN EXPRESS
DISCOVER

Present Balance:
\$0.00

Received by: 

Immigration Practice Group
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852

Maria Orbelina Orellana Hernandez
4200 Portrero Avenue Apt B
Richmond, CA 94804

Date: July 19, 2010

File Number: 90083

Receipt of Payment

Yo, Maria Orbelina Orellana Hernandez, acepta un reembolso de \$5,000,00 en la satisfacción repleta y completa de honorarios pagados para Brenda Elizabeth Lopez Hernandez.

(I, Maria Orbelina Orellana Hernandez, accept a refund of \$5,000.00 in full and complete satisfaction of fees paid for Brenda Elizabeth Lopez Hernandez.)

MARIA ORBELINA ORELLANA HERNANDEZ

CASH
CHECK
MONEY ORDER
VISA
MASTERCARD
AMERICAN EXPRESS
DISCOVER

Present Balance:
\$0.00

Received by: _____

Immigration Practice Group

A Professional Corporation
555 Clay Street
San Francisco, CA 94111

Flat Fee Agreement Payment Schedule & Legal Services Detail

Flat Fee Agreement Payment Schedule

File Number 90083 ARN / SS: _____ Date 6/9/2010
 Fee Amount \$ 5000 Initial Payment \$ 2000 Forward Balance \$ 3000

	Amount	Due Date	Amount	Due Date
Payment A:	<u>2000</u>	<u>6/9/2010</u>	Payment D:	_____
Payment B:	<u>3000</u>	_____	Payment E:	_____
Payment C:	_____	_____	Payment F:	_____

Legal Services Detail

- Item(s) marked indicate(s) service(s) selected
- Investigation Only
 - Representation in Pending Immigration Court Matter
 - Representation in Pending Criminal Matter
 - Analysis and Strategy for defense in Removal Proceedings
 - Analysis and Strategy for defense at the Board of Immigration Appeals
 - Analysis and Strategy for defense at Circuit Court of Appeals
 - Representation for Custody / Bond
 - Representation in Asylum Matter
 - OTHER: Bond Hearing / (Elizabeth only)

- Item(s) marked indicate(s) whom services are to be rendered for
- For CLIENT
 - For CLIENT's spouse
 - For CLIENT's children
 - For CLIENT's other family members

Print Name _____

Street Address _____

City, State, Zip _____

Maria O. Hernandez 6/9/2010
 Client Signature Date

Maria Teresa 6/9/2010
 Corporation Attorney Date

G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

Part 1. Notice of Appearance as Attorney or Accredited Representative

A. This appearance is in regard to immigration matters before:
 USCIS - List the form number(s): _____

 CBP - List the specific matter in which appearance is entered: _____

 ICE - List the specific matter in which appearance is entered: _____

DETENTION

B. I hereby enter my appearance as attorney or accredited representative at the request of:

List Petitioner, Applicant, or Respondent. **NOTE:** Provide the mailing address of Petitioner, Applicant, or Respondent being represented, and not the address of the attorney or accredited representative, except when filed under VAWA.

Principal Petitioner, Applicant, or Respondent					A Number or Receipt Number, if any	<input type="checkbox"/> Petitioner
Name: Last	First	Middle				<input type="checkbox"/> Applicant
LOPEZ HERNANDEZ,	BRENDA ELIZABETH				A200 - 812-463	<input checked="" type="checkbox"/> Respondent
Address: Street Number and Street Name			Apt. No.	City	State	Zip Code
DETAINED at 1001 WELCH STREET, BOX 1063				TAYLOR,	TX	76574

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, USCBP, or USICE.

Signature of Petitioner, Applicant, or Respondent

Date

06/10/2010

Part 2. Information about Attorney or Accredited Representative (Check applicable items(s) below)

A. I am an attorney and a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia: CALIFORNIA SUPREME COURT

I am not or am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law (If you are subject to any order(s), explain fully on reverse side).

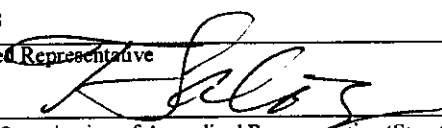
B. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 1292.2. Provide name of organization and expiration date of accreditation:

C. I am associated with _____

The attorney or accredited representative of record previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request (If you check this item, also complete item A or B above in Part 2, whichever is appropriate).

Part 3. Name and Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

Name of Attorney or Accredited Representative		Attorney Bar Number(s), if any
TERESA SALAZAR-COSMOS		194050
Signature of Attorney or Accredited Representative		Date
		06/10/2010
Complete Address of Attorney or Organization of Accredited Representative (Street Number and Street Name, Suite No., City, State, Zip Code)		
IMMIGRATION PRACTICE GROUP, APC., 555 CLAY STREET, SAN FRANCISCO, CA 94111		
Phone Number (Include area code)	Fax Number, if any (Include area code)	E-Mail Address, if any
(415) 398-3852	(415) 296-8730	

IMMIGRATION PRACTICE GROUP
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852
Fax: 415-296-8730

FACSIMILE TRANSMITTAL COVER SHEET

DETENTION AND REMOVAL
1001 WELCH STREET, P.O. BOX 1063
TAYLOR, TX 76574

File # Our: 90083

Date: 6/10/2010

Fax Phone: 512-218-2450 Number of Pages Attached: 1

- For Your Information
- Please Sign And Return
- For Filing with the Court
- Approval
- See Remarks Below

- Per Your Request
- Per Phone Conversation
- For Your Files
- Sent to the Embassy
- For Your Review

Re: Brenda Elizabeth LOPEZ HERNANDEZ
A# 200-812-463

Please be advised that our office has been retained to assist Ms. Lopez Hernandez with her Immigration matter and a G-28 is attached for the file. A Request for a Credible Fear Interview has been requested.

This memo serves to advise the agency that the mother of Brenda Elizabeth Lopez Hernandez has received protection as a Temporary Protected Status applicant under A094-450-168. A copy of her documents are attached.

Kindly notice our San Francisco Office with all correspondence on her behalf. Thank you.

Cordially,

Teresa Salazar-Cosmos
IMMIGRATION PRACTICE GROUP

This fax communication is intended only for the use of the individual to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have retrieved this communication in error please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4785
CONNECTION TEL 15122183149
CONNECTION ID
ST. TIME 08/17 13:39
USAGE T 01'52
PGS. SENT 8
RESULT OK

IMMIGRATION PRACTICE GROUP
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852
Fax: 415-296-8730

FACSIMILE TRANSMITTAL COVER SHEET

**OFFICER ROBERT PENA
ICE - DETENTION AND REMOVAL
1001 WELCH STREET
TAYLOR, TX 76574**

File # Our: 90083

Date: 6/17/2010

Fax Phone: 512-218-3149 Number of Pages Attached: 7

- | | |
|---|---|
| <input type="checkbox"/> For Your Information | <input type="checkbox"/> Per Your Request |
| <input type="checkbox"/> Please Sign And Return | <input type="checkbox"/> Per Phone Conversation |
| <input type="checkbox"/> For Filing with the Court | <input type="checkbox"/> For Your Files |
| <input type="checkbox"/> Approval | <input type="checkbox"/> Sent to the Embassy |
| <input checked="" type="checkbox"/> See Remarks Below | <input type="checkbox"/> For Your Review |

**Re: Brenda Elizabeth LOPEZ HERNANDEZ
A200-812-463**

Dear Officer Pena,

Thank you for your assistance to our inquiry regarding Ms. Lopez Hernandez. Her mother, Maria O. Hernandez, has received protection as a Temporary Protected Status applicant under A094-450-168 and will assume responsibility and provide room and board at the family residence located at 4200 Potrero Avenue, Richmond, CA 94804. A copy of the Birth record, mother's identity documents and 2009 Tax return are attached to assist in the Credible Fear Interview.

Please copy us with any notices and let us know when the Credible Fear Interview will be scheduled. Please let us know if any further information or documents are needed. THANK YOU.

IMMIGRATION PRACTICE GROUP
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852
Fax: 415-296-8730

FACSIMILE TRANSMITTAL COVER SHEET

**OFFICER ROBERT PENA
ICE - DETENTION AND REMOVAL
1001 WELCH STREET
TAYLOR, TX 76574**

File # Our: 90083

Date: 6/17/2010

Fax Phone: 512-218-3149 Number of Pages Attached: 7

- | | | | |
|-------------------------------------|---------------------------|--------------------------|------------------------|
| <input type="checkbox"/> | For Your Information | <input type="checkbox"/> | Per Your Request |
| <input type="checkbox"/> | Please Sign And Return | <input type="checkbox"/> | Per Phone Conversation |
| <input type="checkbox"/> | For Filing with the Court | <input type="checkbox"/> | For Your Files |
| <input type="checkbox"/> | Approval | <input type="checkbox"/> | Sent to the Embassy |
| <input checked="" type="checkbox"/> | See Remarks Below | <input type="checkbox"/> | For Your Review |

**Re: Brenda Elizabeth LOPEZ HERNANDEZ
A200-812-463**

Dear Officer Pena,

Thank you for your assistance to our inquiry regarding Ms. Lopez Hernandez. Her mother, Marla O. Hernandez, has received protection as a Temporary Protected Status applicant under A094-450-168 and will assume responsibility and provide room and board at the family residence located at 4200 Potrero Avenue, Richmond, CA 94804. A copy of the Birth record, mother's identity documents and 2009 Tax return are attached to assist in the Credible Fear Interview.

Please copy us with any notices and let us know when the Credible Fear Interview will be scheduled. Please let us know if any further information or documents are needed. THANK YOU.

Cordially,
Debra
IMMIGRATION PRACTICE GROUP, APC.

This fax communication is intended only for the use of the individual to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have retrieved this communication in error please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4779
CONNECTION TEL 15122182450
CONNECTION ID
ST. TIME 06/10 14:45
USAGE T 00'55
PGS. SENT 3
RESULT OK

IMMIGRATION PRACTICE GROUP
A Professional Corporation
555 Clay Street
San Francisco, CA 94111
415-398-3852
Fax: 415-296-8730

FACSIMILE TRANSMITTAL COVER SHEET

DETENTION AND REMOVAL
1001 WELCH STREET, P.O. BOX 1063
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| <input type="checkbox"/> Approval | <input type="checkbox"/> Sent to the Embassy |
| <input checked="" type="checkbox"/> See Remarks Below | <input type="checkbox"/> For Your Review |

Re: Brenda Elizabeth LOPEZ HERNANDEZ
A# 200-812-463

Please be advised that our office has been retained to assist Ms. Lopez Hernandez with her immigration matter and a G-28 is attached for the file. A Request for a Credible Fear Interview has been requested.

This memo serves to advise the agency that the mother of Brenda Elizabeth Lopez Hernandez has received protection as a Temporary Protected Status applicant under A094-450-163. A copy of her documents are attached.

Kindly notice our San Francisco Office with all correspondence on her behalf. Thank you.

Cordially,