

U.S. Department of Justice  
Office of the Attorney General

*Decided April 20, 2018*

In re: *Matter of L-A-B-R-*, [REDACTED] (BIA Nov. 20, 2017); *Matter of Christopher Courtney McCalla*, [REDACTED] (BIA Dec. 21, 2017); *Matter of Nipaporn Somphet*, [REDACTED] (BIA Jan. 3, 2018)

IN REMOVAL PROCEEDINGS

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Pursuant to 8 C.F.R. § 1003.1(h)(1)(i), I directed the Board of Immigration Appeals to refer the above-captioned cases to me for review of its decisions. To assist me in my review, I invited the parties to these proceedings to submit briefs not exceeding 15,000 words in length and interested amici to submit briefs not exceeding 9,000 words in length. I directed that briefs from the parties be filed on or before April 17, 2018, that briefs from amici be filed on or before April 24, 2018, and that reply briefs from the parties be filed on or before May 2, 2018. My Order directing the Board to refer these cases to me was posted online, and a copy of the Order was sent directly to each of the respondents and any counsel of record who had entered an appearance before the Board.

On April 6, 2018, various potential amici, including Kids in Need of Defense (KIND) and the Young Center for Immigrant Children’s Rights, filed a consolidated request for an extension of the deadline for submitting amicus briefs, citing their desire to “coordinate their resources, to attempt to locate and coordinate with Respondents’ counsel (if any) to avoid duplication, and to prepare thoughtful and cogent briefs that will respond to the question raised by the Attorney General, while also avoiding duplicative briefing.”

On April 17, 2018, the Department of Homeland Security timely submitted its opening brief for these cases.

On the same day, respondent Somphet submitted a request for an extension of the deadline for submitting a brief. In support of the request, counsel for respondent Somphet submitted a declaration explaining (1) that she had a medical procedure in February 2018 that temporarily restricted her ability to type; (2) that she had an oral argument on March 8, 2018, for which she had to prepare, as well as “a very busy calendar including individual hearings” in Los Angeles; and (3) that her request was “further justified by the issue raised in the motion by the Government (‘DHS’) to overrule the continuance granted by the [Immigration Judge] because it would prevent Respondent from pursuing her Adjustment of Status.”

On April 18, 2018—the day after the deadline for filing an opening brief—a counsel who had represented respondent L-A-B-R- in the Immigration Court, but not before the Board, submitted a request for an extension of the deadline to submit a brief on the respondent’s behalf. In support of the request, the counsel cited the fact that he “did not learn of the briefing deadline until being served by the Government’s brief.” (Although the counsel had not entered an appearance before the Board, leaving the respondent unrepresented for the purposes of the interlocutory appeal in this case, the Department of Homeland Security sent him a courtesy copy of its brief on April 17, 2018.)

As of the date of this Order, respondent McCalla has not filed a brief or a request for an extension.

After considering the various requests outlined above, and in an exercise of my discretion, I hereby direct a short extension of the deadlines for submitting briefs as follows: briefs from the parties must be filed on or before April 26, 2018; briefs from any amici must be filed on or before May 1, 2018; and reply briefs from the parties must be filed on or before May 8, 2018.

Consistent with my initial Order directing certification of this case, I advise the parties that any further requests for extensions will be strongly disfavored. I further encourage the respondents and any counsel who intend to represent them in these cases to ensure that paperwork entering an appearance for any counsel is filed with the Board of Immigration Appeals.