

ORDER AND NOTICE OF HEARING AND PREHEARING CONFERENCE  
IMMIGRATION COURT  
1961 STOUT STREET, STE. 3101  
DENVER, CO 80294

LEAD FILE: A# 000-000-001

RE: 000-000-001, DOE, JOHN  
000000002, DOE, JANE  
000000003, DOE, JAMES

DATE: October 11, 2018

TO:

DOE, JOHN  
123 Main St, Apt 1  
Fort Morgan, CO 80701

**THIS DOCUMENT CONTAINS IMPORTANT INFORMATION ABOUT  
THIS CASE AND ITS PROCESSINGS. PLEASE READ THE  
ENTIRE DOCUMENT CAREFULLY.**

**NOTICE OF HEARING**

The Individual Calendar Hearing<sup>1</sup> in the above captioned case will be held:

Date: September 1, 2019

Time: 1:00 PM

Location: Denver Immigration Court, Courtroom C  
1961 Stout St., Suite 3101  
Denver, CO 80294

Prior to this scheduled hearing you are required to appear for a Master Calendar hearing, as outlined below, scheduled on April 11, 2019, at 1:00 PM, MDT.

**REPRESENTATION**

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court<sup>2</sup>. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or

<sup>1</sup> See Immigration Court Practice Manual, Chapter 4.16.

<sup>2</sup> See Immigration Court Practice Manual, Chapter 2.1 and 8 C.F.R. § 1292.1

representative must appear with you at the hearing prepared to proceed. If you have not obtained representation at your next master calendar hearing, you will be expected to explain your efforts to obtain representation and may be required to proceed without representation. If you are required to appear at your next Master Calendar Hearing without representation, you still have the right to obtain representation before the next hearing<sup>3</sup>.

Attorneys must enter an appearance before the Immigration Court by filing a Notice of Entry of Appearance as Attorney or Representative before the Immigration Court (Form EOIR-28)<sup>4</sup>. Any additions, changes in scope of representation, address changes, substitutions, or withdrawals should be submitted prior to any scheduled hearing.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500.

### **FAILURE TO APPEAR**

Failure to appear at any hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable. Any delay in the appearance of either party's representative without satisfactory notice and explanation to the Immigration Court may, in the discretion of the Immigration Judge, result in the hearing being held in the representative's absence.

Respondents, representatives, and witnesses should be mindful that they may encounter delays in going through the mandatory security screening at the Immigration Court, and should plan accordingly<sup>5</sup>. Regardless of such delays, all individuals must pass through the security screening and be present in the courtroom at the time the hearing is scheduled.

### **ADDRESS REQUIREMENTS**

If your address is not listed on the notice to appear, or if it is not correct, within five days of this notice you must provide to the Immigration Court Denver, CO the attached Form **EOIR-33** with your address and/or telephone number at which you can be contacted regarding these proceedings<sup>6</sup>. Every time you change your address and/or telephone number, you must inform the Court of your new address and/or telephone number within 5 days of the change on the attached Form EOIR-33. Additional Forms EOIR-33 can be obtained from the Court where you are scheduled to appear. In the event you

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<sup>3</sup> See Immigration Court Practice Manual, Chapter 4.4.

<sup>4</sup> See 8 C.F.R. §§ 1003.17(a), 1003.23(b)(1)(ii).

<sup>5</sup> See Immigration Court Practice Manual, Chapter 4.14.

<sup>6</sup> See Immigration Court Practice Manual, Chapter 2.2(c).

are unable to obtain a Form EOIR-33, you may provide the Court in writing with your new address and/or telephone number but you must clearly mark the envelope "change of address." Correspondence from the court, including Hearing Notices, will be sent to the most recent address you have provided, and will be considered sufficient notice to you and these proceedings can go forward in your absence.

### **MASTER CALENDAR HEARING**

I will conduct a Master Calendar Hearing<sup>7</sup> on April 11, 2019, at 1:00 PM, MDT to take pleadings<sup>8</sup> and to further develop the scope of this case. In addition to being prepared to plead, the parties should be familiar with the facts and issues of the case and be prepared to discuss them in order to narrow issues, discuss stipulations between the parties, exchange information voluntarily, and otherwise simplify and organize the proceeding<sup>9</sup>.

The parties are strongly encouraged to confer prior to a hearing in order to narrow issues for litigation in order to determine the estimated time required to present the case and to develop a statement of unresolved issues in the proceeding<sup>10</sup>. Written pleadings prior to or during this master calendar hearing are acceptable. If the respondent seeks relief requiring background and security investigations, the DHS attorney will provide the respondent with the DHS biometrics instructions at this Master Calendar Hearing. All other logistical considerations such as waivers of appearance, telephonic testimony, or video testimony should be raised to the Judge during this hearing.

Parties are further encouraged to file pre-hearing statements at or following this Master Calendar Hearing to narrow and reduce the legal and factual issues in dispute<sup>11</sup>.

### **PREHEARING SUBMISSIONS**

I **ORDER** the agency and the respondent to file the following to be received by the Court on or before July 23, 2019<sup>12</sup>:

- (1) All applications for relief, applicable receipts, proposed exhibits, and motions, as appropriate.
- (2) A list of all agreed upon material facts;
- (3) Criminal Conviction Documents. When submitting documents relating to a respondent's criminal arrests, prosecutions, or convictions, parties are encouraged to use a criminal history chart and attach all pertinent documentation, such as arrest and conviction records<sup>13</sup>.

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<sup>7</sup> See Immigration Court Practice Manual, Chapter 4.15 and Chapter 4.18.

<sup>8</sup> See Immigration Court Practice Manual, Chapter 4.15(i).

<sup>9</sup> See 8 C.F.R. § 1003.21(a).

<sup>10</sup> See 8 C.F.R. § 1003.21(b).

<sup>11</sup> See Immigration Court Practice Manual, Chapter 4.18(b).

<sup>12</sup> See Immigration Court Practice Manual, Chapter 3.1(b).

<sup>13</sup> See Immigration Court Practice Manual, Chapter 3.3(f) and Chapter 4.16(b)(iii)

(4) A list of witnesses<sup>14</sup> with the name of each witness, the A number of each witness if applicable, a written summary of testimony for each witness, the estimated length of the testimony, the language in which each witness will testify, and a curriculum vitae or resume, if called as an expert. Testimony that is irrelevant, immaterial, or unduly repetitious may be excluded. The summary should include each witness's first and last name, title and relationship to the respondent and the facts at issue; and

(5) Parties are highly encouraged to file pre-hearing briefs. Pre-hearing briefs should recite those facts that are appropriate and germane to the adjudication of the issue(s) at the individual calendar hearing<sup>15</sup>.

NOTE: In presenting evidence at the hearing, you may be limited by your prehearing submissions, except for good cause shown. For example, an unlisted witness will usually not be permitted to testify.

### **WITNESSES**

Each party must coordinate and provide for the appearance of its approved witnesses; thus no subpoenas for them are necessary. If necessary, I will assist you in arranging for the appearance of employees of any other Federal agency or individuals not employed by the federal government. This assistance may include ordering an agency to make the witness available or issuing a subpoena<sup>16</sup>. To be timely, a motion for subpoena must be received in this office on or before 7/23/2019, however advance notice is preferable. The requesting party is responsible for serving the subpoena and for paying appropriate witness fees.

### **FILING REQUIREMENTS**

An application or document is not deemed "filed" until it is received by the Immigration Court<sup>17</sup>. Any document submitted after the above deadlines must be accompanied by a motion to accept a late filing. Late documents may not be accepted by the Court<sup>18</sup>.

### **SCHEDULE ADJUSTMENT**

If either party believes that they will be unable to meet any deadline outlined above or to proceed on the assigned Individual Calendar Hearing as scheduled, they must notify the Court in writing as a motion<sup>19</sup>. The motion must include an explanation of why a deadline cannot be met or why this case will not be able to proceed on the assigned date. Alternative deadlines or scheduling dates should be proposed in this motion.

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<sup>14</sup> See Immigration Court Practice Manual, Chapter 3.3(g).

<sup>15</sup> See Immigration Court Practice Manual, Chapter 4.19.

<sup>16</sup> See Immigration Court Practice Manual, Chapter 4.20.

<sup>17</sup> See Immigration Court Practice Manual, Chapter 3.1(a)(iii).

<sup>18</sup> See Immigration Court Practice Manual, Chapter 3(d).

<sup>19</sup> See Immigration Court Practice Manual, Chapter 5.

Submitting this motion does not guarantee that the case will be rescheduled. You may also request an earlier hearing in writing at any time.<sup>20</sup>

As Ordered: \_\_\_\_\_  
Immigration Judge

**CERTIFICATE OF SERVICE**

THIS DOCUMENT WAS SERVICED BY:      MAIL (M)      **PERSONAL SERVICE (P)**  
TO:  ALIEN       ALIEN c/o Custodial Officer       ALIEN's ATT/REP       DHS  
DATE:   OCT 11, 2018        BY: COURT STAFF   D. DeHerrera    
Attachments:     EOIR-33       EOIR-26       Legal Services List       Other

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<sup>20</sup> See Immigration Court Practice Manual, Chapter 5.10(b)