

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

March 23, 1995

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. 1324c Proceeding
)	OCAHO Case No. 95C00023
MARIA CELIA AISPURO-NUNEZ,)	
Respondent.)	
_____)	

ORDER DENYING RESPONDENT'S MOTION TO WITHDRAW

On March 21, 1995, Robert W. Yarra, Esquire, respondent's counsel of record, filed a pleading captioned Motion to Withdraw Representation as Attorney. In support of his motion, counsel asserts that "[a]lthough I have contacted the Respondent on at least four occasions about pursuing this 274c matter, the Respondent has not made any effort to pursue any course of action in this case. A copy of this Motion has been sent to [Respondent's] last known address at 4959 E. Townsend Avenue, Fresno, California, 93727."

By way of background, on August 5, 1994, Robert W. Yarra, Esquire, filed a written request for a hearing on behalf of respondent, and also filed a fully executed United States Department of Justice Form G-28, in which he formally entered his appearance as respondent's counsel of record.

On February 9, 1995, complainant filed the one (1)-count Complaint at issue, which contained two (2) violations of the Immigration and Nationality Act, and requested civil money penalties totaling \$500 for those two (2) violations.

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Prior OCAHO cases involving similar factual settings have denied motions/requests of counsel to withdraw where, as here, the party's counsel of record is the only person authorized to receive documents on respondent's behalf, and where it was shown that requesting counsel's law office was the only address at which the delivery of such documents could be effectuated. See, e.g., United States v. Midtown Fashion, Inc., 4 OCAHO 657 (1994).

Accordingly, respondent's counsel's Motion to Withdraw is denied. All further correspondence directed to the respondent will continue to be served upon respondent's counsel of record.

JOSEPH E. MCGUIRE
Administrative Law Judge