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NON-DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN FRANCISCO, CALIFORNIA**

In the Matter of:



In Removal Proceedings

File No.



IJ MCCLESKEY, LOI

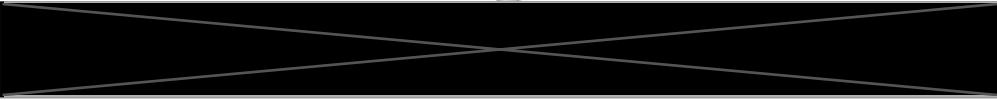
Next Hearing: Admin Closed

**U.S. DEPARTMENT OF HOMELAND SECURITY
MOTION TO RECALENDAR ADMINISTRATIVELY CLOSED PROCEEDINGS**

The U.S. Department of Homeland Security (DHS) moves the Immigration Judge to recalendar the above-captioned matter. The Immigration Court issued an order administratively closing this case on Tuesday, October 8, 2024. However, based on recent checks, DHS has determined that the respondent has not been accorded any new, lawful permanent status based on collateral relief filed with U.S. Citizenship and Immigration Services (USCIS).

An Immigration Judge may recalendar a case in the exercise of discretion by motion of either party that wishes to place a matter back on the docket for active consideration. *See* 8 C.F.R. § 1003.18(c)(2); *see also Matter of Avetisyan*, 25 I&N Dec. 688, 695 (BIA 2012). A motion to recalendar may be granted when the other party has affirmatively indicated its non-opposition. *See* 8 C.F.R. § 1003.18(c)(3). In deciding whether to recalendar a case, an Immigration Judge must consider the totality of the circumstances. *Id.* § 1003.18(c)(3); *see also id.* § 1003.18(c)(3)(ii) (providing a non-exhaustive list of factors that may be considered with respect to a request to recalendar). An alien's detention status is a particularly important consideration. *Id.* § 1003.18(c)(3)(ii)(H). In cases that were administratively closed to allow the alien to file a petition or application outside of proceedings, Immigration Judges should consider whether such action was taken as well as its ultimate outcome or likelihood of success. *Id.* § 1003.18(c)(3)(ii)(D)–(F).

DHS seeks to recalendar this matter in order to resolve the respondent's case on the merits and prevent unreasonable delay in the resolution of the respondent's removal proceedings. *See Matter of W-Y-U-*, 27 I&N Dec. 17, 20 (BIA 2017); 8 C.F.R. § 1003.18(c)(3)(ii)(A), (G). DHS requests the Immigration Court to exercise its discretionary authority in this case in the "important public interest in the finality of immigration proceedings." *W-Y-U-*, 27 I&N Dec. at



20 (citing *INS v. Abudu*, 485 U.S. 94, 107 (1988)). Accordingly, DHS respectfully requests the Immigration Court grant DHS's motion and place this case back on its active docket.

Respectfully submitted on this Thursday, July 3, 2025.

/S/Matthew S. Gabe

MATTHEW S. GABE
Deputy Chief Counsel

**UNITED STATES DEPARTMENT OF JUSTICE
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ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **U.S. DEPARTMENT OF HOMELAND SECURITY MOTION TO RECALENDAR ADMINISTRATIVELY CLOSED PROCEEDINGS**, it is **HEREBY ORDERED** that the motion be:

☐ Granted ☐ Denied because:

- ☐ Good cause has been established for this motion.
- ☐ The respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ Other: _____

Deadlines:

- ☐ The application(s) for relief must be filed by _____.
- ☐ The respondent must comply with DHS biometrics instructions by _____.

Date _____

MCCLESKEY, LOI
Immigration Judge

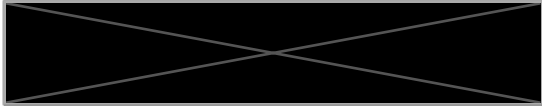
CERTIFICATE OF SERVICE

This document was served by: ☐ Mail; ☐ Personal Service; ☐ Other: _____

To: ☐ Alien; ☐ Alien c/o Custodial Officer; ☐ Alien's Atty/Rep.; ☐ DHS

Date: _____

By: Court Staff _____



PROOF OF SERVICE

On Thursday, July 3, 2025, I, Matthew S. Gabe, an employee or contractor of DHS, caused to be served a copy of this **U.S. DEPARTMENT OF HOMELAND SECURITY MOTION TO RECALENDAR ADMINISTRATIVELY CLOSED PROCEEDINGS** by electronically filing through the EOIR Courts and Appeals System (ECAS), which will automatically send service notifications to both parties that a new document has been filed.

/S/Matthew S. Gabe

MATTHEW S. GABE

