

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

August 23, 1994

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. 1324c Proceeding
) OCAHO Case No. 94C00139
MOURAD ABU REMILEH,)
Respondent.)
_____)

ORDER GRANTING REQUEST FOR SUBSTITUTION OF
ATTORNEY AND FOR EXTENSION OF TIME

On August 8, 1994, Lenore Millibergity, respondent's counsel of record, filed a Motion to Withdraw from representation, premising that request upon her assertion that in January 1994, respondent and respondent's counsel agreed that counsel would no longer represent respondent in these proceedings. Respondent's counsel asserted that she would be unable to answer the Complaint in a timely, adequate and competent manner because she has had no contact with respondent since that time.

On August 16, 1994, because respondent's counsel of record did not qualify her initial representation of respondent, and because respondent's counsel was the only person authorized to receive documents on respondent's behalf, and, finally, because her law office was the only address to which delivery of such documents could be directed, the undersigned denied counsel's Motion to Withdraw.

On August 19, 1994, Richard L. Breitman, Esquire, filed a Notice of Appearance as counsel of record for respondent, and on August 22, 1994, Attorney Millibergity filed a renewed Motion to Withdraw.

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The procedural regulations governing these proceedings provide that withdrawal or substitution of an attorney may be permitted by the Administrative Law Judge upon written motion.

Because successor counsel has filed an entry of appearance in this matter, and for good cause shown, Attorney Millibergity's motion is now being granted, and Attorney Breitman is substituted as respondent's counsel of record.

In his letter, Attorney Breitman also requested an extension of time until September 30, 1994, in which to file an answer to the Complaint.

On August 19, 1994, complainant filed a response to Attorney Breitman's request for extension, in which it asserted that a two week extension for filing an answer, until September 16, 1994, would be sufficient for that purpose.

For good cause shown, the request of respondent's counsel for an extension of time in which to file an answer to the Complaint is granted in full, and it is hereby ordered that, as respondent's counsel has requested, he file an answer to the Complaint with this Office not later than September 30, 1994.

JOSEPH E. MCGUIRE
Administrative Law Judge