



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

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5107 Leesburg Pike, Suite 1903  
Falls Church, Virginia 22041

May 9, 2018

Matthew Hoppock  
DocuFreedom, Inc.  
10985 Cody Street, Suite 130  
Overland Park, KS 66210

Re: FOIA 2018-20736

Dear Mr. Hoppock,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek documents announcing, describing or using the term “no dark courtrooms.”

Enclosed are records responsive to your request. “No dark courtrooms” is a colloquial term for the EOIR case management strategy of not allowing otherwise available courtrooms to go unused (i.e. “dark”) due to a lack of available immigration judges, primarily in relation to the use of Compressed Work Schedule (CWS) by Federal employees. As such, there is no Operating Policies and Procedure Memorandum (OPPM) describing a “no dark courtrooms” policy as such. However, the enclosed e-mails discuss the genesis and application of the strategy. There will be no charge to you for these documents. EOIR has redacted information pursuant to 5 U. S.C. § 552(b)(6) of the FOIA to avoid a clearly unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001,

e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Joseph R. Schaaf  
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2018-20736

## Harrold, Jessica (EOIR)

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**From:** Rooyani, Rodin (EOIR)  
**Sent:** Monday, June 19, 2017 12:10 PM  
**To:** Golparvar, Kuyomars Q. (EOIR); Ortiz-Ang, Susana (EOIR)  
**Cc:** Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR); Maggard, Print (EOIR); Cheng, Mary (EOIR)  
**Subject:** RE: Special ACIJ Meeting - No Dark Courtrooms Discussion - Next Thursday, June 15th at 4:00 PM (EST) - OCIJ Conference Room - 9th Floor - Skyline 6

Susana,

Thank you. I believe Dee actually asked the question about leave restoration and if I recall correctly, ELR stated there is a DOJ wide policy and the follow-up from Dee was if we can have an EOIR position on allowing judges to restore leave under that policy. I have copied Dee to verify.

I think this is a good point as we should under current circumstances allow judges (including ACIJs) to request restoration under the DOJ policy.

Thank you.

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**From:** Golparvar, Kuyomars Q. (EOIR)  
**Sent:** Monday, June 19, 2017 7:40 AM  
**To:** Maggard, Print (EOIR); Keller, Mary Beth (EOIR); McGoings, Michael (EOIR); Bartolomei, Jr. Rico (EOIR); Cheng, Mary (EOIR); Dufresne, Jill (EOIR); Feldman, Irene (EOIR); Griswold, Stephen (EOIR); Hoogasian, Amy C. (EOIR); Mart, H. Kevin (EOIR); McNulty, Sheila (EOIR); Nadkarni, Deepali (EOIR); Rooyani, Rodin (EOIR); Sukkar, Elisa (EOIR); Weil, Jack (EOIR); Loprest, Jr., F. James (EOIR)  
**Cc:** Moutinho, Deborah (EOIR); Carr, Donna (EOIR); Ortiz-Ang, Susana (EOIR); Pasierb, Mark (EOIR); Scheinkman, Rena (EOIR); Reilly, Katherine - OGC (EOIR)  
**Subject:** RE: Special ACIJ Meeting - No Dark Courtrooms Discussion - Next Thursday, June 15th at 4:00 PM (EST) - OCIJ Conference Room - 9th Floor - Skyline 6

All:

Attached are the notes from our discussion last Thursday.

Many thanks to Susanna for compiling!

Best regards,  
Kuyomars "Q" Golparvar

<< File: No Dark Courtrooms.docx >>

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**From:** Golparvar, Kuyomars Q. (EOIR)  
**Sent:** Monday, June 12, 2017 10:11 AM  
**To:** Maggard, Print (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McGoings, Michael (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Bartolomei,



Jr. Rico (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Griswold, Stephen (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Weil, Jack (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
Cc: Roldan, Martin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Moutinho, Deborah (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Carr, Donna (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Kuschel, Mark (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Ortiz-Ang, Susana (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Scheinkman, Rena (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Reilly, Katherine - OGC (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
Subject: RE: Special ACIJ Meeting - No Dark Courtrooms Discussion - Next Thursday, June 15th at 4:00 PM (EST) - OCI Conference Room - 9th Floor - Skyline 6

Correction – The No Dark Courtrooms Discussion will take place this Thursday, June 15<sup>th</sup> at 4 pm (EST).

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From: Golparvar, Kuyomars Q. (EOIR)  
Sent: Friday, June 09, 2017 4:29 PM  
To: Maggard, Print (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McGoings, Michael (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Bartolomei, Jr. Rico (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Griswold, Stephen (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Weil, Jack (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
Cc: Roldan, Martin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Moutinho, Deborah (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Carr, Donna (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Kuschel, Mark (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Ortiz-Ang, Susana (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Pasierb, Mark (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rosen, Scott (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Scheinkman, Rena (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Reilly, Katherine - OGC (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
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Sent on behalf of MaryBeth Keller.....

ACIJs:

In anticipation of our meeting next week I would like everyone to start thinking of possible ways we can reach our goal of not having any dark courtrooms at our detained and non-detained courts.

Currently 87% of IJs are on a Condensed Work Schedule (CWS).

Attached is an IJ chart as it relates to CWS days. My thanks to all of you along with Mary, Q, and Melissa Bauder in gathering and compiling this information so quickly.

The chart gives a total of the number of days that need to be covered and it reflects that only 43 judges are not on CWS, which is roughly 13% of the entire bench.

To reach our goal of no dark courtrooms – we would have to cover the following:

- 108 IJs are off on the 1st Friday
- 119 IJs are off on the 2nd Friday
- 25 IJs are off on the 1st Monday
- 18 IJs are off on the 2nd Monday
- 2 IJs are off on a day other than Friday or Monday.

Among solutions for coverage:



I have invited ELR to our meeting next week. Please think about whether any of these potential solutions would work for the courts you supervise. I, along with the OCIJ Senior Leadership Team, welcome any ideas or possible solutions you would like to propose.

Feel free to send me and the DCIJs any ideas before the meeting and I'll send them out to the group.

I look forward to discussing this with all of you next week!

Best regards,

Mtk

<< File: IJ CWS list - with daily totals.xlsx >>



## Harrold, Jessica (EOIR)

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**From:** Cheng, Mary (EOIR)  
**Sent:** Tuesday, July 25, 2017 11:04 AM  
**To:** Cheng, Mary (EOIR)  
**Subject:** FW: Moving Forward

Mary Cheng  
Deputy Chief Immigration Judge



**From:** Keller, Mary Beth (EOIR)  
**Sent:** Tuesday, July 18, 2017 12:43 PM  
**To:** Bartolomei, Jr. Rico (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Golparvar, Kuyomars Q. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Griswold, Stephen (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Weil, Jack (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
**Cc:** Maggard, Print (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Golparvar, Kuyomars Q. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Burghard, Christina (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
**Subject:** Moving Forward

ACIJs,

As you know, we are moving forward on several tracks to aggressively address our large pending caseload. In addition to our commitment to hire more judges and staff, three significant concepts of focus right now are (1) "no dark courtrooms"; (2) finding docketing efficiencies; and (3) management improvements, particularly through both court and individual performance measurements. We are working to develop nationwide approaches to caseload reduction through these concepts, but in the meantime I ask that you consider ideas or processes that you can implement now that may work in your particular courts. (The arraignment dockets in Los Angeles, the mega masters in New York, the differentiated case management in San Francisco are all examples.) While you are encouraged to put forth your proposals for docketing efficiencies and court management improvements, potentially using new and/or volunteer judges and staff, please keep in mind that individual performance measures for judges and staff are under consideration on a collective basis and will be rolled out more systematically at a later time.

Please put your ideas into a short written proposal to me and the Deputies asap but no later than August 7, 2017. Please allow at least a week before you would like to implement anything new, or expand on what you are already doing. We will review and notify you when you have approval to move forward. I would like to us to begin any projects by August 14, if not before. We are interested in proposals that will make our courts better able to provide fair hearings and fair decisions in a more timely manner, and will look to approve your proposals that help us in accomplishing that goal. To that end, please provide the mechanism you will use to assess whether your proposal is

working, e.g., how you will track disposition rates, or the movement of cases. Finally, this will not be a one time opportunity; we will be happy to consider ideas on a rolling basis as they arise and are developed by you!

Thank you all for your continuing creativity and perseverance,

Mtk

## Harrold, Jessica (EOIR)

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**From:** Feldman, Irene (EOIR)  
**Sent:** Thursday, August 03, 2017 8:35 PM  
**To:** Cheng, Mary (EOIR)  
**Subject:** RE: New judges that EOD on July 24

Mary,

I do not have any judges who started on July 24.

Best,  
Irene

**From:** Cheng, Mary (EOIR)  
**Sent:** Thursday, August 03, 2017 3:05 PM  
**To:** Bartolomei, Jr. Rico (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
**Cc:** Maggard, Print (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
**Subject:** RE: New judges that EOD on July 24

Judges,

As we are moving to no dark courtrooms, we will need to make adjustments to the new judges cws days. The new judges will have to choose a cws day of either Tuesday, Wednesday, or Thursday. We need to even out the Mondays and Fridays. Please adjust the new judges cws days as soon as possible. As the new judges are presently in Falls Church and will be going to training for another two weeks, this will hopefully give us a few weeks to make this adjustment. Thank you for all your continued dedication. It is so very much appreciated!!

Mary Cheng  
Deputy Chief Immigration Judge



**From:** Cheng, Mary (EOIR)  
**Sent:** Thursday, August 03, 2017 2:19 PM  
**To:** Bartolomei, Jr. Rico (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Hoogasian, Amy C. (EOIR) (b) (6) @EOIR.USDOJ.GOV>; McNulty, Sheila (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Loprest, Jr., F. James (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Feldman, Irene (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Mart, H. Kevin (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Sukkar, Elisa (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Nadkarni, Deepali (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Dufresne, Jill (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Rooyani, Rodin (EOIR) (b) (6) @EOIR.USDOJ.GOV>



Cc: Maggard, Print (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Keller, Mary Beth (EOIR) (b) (6) @EOIR.USDOJ.GOV>; Cheng, Mary (EOIR) (b) (6) @EOIR.USDOJ.GOV>  
**Subject:** New judges that EOD on July 24  
**Importance:** High

Judges,

Good afternoon. For the most recent class of judges that EOD on July 24<sup>th</sup>, please let me know if the judge that you are supervising is going to be on an alternate work schedule and if yes, has a cws day been chosen? Please let me know by the COB today. Thanks,

Mary Cheng  
**Deputy Chief Immigration Judge**

