

Law Office of

# Charles Medina

## **Immigration Judge Grants 42A Cancellation of Removal**

**- Client Had 3 Convictions for Drug Possession**

**Client has been a green card holder for 21 years.**

**In 2008 and 2010, he was convicted for possession of methamphetamine and paraphernalia for smoking controlled substance at least 3 times. He also had other minor arrests in the past. He served a few months in jail in 2010 for his last conviction.**

**After he was released from jail, Immigration and Customs Enforcement (ICE) initiated removal proceedings against Client.**

**We were able to obtain cancellation of removal for Client and he has retained his green card because we had successfully presented all the positive factors in his favor.**

Please see the attachment(s) in the next page(s).

Disclaimer: This material is not intended to provide legal advice on any specific concern that the reader may have. The successful outcome of the case described above does not in any way guarantee a similar outcome in any specific legal matter concerning the reader. The reader should seek the advice of any counsel if he or she has a specific immigration problem.  
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CASE NUMBER: [REDACTED]

RESPONDENT: [REDACTED]

- Respondent's status was RESCINDED pursuant to the INA section 246.
- Respondent's motion to WITHDRAW his application for admission was  granted  denied. If the respondent fails to abide by any of the conditions directed by the district director of DHS, then the alternate Order of removal shall become immediately effective without further notice or proceedings: the respondent shall be removed from the United States to \_\_\_\_\_.
- Respondent was ADMITTED as a \_\_\_\_\_ until \_\_\_\_\_ . As a condition of admission, the respondent was ordered to post a \$ \_\_\_\_\_ bond.
- Case was  TERMINATED  with  without prejudice  ADMINISTRATIVELY CLOSED.
- Respondent was orally advised of the LIMITATION on discretionary relief and consequences for failure to depart as ordered.
  - If you fail to voluntarily depart when and as required, you shall be subject to civil money penalty of at least \$1,000, but not more than \$5,000, and be ineligible for a period of 10 years for any further relief under INA sections 240A, 240B, 245, and 248 (INA Section 240B(d)).
  - If you are under a final order of removal, and if you willfully fail or refuse to 1) depart when and as required, 2) make timely application in good faith for any documents necessary for departure, or 3) present yourself for removal at the time and place required, or, if you conspire to or take any action designed to prevent or hamper your departure, you shall be subject to civil money penalty of up to \$500 for each day under such violation. (INA section 274D(a)). If you are removable pursuant to INA 237(a), then you shall further be fined and/or imprisoned for up to 10 years. (INA section 243(a)(1)).
- Other: \_\_\_\_\_

Date: Oct 8, 2010

*Thomas E. Rapp*  
 \_\_\_\_\_  
 Judge

APPEAL:  waived  reserved by  Respondent  DHS  Both

DUE BY:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:  MAIL  PERSONAL SERVICE  
 TO:  DHS  ALIEN  Alien's ATT/REP  ALIEN c/o Custodial Officer  
 DATE: 11/29/10 BY:  COURT STAFF  JUDGE T. Rapp

**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID : [REDACTED] FIN #: [REDACTED] File No: A [REDACTED]  
DOB: [REDACTED] Event No: [REDACTED]

In the Matter of: [REDACTED]

Respondent: [REDACTED] currently residing at:  
45100 NORTH 60TH ST WEST , LANCASTER CALIFORNIA 93536

(Number, street, city and ZIP code) (Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:  
**See Continuation Page Made a Part Hereof**

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:  
**See Continuation Page Made a Part Hereof**

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

**YOU ARE ORDERED** to appear before an immigration judge of the United States Department of Justice at:  
**TO BE SET**

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.  
(Date) (Time)

Date: July 29, 2010  
LOS ANGELES, CA  
*(Signature and Title of Issuing Officer)*  
(City and State)

**See reverse for important information**

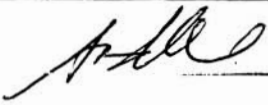
Alien's Name [REDACTED]	File Number # [REDACTED] Event No: [REDACTED]	Date July 29, 2010
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THE SERVICE ALLEGES THAT YOU:  
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1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You were ENTERED to the United States at SAN YSIDRO, CA on or about unknown date as a EWI;
4. Your status was adjusted to that of lawful permanent resident on [REDACTED];
5. You were, on [REDACTED], convicted in the LOS ANGELES COUNTY COURT [at] POMONA for the offense of POSSESSION OF A CONTROLLED SUBSTANCE, to wit: METHAMPHETAMINE, in violation of CALIFORNIA HEALTH AND SAFETY CODE 11377(a).
6. You were, on [REDACTED], convicted in the LOS ANGELES COUNTY COURT [at] POMONA for the offense of POSSESSION OF A SMOKING DEVICE, you did unlawfully possess a device, contrivance, instrument, and paraphenilia used for smoking a controlled substance, in violation of CALIFORNIA HEALTH AND SAFETY CODE 11364(a).
7. You were, on [REDACTED], convicted in the LOS ANGELES COUNTY COURT [at] POMONA for the offense of POSSESSION OF A CONTROLLED SUBSTANCE, to wit: METHAMPHETAMINE, in violation of CALIFORNIA HEALTH AND SAFETY CODE 11377(a).

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:  
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Section 237(a)(2)(B)(i) of the Immigration and Nationality Act, as amended, in that, at any time after admission, you have been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802), other than a single offense involving possession for one's own use of 30 grams or less of marijuana.

Signature 	Title SADM
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