

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

ALI TALEBINEJAD,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00002
)	
)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY,)	
Respondent.)	
)	

Appearances: John J. McGivney, Esq., and David B. Stanhill, Esq., for Complainant
Antonio Morello, Esq., Leon Rodriguez, Esq., and Edward North, Esq., for
Respondent

ORDER GRANTING MOTION FOR WITHDRAWAL AS COUNSEL

On April 14, 2025, counsel for Complainant filed a Motion of Counsel for Leave to Withdraw Their Representation of Complainant. Counsel states that there has been “a complete breakdown of the attorney-client relationship . . . which impairs [their] ability to continue to represent the Complainant effectively and amounts to their having been constructively discharged by Complainant.” Mot. Withdraw 1. In arguing that they should be allowed to withdraw, counsel note that “[t]here are no pending motions in this matter, . . . [w]ritten discovery has been largely completed[,] [d]epositions have yet to be taken and no trial date has been set.” Mot. Withdraw 1–2. Moreover, they affirm that “[t]here is no prejudice to any party caused by the withdrawal of the appearance of undersigned counsel on behalf of the Complainant.” Mot. Withdraw 2.

OCAHO’s Rules provide that “[w]ithdrawal of substitution of an attorney or representative may be permitted by the Administrative Law Judge upon written motion.” 28 C.F.R. § 68.33(g).¹ “While the Rules are silent as to factors to consider in determining whether to grant an attorney’s motion to withdraw . . . counsel was permitted to withdraw where the judge accepted her undertaking that she could not effectively perform attorney responsibilities because she and her client did not agree on the course of action to follow in presenting a defense.” Naginsky v. Dep’t of Defense, 5 OCAHO no. 795, 598, 599 (1995) (citing United States v. Boatright, 3 OCAHO no. 589 (1993)).²

¹ OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

² Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations

In that counsel represent that an irreconcilable conflict exists which prevents their effective representation of their client, and in that the Court finds that there is no prejudice to the Complainant through the withdrawal of counsel, the motion is granted.

SO ORDERED.

Dated and entered on April 16, 2025.

Honorable John A. Henderson
Administrative Law Judge

which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1 and is accordingly omitted from the citation. Published decisions may be accessed through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.