

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

May 24, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2022A00054
)	
HDB NETWORK TECHNOLOGY, INC.,)	
Respondent.)	
_____)	

Appearances: Ryan A. Kahler, Esq., for Complainant
Jimmy Namgyal, Esq., Respondent

ORDER ON RESPONDENT’S MOTION TO WITHDRAW AS COUNSEL

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on August 30, 2022.

On October 18, 2022, Respondent filed an answer.

On May 18, 2023, Respondent filed a motion requesting its counsel, Attorney Jimmy Namgyal, be permitted to withdraw as attorney of record pursuant to 28 C.F.R. § 68.33(g). In support of the motion, Attorney Namgyal states Respondent “decided to terminate its counsel’s representation and executed a letter for termination on May 17, 2023.” Mot. Withdraw 2. Attorney Namgyal attaches the letter of termination, which is signed by Attorney Namgyal and Respondent’s Human Resource Executive Pei Yu. *Id.* at 4. In this letter, Respondent indicates it desires Attorney Namgyal withdraw from the case. *Id.* Attorney Namgyal affirms he would mail all records to Respondent’s last-known address, and informs Respondent of upcoming deadlines. *Id.* Within the letter of termination, Respondent affirms its understanding that “upon attorney’s withdrawal, it is [Respondent’s] sole responsibility to secure the service of a new counsel for this matter.” *Id.* The letter includes an address for Respondent and a phone number and email for Human Resource Executive Pei Yu. *Id.*

“Withdrawal or substitution of an attorney or representative may be permitted by the Administrative Law Judge upon written motion. The Administrative Law Judge shall enter an order granting or denying such motion for withdrawal or substitution.” 28 C.F.R. § 68.33(g)¹ Motions for withdrawal of counsel, when properly filed, are usually granted. This motion is properly filed, and is, thus, a grantable motion. Accordingly, the Court GRANTS Respondent’s Motion to Withdraw as Counsel. *See, e.g., United States v. Butterfly Legwear, Inc.*, 6 OCAHO no. 900, 889, 890 (1996) (noting that “the fact that the client has discharged counsel would be sufficient reason to grant” a motion to withdraw because “an attorney cannot defend a client in a civil or administrative case who does not want her services”) (citations omitted).

This is an e-filing case.² Respondent shall receive service at the email address identified in the motion. *See generally United States v. Technical Marine Maint. Tx., LLC*, 13 OCAHO no. 1312, 12 (2018); *see also Naginsky v. Dep’t of Def.*, 5 OCAHO no. 795, 598, 599 (1995).³ The Court has attached an E-filing Registration Form and instructions to this Order to facilitate the provision of an updated email address for Respondent should it desire to do so.

The Motion to Withdraw is GRANTED. All deadlines remain unaffected by this Order.

SO ORDERED.

Dated and entered on May 24, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

² Attorney Namgyal’s Motion to Withdraw includes a new address for Respondent, as well as an email and phone number for Human Resource Executive Pei Yu. This email will be the default email address for service for this case. If Respondent wishes to use an alternate email address, Respondent can update and submit the attached E-Filing Registration Form.

³ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet 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 in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.