Exhibit A

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DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
TACOMA, WASHINGTON

September 23, 2025

In the Matter of: HERNANDEZ-HERNANDEZ, RIGOBERTO Respondent, In Removal Proceedings	File No. A [redacted]

Immigration Judge: Scala, Theresa
Next Hearing: 9/25/2025

U.S. DEPARTMENT OF HOMELAND SECURITY'S MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW the U.S. Department of Homeland Security ("DHS"), and moves to dismiss removal proceedings, without prejudice, in the exercise of its sole and unreviewable prosecutorial discretion. Specifically, DHS has reviewed the facts and circumstances of the case and determined that circumstances after issuance of the Notice to Appear have changed to such an extent that continuation is no longer in the best interest of the government. 8 C.F.R. §§ 1239.2(c), 239.2(a)(7) and (c).[1]

Dismissal pursuant to this motion is without prejudice and does not constitute a final judgment rendered on the merits of any issue in these proceedings. *See* 8 C.F.R. § 1239.2(c) (providing that dismissal "shall be without prejudice" to the noncitizen or the Department). As appropriate, DHS may, in the exercise of its sole and unreviewable prosecutorial discretion, subsequently seek the respondent's removal, potentially in new removal proceedings.

WHEREFORE, for the reasons stated above, DHS requests this Court grant its motion to dismiss without prejudice.

Respectfully submitted this September 23, 2025.

Taylor Gardner
Assistant Chief Counsel
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

[1] DHS recognizes that the Immigration Court Practice Manual recommends that the party filing a motion "make a good faith effort to ascertain the opposing party's position on the motion" and that a "description of the efforts made to contact opposing counsel" be included if the filing party is unable to ascertain the opposing party's position. EOIR Policy Manual, Part II, Chapter II.5.2(i) (Feb. 14, 2022). However, this unilateral motion to dismiss is based on DHS's determination that this case is not a priority for enforcement and assessment that continuation of the proceedings is therefore "no longer in the best interest of the government." 8 C.F.R. § 239.2(a)(7); *see* 8 C.F.R. § 1239.2(c). Respectfully, the respondent is simply not in a position to opine as to the Department's enforcement priority assessments. In addition, obtaining the respondent's concurrence, or that of the respondent's legal representative, prior to filing this motion would generally require the expenditure of more effort than the preparation, service, and filing of the motion itself. Accordingly, the Department respectfully requests this Court afford the respondent the requisite 10 days to respond to this motion to dismiss pursuant to EOIR Policy Manual, Part II, Chapter II.3.1(b)(1)(A)–(2)(B) (Feb. 14, 2022). *See also* EOIR Policy Manual, App. C (Dec. 16, 2021).

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
TACOMA, WASHINGTON

In the Matter of: HERNANDEZ-HERNANDEZ, RIGOBERTO In Removal Proceedings	**DETAINED** File No. A [redacted]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Motion to Dismiss Without Prejudice,** it is HEREBY ORDERED that the motion be:

[ ] **GRANTED.**

[ ] **DENIED** because: _____

_____

_____

_____

_____ _____
Date Scala, Theresa
Immigration Judge

CERTIFICATE OF SERVICE

This document was served by: [M] Mail; [P] Personal Service; [O] Other: _____

To: [ ] Alien; [ ] Alien c/o Custodial Officer; [ ] Alien's Atty/Rep.; [ ] DHS

Date:_____ By:_____

CERTIFICATE OF SERVICE

I hereby certify and declare under penalty of perjury that, on **September 23, 2025**, I caused to be served the foregoing document and any attachments:

U.S. DEPARTMENT OF HOMELAND SECURITY'S MOTION TO DISMISS WITHOUT PREJUDICE

☐ by placing a true copy thereof in a sealed envelope, with postage thereon to be fully prepaid by normal government process and causing the same to be mailed by first class mail to the person at the address set forth below.

☐ by Inter-Facility mail to the person at the address set forth below.

☒ by electronic filing in ECAS, in accordance with applicable regulations, to the person at the address set forth below.

☐ by commercial carrier to the person at the address set forth below.

☐ by telefaxing with acknowledgment of receipt to the person at the address set forth below.

☐ by hand delivery.

PARTY SERVED:

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