

HS Law Corp.
Otavio Haverroth Silva, SBN#343486
P.O. Box 90487
San Diego, CA 92169
(510) 241-9336

Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the Matter of)
)
Edson de Moura Duarte Filho)
)
In Removal Proceedings)
)
)
)
)

File No. A. 243 152 378

Immigration Judge: **Hon. Eichenberger, Colin P.**

Next Hearing Date: **N/A**

MOTION TO WITHDRAW AS COUNSEL

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MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Otavio Haverroth Silva, attorney of record for the Respondent, and respectfully requests to withdraw as counsel from the Respondent's case before the Board of Immigration Appeals pursuant to 8 C.F.R. § 1292.4(a) and EOIR Policy Manual, Part I, Chapter 5.4(b)(2) – Withdrawal of Counsel (Before the Board) (includes reference to *Matter of Rosales*). As grounds, the undersigned counsel states the following:

1. Respondent is a native and citizen of Brazil. The Respondent's last known address is 3400 Richmond Parkway, Apt. 2703, Richmond, CA 94806.
2. Undersigned counsel previously represented Respondent before the Immigration Court in Concord, California, in removal proceedings. On April 14, 2025, Immigration Judge Colin P. Eichenberger denied Respondent's applications for asylum, withholding of removal, and protection under the Convention Against Torture, and entered an order of removal to Brazil.
3. Thereafter, Respondent retained undersigned counsel under a separate and limited engagement for the purpose of conducting the appeal proceedings before the Board. Pursuant to that engagement, undersigned counsel filed a Notice of Appeal (Form EOIR-26) and a Notice of Entry of Appearance (Form EOIR-27) before the Board on May 14, 2025, establishing undersigned counsel as the primary attorney and practitioner of record in this appeal. The Board acknowledged receipt of the appeal on the same date.

4. The scope of the current representation is limited to the appeal before the Board. As of the date of this motion, no briefing schedule has been issued by the Board.
5. Throughout the course of representation, our office has made several attempts to contact the Respondent via telephone and messages to discuss his case and the status of the appeal. Since November 2025, all attempts to reach the Respondent have been unsuccessful. This lack of communication and cooperation has made it impossible to move forward with the appeal and to provide adequate legal services on his behalf.
6. On September 4, 2025, and September 9, 2025, undersigned counsel sent two formal warning letters to the Respondent at his email address on file (edsonfilho97@outlook.com), requesting that he urgently contact our office to address pending matters related to his case. In those communications, Respondent was expressly informed that his continued silence would be interpreted as a lack of interest in pursuing the case. No response was received.
7. On April 23, 2026, undersigned counsel sent a formal disengagement letter to the Respondent via email at edsonfilho97@outlook.com, formally notifying him of the termination of the attorney-client relationship and the withdrawal of legal representation. The letter was sent in both Portuguese and English. On April 24, 2026, a physical copy of the letter was also mailed to the Respondent at his last known address via USPS Priority Mail (Tracking No. 9405 5301 0935 5370 8426 41). *See* Exhibits 1 and 2.
8. In the disengagement letter, undersigned counsel specifically notified the Respondent of the following pending deadlines, existing obligations, and consequences:
 - (a) That the appeal (Form EOIR-26) was timely filed with the Board on May 14, 2025, and remains pending before the Board;
 - (b) That the next step in the appeal process is the submission of a brief detailing the legal and factual arguments in support of the appeal;
 - (c) That the Board has not yet issued a briefing schedule, and therefore no deadline for the brief has been set as of the date of the letter;
 - (d) That once the Board issues a briefing schedule, failure to timely file a brief may result in summary dismissal of the appeal pursuant to 8 C.F.R. § 1003.1(d)(2)(i)(E);
 - (e) That it is strongly advised that Respondent promptly seek representation by another attorney so that the appeal may proceed in the most appropriate manner and any future brief may be prepared and filed within the deadline set by the Board. *See* Exhibit 1; *see* also Matter of Rosales, 19 I&N Dec. 655 (BIA 1988).

9. Together with the disengagement letter, undersigned counsel provided the Respondent with a complete copy of his records before the Immigration Court and the Board of Immigration Appeals, including the Form EOIR-26 (Notice of Appeal). *See* Exhibit 1.
10. Despite all of the above efforts, the Respondent has not responded to any communication from undersigned counsel since November 2025. The persistent lack of cooperation and communication has caused an irreparable breakdown of the attorney-client relationship, rendering it impossible for undersigned counsel to effectively represent the Respondent in this appeal.
11. Due to the breakdown in communication and the inability to make contact, it was not possible to obtain the Respondent's consent for withdrawal.
12. A copy of this motion is being served on the Respondent by email. *See* Exhibit 3.
13. This motion is being filed in a timely fashion, as no briefing schedule has been issued and no deadlines are currently pending before the Board. Accordingly, the withdrawal will not compromise the interests of the Respondent, who will have the opportunity to retain new counsel before any substantive deadlines arise. *See* Matter of Rosales, 19 I&N Dec. 655 (BIA 1988).

WHEREFORE, the undersigned counsel respectfully requests that the Board:

- (a) **Grant** this Motion to Withdraw as Counsel;
- (b) **Direct** all future correspondence, notices, and briefing schedules to the Respondent at his last known address: 3400 Richmond Parkway, Apt. 2703, Richmond, CA 94806;
- (c) **Grant** the Respondent a reasonable period of time to retain new counsel before any briefing deadlines begin to run; and
- (d) **Grant** any other relief the Board deems just and proper.

Respectfully Submitted,



Otavio Haverroth Silva (Bar N. 343486)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169

Exhibit list

Exhibits:

Pages:

Exhibit 1

E-mail Notifying Respondent of Withdraw as Counsel 1

Exhibit 2

Letter Notifying Respondent of Withdraw as Counsel 2-5

Mail Receipt for Letter Notifying Respondent of Withdraw as Counsel 6

Exhibit 3

E-mail serving Motion to Withdraw as Counsel 7-8

Exhibit 1



Nicolly Moreira Nascimento <nicolly.moreira@yousalaw.com>


Encerramento da Representação Legal / Termination of Legal Representation - Edson De Moura Duarte Filho

3 mensagens

Nicolly Moreira Nascimento <nicolly.moreira@yousalaw.com>

23 de abril de 2026 às 14:44

Para: "edsonfilho97@outlook.com" <edsonfilho97@outlook.com>, Ananda Oliveira <ananda@yousalaw.com>

 eRop Edson de Moura Duarte Filho.pdf

Boa tarde, Edson!

Espero que esta mensagem o encontre bem.

Anteriormente, enviamos duas cartas urgentes referente ao seu caso e à continuidade dos serviços jurídicos contratados.

No entanto, como não recebemos qualquer resposta, apesar das tentativas anteriores de contato, lamentamos informar que estamos nos retirando do seu caso e encerrando nossa representação legal, de acordo com os termos e condições aplicáveis.

Gostaríamos também de informar que estamos encaminhando uma carta formal de encerramento referente ao seu caso.

Caso tenha alguma dúvida ou necessite de esclarecimentos sobre o seu caso ou sobre os próximos passos, permanecemos à disposição.

Good afternoon, Edson!

I hope this message finds you well.

We previously sent you two urgent letters regarding your case and the continuation of the contracted legal services.

However, as we have not received any response despite our prior attempts to contact you, we regret to inform you that we are withdrawing from your case and terminating our legal representation, in accordance with the applicable terms and conditions.

We would also like to inform you that we are sending a formal termination letter regarding your case.

Should you have any questions or require clarification regarding your case or the next steps, we remain at your disposal.

--



Nicolly Moreira
Analista Financeiro

+1 (510) 459-2727



yousalaw.com

 **WITHDRAW - Edson De Moura Duarte Filho, BIA Appeal - Asylum, 1072.pdf**
1267K**Nicolly Moreira Nascimento** <nicolly.moreira@yousalaw.com>

24 de abril de 2026 às 10:49

Para: administrador YOUSA LAW <admin@yousalaw.com>

Exhibit 2

April 22, 2026

Edson de Moura Duarte Filho
3400 Richmond Pkwy (Apt 2703)
Richmond, CA 94806
edsonfilho97@outlook.com

Dear Mr. Edson de Moura Duarte Filho,

I hope this letter finds you well. I am writing to you, in light of the unsuccessful attempts to contact you over the past several months and your failure to comply with your contractual obligations, to formally notify you of the termination of legal representation in your case, in accordance with applicable ethical and legal regulations.

Since November 2025, we have attempted to contact you on multiple occasions by telephone and through messages to discuss your case. However, we have been unsuccessful. This lack of communication and cooperation has made it impossible to move forward with your case and to provide adequate legal services on your behalf.

On September 4 and September 9, we sent two follow-up letters to the email address you provided, requesting that you urgently contact our office to address pending matters. In those communications, we also informed you that your continued silence would be interpreted as a lack of interest in pursuing the case. Once again, we received no response.

In light of these circumstances, there is no alternative but to terminate representation in your appeal before the Board of Immigration Appeals.

I emphasize that effective communication and the exchange of information between the client and the legal team are essential for the proper exercise of professional representation. The absence of such communication constitutes a breakdown in the attorney-client relationship. Given this situation and the inability to maintain effective communication necessary for the continuation of our work, I am compelled to cease providing legal services in connection with your case.

Accordingly, this letter serves as formal notice of the termination of our professional relationship and the withdrawal of representation in your matter.

During the period in which our office represented you, we performed the following actions in your case, in addition to providing ongoing assistance to you:

- Conducted a kick-off meeting;
- Collected relevant documents;

- Prepared and reviewed Form EOIR-26.

The appeal was timely filed with the Board of Immigration Appeals (BIA) through Form EOIR-26 on May 14, 2025. At present, the appeal remains **pending** before the BIA. The next step will be the submission of a **brief**, which is a written document detailing the legal and factual arguments in support of the appeal. However, to date, the BIA **has not yet issued a briefing schedule**, and therefore **there is currently no deadline** for the submission of the brief.

In any event, it is strongly advised that you promptly seek representation by another attorney so that your case may proceed in the most appropriate manner. In this manner, once the BIA establishes a deadline for the filing of the brief, new counsel will be able to prepare and submit it in a timely manner, avoiding any prejudice to the progress of your appeal.

Enclosed with this letter, please find a **complete copy of your records before the Immigration court and the Board of Immigration Appeals**, including Form EOIR-26 (Notice of Appeal from a Decision of an Immigration Judge).

I remain available to provide additional information regarding your case and guidance concerning next steps, should this be necessary.

Thank you for your understanding, and I wish you success in the upcoming stages of your case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Otavio Haverroth Silva".

Otavio Haverroth Silva

Attorney SBN#343486

YOU SA Law Firm

P.O. Box 90487

San Diego, CA 92169

23 de abril de 2026

Edson de Moura Duarte Filho
3400 Richmond Pkwy (Apt 2703)
Richmond, CA 94806
edsonfilho97@outlook.com

Prezado Sr. Edson de Moura Duarte Filho,

Espero que esta carta encontre-o bem. Venho por meio desta, diante das tentativas infrutíferas de contato ao longo dos últimos meses e do não cumprimento por sua parte das obrigações contratuais, notificá-lo do encerramento da representação legal no seu caso, conforme regulamentos éticos e legais aplicáveis.

Desde novembro de 2025, tentamos contatá-lo diversas vezes por telefone e por mensagens para tratar sobre o seu caso. Contudo, não obtivemos sucesso. Essa ausência de colaboração impossibilitou o andamento do processo e a prestação de serviços jurídicos adequados em seu nome.

Nos dias 9 de setembro e 4 de setembro, enviamos, de forma continuada, duas cartas ao seu email informado, solicitando que efetuasse contato urgente com o escritório para dar seguimento às questões pendentes, informando-o ainda que o seu silêncio seria interpretado como falta de interesse na continuidade do processo. Novamente, não obtivemos resposta.

Considerando esse contexto, não há alternativa senão o encerramento da representação no seu processo de apelação junto ao Board of Immigration Appeals.

Destaco que a comunicação e troca de informações entre o cliente e a equipe contratada é indispensável para o adequado exercício da representação profissional, sem a qual se verifica uma quebra de confiança na relação cliente-advogado. Diante dessa situação e da impossibilidade de manter uma comunicação eficaz para a devida continuidade do nosso trabalho, vejo-me obrigado a cessar a prestação dos serviços advocatícios em relação ao seu caso.

Por essa razão, notifico por meio desta o encerramento da representação, formalizando o término da nossa relação profissional.

Durante o período em que nosso escritório o representou, procedemos às seguintes atividades no seu processo, além de atendimentos contínuos ao senhor:

1. Realização de reunião de kick-off;
2. Coleta de documentos;

3. Elaboração e revisão do Formulário EOIR-26;

A apelação foi apresentada ao Board of Immigration Appeals (BIA) dentro do prazo legal, por meio do Formulário EOIR-26, em 14 de maio de 2025. No momento, a apelação encontra-se **pendente de análise** pelo BIA. O próximo passo no processo será a apresentação de um **brief**, que é um documento escrito no qual são explicados, de forma detalhada, os fundamentos e argumentos do recurso. No entanto, até a presente data, o BIA **ainda não emitiu o calendário do caso**, e, portanto, **não há prazo definido** para a apresentação desse brief.

De todo modo, é extremamente aconselhado que o senhor busque obter representação processual por meio de outro advogado, para que o seu caso tramite da forma mais adequada possível. Assim, quando o BIA estabelecer o prazo para a apresentação do brief, este poderá ser preparado e protocolado dentro do prazo legal, evitando prejuízos ao andamento da apelação.

Junto a essa carta, envio uma **cópia da íntegra do seu processo junto à Corte de Imigração e ao Board of Immigration Appeals**, incluindo o Formulário EOIR-26 (Aviso de Apelação de uma Decisão de um Juiz de Imigração).

Permaneço disponível para fornecer informações adicionais sobre seu caso e orientações sobre os próximos passos, se necessário.

Agradeço pela compreensão e desejo sucesso nas próximas etapas.

Atenciosamente,

A handwritten signature in blue ink, appearing to be "Otavio Haverroth Silva".

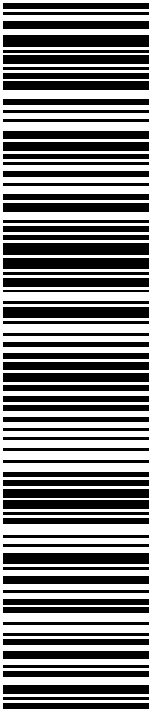
Otavio Haverroth Silva

Advogado SBN#343486

YOU SA Law Firm

P.O. Box 90487

San Diego, CA 92169



USPS TRACKING #

9405 5301 0935 5370 8426 41

EDSON DE MOURA DUARTE FILHO
 APT 2703
 3400 RICHMOND PKWY
 SAN PABLO CA 94806-5289

YOU SA LAW - HS LAW
 OTAVIO H SILVA
 PO BOX 90487
 SAN DIEGO CA 92169-2487

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From: YOU SA LAW - HS LAW
 OTAVIO H SILVA
 PO BOX 90487
 SAN DIEGO CA 92169-2487

To: EDSON DE MOURA DUARTE FILHO
 APT 2703
 3400 RICHMOND PKWY
 SAN PABLO CA 94806-5289

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Exhibit 3



Rafaela Teixeira Silva <rafaela.teixeira@yousalaw.com>

Motion to Withdraw as Counsel – Edson de Moura Duarte Filho

1 mensagem

Rafaela Teixeira Silva <rafaela.teixeira@yousalaw.com>
Para: edsonfilho97@outlook.com
Cc: Ananda Oliveira <ananda@yousalaw.com>

29 de abril de 2026 às 19:03

Dear Mr. Edson de Moura Duarte Filho,

I hope this message finds you well.

As emphasized in all previous letters and emails we have sent, please find attached the **Motion to Withdraw as Counsel**, a document that formalizes the request to withdraw representation before the Board of Immigration Appeals.

Please be reminded that:

Your appeal (Form EOIR-26) was timely filed with the Board of Immigration Appeals on May 14, 2025, and remains pending before the Board. The next step in the appeal process is the submission of a brief. However, the Board has not yet issued a briefing schedule, and therefore there is currently no deadline set for its submission.

It is very important that you seek and retain a new attorney as soon as possible so that your appeal may proceed in the most appropriate manner and any future brief may be prepared and filed within the deadline established by the Board. Failure to timely file a brief once the briefing schedule is issued may result in summary dismissal of your appeal.

I am also attaching, once again, a full copy of your case file (eROP).

If you have any questions regarding the content of this document or the next steps, please do not hesitate to contact us.

Sincerely,

Prezado Sr. Edson de Moura Duarte Filho,

Espero que esta mensagem o encontre bem.

Conforme enfatizado em todas as cartas e e-mails que encaminhamos anteriormente, encaminho em anexo a **Motion to Withdraw as Counsel**, documento que formaliza o pedido de retirada de representação perante o Board of Immigration Appeals.

Lembramos que:

Sua apelação (Formulário EOIR-26) foi protocolada tempestivamente junto ao Board of Immigration Appeals em 14 de maio de 2025 e permanece pendente de análise. O próximo passo no processo de apelação é a apresentação de um brief. No entanto, o Board ainda não emitiu o calendário do caso (briefing schedule), razão pela qual não há prazo definido para sua apresentação até o momento.

É muito importante que o senhor busque e contrate um novo advogado o quanto antes, para que sua apelação prossiga da forma mais adequada possível e o brief possa ser preparado e protocolado dentro do prazo que vier a ser estabelecido pelo Board. O não cumprimento do prazo para apresentação do brief, uma vez emitido o calendário, poderá resultar no arquivamento sumário da apelação.

Estou encaminhando também em anexo, novamente, cópia da íntegra do seu processo (eROP).

Caso tenha alguma dúvida sobre o conteúdo deste documento ou sobre os próximos passos, por favor, não hesite em entrar em contato conosco.

Atenciosamente,

 eROP Edson.pdf



Rafaela Teixeira Silva

LEGAL TEAM

 rafaela.teixeira@yousalaw.com



San Diego, USA & Florianópolis, BR



 **Motion to Withdraw as Counsel - Edson de Moura.pdf**
1040K

Proof of Service

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

MOTION TO WITHDRAW AS COUNSEL

To the following:

<p>Office Location:</p> <p>Office of the Chief Counsel Department of Homeland Security 100 Montgomery Street, Suite 200, San Francisco, CA 94104</p>	<p>Mailing Address:</p> <p>US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel P.O. Box 26449 San Francisco, CA 94126-6449</p>
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by:

- Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



Otavio Haverroth Silva (Bar N. 343486)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
Counsel for Respondent