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Non-Detained

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
100 Montgomery St., Suite 800
San Francisco, CA 94104**

_____)	
In the Matter of)	
)	
Luis Otavio Pinheiro Coelho)	File No. A. 245-928-989
)	
In Removal Proceedings)	
)	
_____)	

Immigration Judge: Seminerio, Frank A.

Next Hearing Date: April 23, 2026, at 10:30 AM

RESPONDENT'S MOTION FOR CONTINUANCE

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In the Matter of)

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File No. A. 245-928-989

RESPONDENT'S MOTION FOR CONTINUANCE

The Respondent, through undersigned counsel, respectfully requests a continuance of the upcoming Master Calendar Hearing currently scheduled for April 26, 2026 at 10:30AM, and in support thereof states as follows:

I. PROCEDURAL POSTURE AND PRIOR COUNSEL ACTION

Undersigned counsel entered an appearance in this matter on March 20, 2026, concurrently filing a Motion to Terminate proceedings. That motion was denied by the Court on April 1, 2026.

Although counsel has appeared and taken initial action in the case, the matter remains at a preliminary stage, and counsel has not yet had a meaningful opportunity to fully develop the factual record or assess all available forms of relief.

II. RESPONDENT IS A MINOR REQUIRING HEIGHTENED PROCEDURAL SAFEGUARDS

Respondent is a minor, born on January 30, 2011, and was approximately thirteen (13) years old at the time of entry into the United States.

The Immigration Court Practice Manual explicitly recognizes that proceedings involving minors require heightened care and deliberate preparation. *See* Immigration Court Practice Manual, Chapter 4.22. These safeguards include scheduling accommodations, courtroom modifications, and ensuring that minors have adequate time and support to present their claims effectively.

Given Respondent's age, additional time is necessary to ensure that any claims for relief are properly identified, developed, and presented in a manner consistent with due process.

III. INTERRELATED PROCEEDINGS – MOTHER'S PENDING AFFIRMATIVE ASYLUM APPLICATION

Critically, Respondent's mother has a pending affirmative asylum application before U.S. Citizenship and Immigration Services arising from the same factual circumstances that form the basis of Respondent's potential claims for relief.

Due to Respondent's placement in removal proceedings, he cannot be included as a derivative beneficiary on his mother's pending asylum application. As a result, Respondent may be required to pursue independent relief before this Court based on the same underlying facts.

Proceeding without allowing sufficient time to coordinate these interrelated matters risks: inconsistent factual findings and potential prejudice to Respondent's ability to fully present his case.

A continuance would allow counsel to assess the status of the mother's asylum application, coordinate legal strategy, and determine the most appropriate procedural path for Respondent.

IV. NEED FOR FACTUAL DEVELOPMENT AND RELIEF ANALYSIS

Given the current posture of the case, additional time is necessary for counsel to: (1) conduct a thorough factual investigation; (2) consult with Respondent and his parent; (3) obtain and review any additional immigration records; (4) gather supporting documentation; and (5) evaluate all potential forms of relief.

Such relief may include, but is not limited to, asylum under INA § 208, withholding of removal, and protection under the Convention Against Torture.

At this stage, without adequate factual development, counsel cannot responsibly enter pleadings, concede removability, or designate forms of relief without risking prejudice to Respondent.

V. GOOD CAUSE EXISTS UNDER 8 C.F.R. § 1003.29

Pursuant to 8 C.F.R. § 1003.29, an Immigration Judge may grant a continuance for good cause shown.

Good cause exists here based on: (1) the procedural posture of the case following the denial of a Motion to Terminate; (2) the absence of a developed evidentiary record; (3) the need to investigate and prepare potential claims for relief; (4) Respondent's status as a minor; and (5) the existence of parallel, interrelated asylum proceedings involving Respondent's mother.

Granting a continuance will promote judicial efficiency, avoid inconsistent adjudications, and ensure that Respondent receives a full and fair opportunity to present his claims.

This Motion is filed in good faith and not for purposes of delay. Rather, it is necessary to ensure effective representation and the proper development of the record in a case involving a minor respondent and complex, interrelated proceedings.

WHEREFORE, Respondent respectfully requests that this Honorable Court grant a continuance of the Master Calendar Hearing to allow sufficient time for preparation, investigation, and coordination of related proceedings.

Respectfully,



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

Proof of Service

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

RESPONDENT'S MOTION FOR CONTINUANCE

To the following:

Office Location:	Mailing Address:
Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	Office of the Principal Legal Advisor Department of Homeland Security Office of the Chief Counsel P.O. Box 26449 San Francisco, CA 94126-644

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.



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