

## Dustin Blake Pead

### Experience

#### **U.S. District Court, District of Utah**

Salt Lake City, Utah

United States Magistrate Judge Appointed under Article I by the Federal District Court to assist District Court Judges in performance of their duties in both criminal and civil matters. In felony and misdemeanor matters, review and issue search and seizure and/or arrest warrants as appropriate, authorize criminal complaints, conduct initial appearances and detention proceedings, hold preliminary hearings, preside over extradition proceedings, conduct guilty plea colloquies, handle miscellaneous pre-trial evidentiary disputes and preside over misdemeanor and petty offense matters. In addition, assist in presiding over the district's reentry courts as needed. In civil matters, with consent of the parties, preside over all aspects of the case including summary judgment and trial and, in referred matters, issue orders on any non-dispositive pre-trial matter or issue reports and recommendations on dispositive matters to the District Court Judge. Typical civil matters include discovery motions, pre-trial case management, scheduling orders, and conducting settlement conferences upon request by litigants or upon referral from District or other Magistrate Judges. (August 2012 - Present.)

#### **Brigham Young University, J. Reuben Clark Law School**

Provo, Utah

Adjunct Professor Teach Immigration Law Skills Lab and Political Asylum and Refugee Law. With respect to the skills lab, draft and compile own lessons and materials on most common applications for relief filed in removal (deportation) proceedings, including asylum and asylum-related relief, adjustment of status with and without waivers, cancellation of removal for permanent and non-permanent residents, and instruct generally on collateral issues such as civil immigration detention and requests for voluntary departure. With respect to asylum, draft and compile own lessons and materials focusing on asylum-related relief including critical procedural and substantive requirements such as filing deadlines, burdens of proof, credibility and corroboration, nexus, the definition of persecution, and whether the harm suffered or feared is attributable to state actors. (January 2013 - Present.)

#### **U.S. Department of Justice, Immigration Court**

West Valley City, Utah

Immigration Judge Conducted removal proceedings initiated by the Department of Homeland Security, including master calendar (arraignment equivalent), bond, and

merits (trial) hearings. Responsibilities included making determinations as to United States or foreign citizenship, finding whether grounds of inadmissibility or removability from the United States are with adequate support and, if so, determining whether the foreign-born national is eligible for any relief from removal including asylum and related applications, cancellation of removal for those illegally within the United States based on certain qualifying relatives and a requisite finding of hardship, cancellation of removal for lawful permanent residents who are subject to deportation based on criminal activities or conduct, and adjustment of status to that of a lawful permanent resident with and without waivers for criminal conduct or activity including VAWA, refugee, and miscellaneous applications relating to fraud or misrepresentation. At trial, responsibilities included ensuring a complete record by ruling on evidentiary issues of admissibility and weight, and making additional inquiry if necessary, particularly in unrepresented cases, as well as exercising appropriate discretion. Responsible for researching claims and issues in advance of hearings and trials and either composing oral or written decisions, which were subject to administrative review by the Board of Immigration Appeals and, if appeal is sought by the foreign-born citizen, to the Tenth Circuit Court of Appeals. (March 2008-August 2012.)

**U.S. Department of Justice, U.S. Attorney's Office**

Salt Lake City, Utah

*Assistant United States Attorney* As a line prosecutor and Immigration Prosecutions Unit Leader, represented the United States in federal court prosecutions for alien smuggling, illegal reentry, marriage and adoption fraud, passport and document fraud, human trafficking offenses, arms export control violations and other immigration or customs-related offenses. Responsibilities included evaluating cases presented for prosecution by OHS, Diplomatic Security Service, FBI, and other federal agencies, drafting and presenting search warrants and criminal complaints to United States Magistrate Judges, presenting proposed indictments to the Grand Jury, defending the United States' interests in detention hearings, composing written briefs on relevant issues, participating in evidentiary hearings, and engaging in oral argument in pre-trial and post-trial motions, and representing the United States at trial, sentencing, and, in some circumstances, on appeal to the Tenth Circuit Court of Appeals. As General Crimes Section Chief, responsibilities included assignment of and supervision over other cases within the section's authority including most commonly identity theft, bank, mail and wire fraud, counterfeiting, public corruption, and program fraud. (February 2003-March 2008.)

**U.S. Department of Justice, Board of Immigration Appeals**

Falls Church, Virginia

*Attorney Advisor* (Attorney General's Honors Program Selection.) Responsible for evaluating administrative records of proceedings to determine whether a hearing was fair and procedural requirements were met, whether applicable statutes,

regulations, and administrative and judicial precedents (all circuits) were correctly interpreted and applied, and whether the evidence was adequate to sustain administrative findings of fact as well as assess whether administrative discretion was properly exercised, and recommended and drafted a formal disposition for the appeal or motion under review. (September 1999-June 2001; September 2002-February 2003.)

**U.S. Senate, Committee on the Judiciary**

Washington, D.C.

Minority Immigration Counsel Reviewed, proposed, and drafted immigration- related legislation for the Ranking Member and for consideration by the full Judiciary Committee. Counseled members and other staff on existing law and policy as well as proposed changes to statute, and analyzed emergent events and political developments pertaining to immigration issues. Recommended courses of action to the Ranking Member, negotiated with other Congressional offices on behalf of the Ranking Member and the Committee and liaised with the interested parties in the House of Representatives, the White House, and various agencies of the executive branch, particularly Departments of Justice and State. (June 2001-September 2002.)

**Northern Virginia Community College**

Alexandria, Virginia

Adjunct Professor Taught Family Law and Estate Planning to prospective law students and paralegals. With respect to family law, instructed as to the elements of a valid marriage, grounds for divorce and annulment and defenses, separation, custody, support, adoption, and prenuptial agreements, with attention to pleadings and procedure. With respect to estate planning, introduced devices used to plan an estate including wills, trusts, joint ownership, and insurance in light of various family situations and estate objectives, with attention to administration of an estate, taxes and preparation of applicable forms. (August 2001-May 2002.)

**U.S. Department of Justice, Immigration Court**

Seattle, Washington

Judicial Law Clerk (Attorney General's Honors Program Selection.) Performed legal research, analyzed relevant issues, and prepared proposed written decisions, judicial orders, and legal memoranda for immigration judges on issues of removability, transmission or acquisition of United States citizenship, asylum, and other forms of relief from removal. Advised and updates judges on administrative and circuit-specific legal developments. Supervised summer internship program. (September 1998-September 1999.)

**U.S. Department of Justice, Immigration and Naturalization Service** Miami, Florida

Clinical Placement Intern Represented the United States' interests before immigration judges in removal proceedings in master calendar, bond, and merits hearings of foreign-born nationals seeking to challenge removability and/or obtain

relief from removal. Primary assignments included cases involving asylum and asylum-related relief, cancellation of removal, and adjustment of status. Drafted briefs on behalf of NS attorneys. Authored internal legal memoranda on issues of import in assigned cases. (September 1997-May 1998.)

### **Education**

**University of Miami, School of Law**

Juris Doctor, May 1998, Cum Laude

Coral Gables, Florida

**University of Utah**

Bachelor of Arts in Political Science, June 1995

Salt Lake City, Utah