

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

June 3, 1997

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324c Proceeding
vs.)	
)	OCAHO Case No. 94C00042
FELICIANO AGUAS-AVALOS,)	
Respondent)	

ORDER OF DISMISSAL-SETTLED

On March 11, 1994, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324c, by having filed a Complaint consisting of two (2)-counts with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging two (2) document fraud violations.

On June 2, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed two (2) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the administrative law judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the administrative law judge.

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to § 68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn his request for hearing on the merits; and
2. That both parties have agreed to dismiss this action; and
3. That each party shall bear its own costs and attorney's fees; and

4. That it is appropriate to grant the parties' Joint Motion to Dismiss based upon the parties' notification made pursuant to § 68.14(a)(2); and

5. That complainant's March 11, 1994 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of the Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter, Esquire
Immigration & Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536
(one copy sent via regular mail)

Joseph Dierkes, Esquire
Immigration & Naturalization Service
9747 North Conant Avenue
Kansas City, Missouri 64153
(one copy sent via regular mail)

Roberta Farrell, Esquire
423 Westport Road, Suite 17
Kansas City, Missouri 64111
(one copy sent via regular mail)

Laurence C. Fauth
Law Clerk to
Joseph E. McGuire
Administrative Law Judge
Office of the Chief Administrative
Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, Virginia 22041
(703) 305-1043