

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

United States of America, Complainant vs. Nu Look Cleaners of
Pembroke Pines Inc., Respondent; 8 U.S.C. § 1324a Proceeding; Case
No. 89100162.

ORDER TO SHOW CAUSE WHY MOTION FOR RECUSAL SHOULD NOT BE DENIED
WITHOUT PREJUDICE

Over date of January 28, 1991, attorney Joel Stewart filed a motion, with an accompanying affidavit, that I recuse myself. Because both the motion and the affidavit are captioned ``Pursuant to Request for Attorney Fees,' I infer that the motion is limited to the Equal Access to Justice Act aspect of this proceeding (5 U.S.C. § 504(a)), and does not extend to any aspect of this proceeding which may arise under 8 U.S.C. § 1324a. The parties are hereby ordered to show cause, on or before 14 days from the date of this Order, why the motion for recusal as to the EAJA proceeding should not be denied, without prejudice, on the ground that the EAJA petition is premature in that it was filed before a final disposition in the adversary adjudication, and before respondent would be able to show that it is a prevailing party. See Auk Bay Concerned Citizen's Advisory Council v. Marsh, 779 F.2d 1391 (9th Cir. 1986); Taylor v. Heckler, 778 F.2d 674, 677-678 (11th Cir. 1985) Miller v. United States, 753 F.2d 270, 273-274 (3d Cir. 1985). Failure to reply will be deemed to constitute consent.

Dated: January 30, 1991.

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