

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

United States of America, Complainant v. Charles K. Bickford, Individually and d/b/a The Doll House Lounge, Respondent; 8 USC 1324A Proceeding; Case No. 88100177.

ORDER ACCEPTING ANSWER

On November 3, 1988 Complainant, the Immigration and Naturalization Service (INS), filed a complaint (8 USC 1324a Proceeding) with the Office of the Chief Administrative Hearing Officer (OCAHO) against Charles K. Bickford, individually and d/b/a the Doll House Lounge (The Respondent). OCAHO docketed the complaint as Case No. 88100177. By date of November 16, 1988 the Chief Administrative Hearing Officer issued a notice of hearing on the INS's complaint, attached a copy of the complaint to the notice of hearing, and mailed both by certified mail to Respondent. Thereafter, on January 10, 1989, an INS special agent made personal service on Bickford by hand-delivering to him a copy of the notice of hearing with attached complaint. By motion for default judgment dated April 17, 1989, the INS asks that Respondent be found in default.

Although his answer to the complaint was due by February 5, 1989, Respondent Bickford did not file his answer until May 19, 1989. Bickford attached to his handwritten answer an explanation for his failure to file his answer sooner. I construe Bickford's explanation and request for an opportunity to defend himself at a hearing as an implied motion to enlarge the time for filing his answer. By letter dated June 15, 1989, Complainant's counsel expressly takes no position on Respondent Bickford's motion for enlargement.

Finding that Respondent Bickford has shown good cause and excusable neglect in failing to file a timely answer, I GRANT Bickford's motion for enlargement and I ACCEPT his answer. ACCORDINGLY, I DENY Complainant's motion for default judgment.

The parties shall move with all deliberate speed with discovery and settlement efforts pending a trial in October (17-19, 24-26) or November (7-9, 14-16, 28-30) 1989. The parties shall confer and agree on two of these alternative hearing dates. Counsel for Complainant may notify me by letter, copy to the Respondent, of the dates of agreed availability. However, the parties are urged to settle the case.

SO ORDERED: This July 14, 1989 at Atlanta, Georgia.

RICHARD J. LINTON,
Administrative Law Judge