

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

IN RE CHARGE OF ROSA GAYTAN

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. §1324b Proceeding
) CASE NO. 92B00242
CREATION & INNOVATION, INC.,)
Respondent.)
_____)

ORDER DIRECTING RESUBMISSION OF
REQUEST FOR SUBPOENA

On March 2, 1993, the Office of Special Counsel(OSC), for the United States of America, Complainant, filed two Applications For Subpoena pursuant to 28 C.F.R. 68.25. Neither application contained any information regarding the relevance or the scope of the documents it wished to subpoena.

I have previously held that, since granting the issuance of a requested subpoena is discretionary, I would make an appropriate decision after reviewing the requesting party's showing of general relevance and reasonable scope of the evidence sought. U.S. v. Beef America Operating Company, OCAHO Case No. 92B00039 ((5/28/92). Even though I have no reason to believe that OSC is requesting unnecessary subpoenas, it is my belief that it is in the interests of justice and fairness to protect third parties from unnecessary involvement in cases before me. Therefore, I direct OSC to refile their requests for subpoenas with the requested showing so that I may properly review their requests.

3 OCAHO 491

IT IS SO ORDERED this 3rd day of March, 1993, at San Diego, California.

E. MILTON FROSBURG
Administrative Law Judge