

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

WALIED SHATER,	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	
	)	OCAHO Case No. 2022B00025
SHELL OIL COMPANY,	)	
Respondent.	)	
	)	

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Appearances: Walied Shater, pro se Complainant  
Ethel J. Johnson, Esq., for Respondent

ORDER ON COMPLAINANT’S DECEMBER 8, 2023 SUBMISSION

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On February 16, 2022, Complainant Walied Shater filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent Shell Oil Company retaliated against him for asserting rights protected under § 1324b.

On April 18, 2023, Complainant filed a Motion for Deposition with the Court. On October 24, 2023, the Court issued an Order on Complainant’s Motions, in which the Court denied Complainant’s Motion for Deposition as both procedurally improper and as premature. Shater v. Shell Oil Co., 18 OCAHO no. 1504, 4 (2023).<sup>1</sup> The Court explained that 28 C.F.R. § 68.22<sup>2</sup> does not require the parties to notify the Court of the deposition, or to move the Court for

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<sup>1</sup> Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

<sup>2</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

permission to conduct the deposition, and that discovery had not yet commenced in this matter. Id.

On December 8, 2023, Complainant filed with the Court a “Notice of Deposition Pursuant to 28 C.F.R. § 68.22.” Complainant addressed the filing to opposing counsel and requested the deposition of witnesses in January 2024 via Zoom.

28 C.F.R. § 68.6(b) provides that “parties shall not file requests for discovery, answers, or responses thereto with the Administrative Law Judge.” As a request for discovery, Complainant’s request for depositions was improperly filed with the Court. The Court therefore rejects this filing and will not consider it. *See, e.g., United States v. Klein’s Kosher Pickle Co.*, 18 OCAHO no. 1500, 1 (2023) (rejecting discovery requests improperly filed with the Court).

Moreover, as the Court explained in its October 24, 2023 Order on Complainant’s Motions, discovery has not yet commenced in this matter. “[G]enerally parties should not initiate discovery until the presiding ALJ has set a discovery schedule or otherwise authorized the start of discovery.” *Ferrero v. Databricks*, 18 OCAHO no. 1505, 7 (2023). If a party believes it is necessary to begin discovery before the ALJ has set a discovery schedule, “the party may seek leave to initiate discovery through the filing of a motion with the presiding ALJ . . . .” Id. (citing 28 C.F.R. § 68.11(a)).

The parties are reminded that they should not initiate discovery until authorized by the Court. Presently pending before the Court is Respondent’s Motion to Dismiss; the Court will rule on this motion in due course.

SO ORDERED.

Dated and entered on December 19, 2023.

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John A. Henderson  
Administrative Law Judge