

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

January 24, 2024

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2023A00073
	)	
R&V STEEL ERECTORS SYSTEMS, INC.,	)	
Respondent.	)	
_____	)	

Appearances: Ricardo Cuellar, Esq., for Complainant  
Jose Noe De Leon, pro se, for Respondent

ORDER GRANTING MOTION TO DISMISS

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On July 3, 2023, Complainant, the U.S. Department of Homeland Security, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, R & V Steel Erector Systems, Inc., failed to prepare and/or present Forms I-9 for 11 individuals, in violation of § 1324a(a)(1)(B).

On September 19, 2023, Respondent filed an Answer.

The Court held several prehearing conferences, during which it learned the parties were in active settlement discussions.

On January 18, 2024, the parties filed a Joint Motion to Dismiss Complaint. The parties have “come to a full agreement and now ask the court to dismiss the instant matter without prejudice,” pursuant to 28 C.F.R. § 68.14(a)(2). Joint Mot. Dismiss Complaint 1. Both Respondent and Complainant’s counsel signed the motion. *Id.*

Pursuant to 28 C.F.R. § 68.14(a)(2), where parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.”

The parties' January 18, 2024 filing provides notice of settlement that comports with 28 C.F.R. § 68.14(a)(2). While the Court may require the filing of a settlement agreement, it declines to do so here.

The parties' Joint Motion to Dismiss is GRANTED, and the case is hereby DISMISSED without prejudice.

This is a Final Order.<sup>1</sup>

SO ORDERED.

Dated and entered on January 24, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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<sup>1</sup> See 28 C.F.R. § 68.2 (A “[f]inal order is an order by an Administrative Law Judge that disposes of a particular proceeding . . . thereby concluding the jurisdiction of the Administrative Law Judge over that proceeding[.]”).

### Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.