

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

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00078
)	
MARIANA PHARMACY,)	
Respondent.)	
)	

Appearances: Zaji Obatala Zajradhara, pro se Complainant
Janet King, Esq., for Respondent

ORDER ON COMPLAINANT’S MOTION FOR EXTENSION

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, Zaji Obatala Zajradhara, filed a complaint with the Officer of the Chief Administrative Hearing Officer (OCAHO) on July 18, 2023. Complainant alleges that Respondent, Marianas Pharmacy, violated 8 U.S.C. § 1324a(a)(1)(B). Respondent filed its answer on November 15, 2023.

On December 19, 2023, Complainant filed Layman’s Motion for Extension to Reply. Respondent has not filed an opposition to the motion.

II. MOTION FOR EXTENSION

In his Layman’s Motion for Extension to Reply, Complainant states that he submitted a Freedom of Information Act (FOIA) request and is “currently awaiting documents regarding this matter.” Layman’s Mot. Extension Reply 1. Complainant states that the information he has requested will help him ascertain the number of employees “requested” by Respondent and whether they “have more than . . . three CW-1 Visa employees.” *Id.* Complainant adds that he plans to seek leave of the court to issue discovery in this matter, describing a communication with Respondent’s counsel. *Id.* Complainant concludes by requesting an additional 21 days to respond.

However, Complainant's motion does not make clear what he intends to respond to, why the information sought in the FOIA is necessary for this proposed response, or (more generally) what action he is requesting this Court take.

Under OCAHO's Rules of Practice and Procedure, motions must "state with particularity the ground therefor, and shall set forth the relief or order sought." 28 C.F.R. § 68.11(a); *see also* A.S. v. Amazon Web Servs. Inc., 14 OCAHO no. 1381f, 3 (2021).¹

This directive has particular force with the motion presently before the Court, where Complainant may be seeking several different forms of relief. Complainant may be indicating he wishes to file a reply to the answer. 28 C.F.R. § 68.9(d) ("Complainants may file a reply responding to each affirmative defense asserted."). If so, the request for an extension may be unnecessary, as OCAHO's Rules of Practice and Procedure set no specific deadlines for replies to answers, *see id.*, and this Court has yet to set any deadlines in this matter.

Alternatively, Complainant may intend the motion to be a discovery request, in light of his intended discovery plans. Layman's Mot. Extension Reply at 1. If so, 28 C.F.R. § 68.6(b) explains that "parties shall not file requests for discovery, answers, or responses thereto with the Administrative Law Judge."

Finally, Complainant may intend to share with the Court his communications with Respondent's counsel. Layman's Mot. Extension Reply at 1. If so, the filing does not contain a motion or request for the Court. 28 C.F.R. § 68.11.

Because of the uncertainty, Complainant's Motion for Extension to Reply is DENIED. Complainant is not precluded from filing another motion in which he clarifies the grounds for the motion and the relief sought, attaching any exhibits he believes necessary to clarify the request. Amazon Web Servs. Inc., 14 OCAHO no. 1381f at 3 (citing Ogunrinu v. Law Res., 13 OCAHO no. 1332f, 1–2 (2020)).

¹ 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 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 "FIM-OCAHO," or in the LexisNexis database "OCAHO," or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

SO ORDERED.

Dated and entered on January 8, 2024.

Honorable John A Henderson
Administrative Law Judge