

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

January 11, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00015
)	
ZARCO HOTELS INCORPORATED,)	
Respondent.)	
_____)	

ORDER ACCEPTING RESPONDENT’S REPLY FILING

This matter arises under the antidiscrimination provisions of the Immigration and Nationality Act, 8 U.S.C. § 1324a.

On November 9, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Zarco Hotels Incorporated.

On December 26, 2023, Respondent timely filed an Answer, and also filed a Motion to Dismiss for Failure to State a Claim.

On December 28, 2023 Complainant filed a response.

Without first seeking leave to do so, Respondent then submitted a filing titled “Response to Complainant Motion to Dismiss” on January 4, 2024.

“OCAHO’s Rules of Practice and Procedure for Administrative Hearings do not allow parties to file replies or sur-replies unless the Court provides otherwise.” *United States v. Space Exploration*

Techs. Corp., 18 OCAHO no. 1499a, 4 (2023)¹ (citing 28 C.F.R. § 68.11(b)).² “A party must seek leave of Court before filing a reply . . . and the decision whether to allow a reply or sur-reply ‘is solely within the judge’s discretion.’” *Id.* (citing *Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1093, 7 (2003), and then citing *Diaz v. Pac. Mar. Assoc.*, 9 OCAHO no. 1108, 3 (2004)).

In contravention of the regulations, Respondent did not seek leave of the Court prior to filing a reply. However, this Respondent is pro se and the reply filing was not opposed by Complainant. The Court will exercise its discretion here in favor of Respondent and accept and consider his reply filing. The Respondent is cautioned that additional reply filings submitted in contravention of the regulation may be rejected.

SO ORDERED.

Dated and entered on January 11, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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 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>.

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