

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

| | | |
|---------------------------------------|---|-----------------------------|
| TRAVIS DARNELL AUSTIN, |) | |
| Complainant, |) | |
| |) | |
| |) | 8 U.S.C. § 1324b Proceeding |
| v. |) | OCAHO Case No. 2023B00009 |
| |) | |
| SPECIALIZED STAFFING SOLUTIONS, INC., |) | |
| Respondent. |) | |
| |) | |

Appearances: Travis Austin, pro se Complainant
Leah Toro, Esq., and Courtney Tedrowe, Esq., for Respondent

ORDER STAYING PROCEEDINGS

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On November 21, 2022, Complainant Travis Austin filed a complaint against Respondent Specialized Staffing Solutions, Inc. (SSSI). Complainant alleges that SSSI discriminated against him on account of citizenship status and national origin, in violation of 8 U.S.C. § 1324b(a)(1); retaliated against him for engaging in § 1324b protected activity, in violation of 8 U.S.C. § 1324b(a)(5); and engaged in unfair documentary practices, in violation of 8 U.S.C. § 1324b(a)(6).

On April 24, 2024, Respondent filed its Motion to Amend Scheduling Order or Stay Proceedings, citing the pending Motion for Sanctions and Motion for Summary Decision. Respondent requests that the scheduling order be amended or alternatively to stay proceeding until the motions have been adjudicated.

The Court notes that Complainant has not responded to the order directing it to produce discovery responses, nor to the motion for sanctions, or to the motion for summary decision.

OCAHO’s rules¹ vest the court with all appropriate powers necessary to regulate the proceeding, including the issuance of a stay. See Hsieh v. PMC – Sierra, Inc., 9 OCAHO no. 1091, 5 (2003) (citing 28 C.F.R. § 68.28).² The issuance of a stay “calls for the exercise of judgment,

¹ 28 C.F.R. pt. 68 (2023).

² 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

which must weigh competing interests and maintains an even balance,” and “should not be granted absent a clear bar to moving ahead.” Heath v. ConsultAdd, 15 OCAHO no. 1395b, 2 (2022) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), and then quoting Monda v. Staryhab, Inc., 8 OCAHO no. 1002, 86, 91 (1998)); *see also* Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021) (citations omitted) (noting that the standard routinely applied for granting an extension of time is good cause).

In light of the significance and breadth of the Respondent’s motions, and Complainant’s failure to respond to either the Court’s most recent order or the pending motions, the Court finds that a stay is appropriate under the circumstances so that it may properly adjudicate the motions in advance of the hearing scheduled in this matter.

The Court therefore STAYS proceedings in this matter pending the issuance of orders on Respondent’s Motion for Sanctions and Respondent’s Motion for Summary Decision.

SO ORDERED.

Dated and entered on April 26, 2024.

John A. Henderson
Administrative Law Judge

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>.