

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

TRAVIS DARNELL AUSTIN,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	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 ON COMPLAINANT’S FILINGS

I. PROCEDURAL HISTORY

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 his 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 January 3, 2023, Respondent filed its Answer and Affirmative Defenses.

On April 24, 2024, Respondent filed a Motion to Amend Scheduling Order or Stay Proceedings. The Court stayed proceedings in its April 26, 2024 Order Staying Proceedings. Austin v. Specialized Staffing Solutions, Inc., 18 OCAHO no. 1513a (2024).

On May 3, 2024, Complainant filed Complainant’s Response to Respondent’s Motion to Stay Proceedings, in which Complainant moved the court to “pursuant to 28 C.F.R. § 2200.63 . . . stay[] proceedings until the outcome of court cases pending in the Illinois Northern District Court.” Complainant’s Resp. Mot. Stay 1. Complainant explained that “both cases involve the validity of United States of America Republic issued documents” and that he “[felt] both of these cases support his national origin claim.” *Id.* Respondent filed a Response to Complainant’s Motion to Stay Proceedings, asking the Court “deny Complainant’s motion to stay the proceedings pending the outcome of two entirely irrelevant federal cases” because the Court had already stayed proceedings pending adjudication of the Respondent’s Motion for Sanctions and Motion for Summary Decision, among other reasons. Resp’t Resp.

Mot. Stay 1. Although the Court addressed the May 3, 2024 filing's attempt to belatedly respond to Respondent's discovery requests, it has not yet addressed Complainant's request for a stay.

On July 22, 2024, Complainant filed Complainant's Request to Respond to Respondent's Motion for Production Request (hereinafter, its "Motion to Supplement Discovery Responses").

On July 31, 2024, the Court granted Respondent's Motion for Sanctions and gave the parties an opportunity to amend their filings related to the Motion for Summary Decision. Austin v. Specialized Staffing Solutions, Inc., 18 OCAHO no. 1513b (2024). The Court did not otherwise lift the stay of proceedings. Id.

II. LAW AND ANALYSIS

A. Complainant's May 3, 2024 Request to Stay Denied as Moot

Complainant seeks a stay of proceedings, however there is already a stay in place, pending adjudication of Respondent's Motion for Summary Judgment. The Court permitted the parties to amend their submissions related to the Respondent's Motion for Summary Judgment in light of the Court's July 31, 2024 Order on Respondent's Motion for Sanctions. The deadline for amendments has not yet past, and the dispositive motion is still under consideration by the Court. In that the previously issued stay of proceedings is still in effect, the Court DENIES AS MOOT Complainant's motion for an additional stay.

Insofar as Complainant seeks a stay which may extend beyond the Court's ruling on the pending dispositive motion, the undersigned does not find that the Complainant has offered sufficient good cause to support this request. While ordinarily parallel cases in different fora might provide good cause for a stay, the cases Complainant cites appears to involve different parties and different legal questions than those presently being adjudicated in this forum. Moreover, Complainant has not demonstrated to the satisfaction of this Court that the fact that many of the documents at issue in this case might be relevant in the other proceedings is a bar to this litigation moving forward. The Court therefore cannot conclude, based on the information provided, that the Complainant would be prejudiced by adjudicating this matter in this forum while the other matters he cites are litigated in federal court. However, Complainant is free to refile his motion should new developments occur in the other matters which provide an independent justification for the requested stay.

B. Complainant's July 22, 2024 Motion to Supplement Discovery Responses is Denied

In Complainant's July 22, 2024 filing, he "moves the Court [...] to respond to Respondent's Motion for production request." Request Respond 1. It is unclear to which of Respondent's filings Complainant is attempting to respond, although based on some of the content of the filing,¹ Complainant appears to address Respondent's discovery requests or the

¹ Complainant's filing concludes with a demand that the Respondent respond to the motion within 21 days of service. This request does not cohere with the rest of the motion, which appears to provide responses to Respondent's requests for production of documents (e.g. "In response to the Respondent[s] Motion for production

Court's order requiring that Complainant provide discovery responses. Id. at 1-2. In other places, Complainant appears to address other motions. Id. at 3.

Of relevance to the matter presently before this Court, Complainant argues that he could not produce the discovery which was the subject of the Court's Order compelling production and later the Order on Sanctions because the information was in a building destroyed by the City of Chicago, and that employees of the City of Chicago either destroyed or stole the information. Request Respond at 2.

Complainant's response is extraordinarily tardy, in places incomplete, and presented with no compelling justification for these deficiencies. 28 C.F.R. § 68.23(d) (stating that evasive or incomplete responses "may be treated as a failure to respond"); *see also Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462e, 5 (2024) (finding that complainant's "statement that she does not have any responsive documents, that everything was disclosed previously, is woefully inadequate"). Complainant offers no affidavit to support this claim. He presents no photographs of the building after its demolition. He does not even say when the building was destroyed, why, or under what circumstances. He argues that there are presently lawsuits filed against the City of Chicago related to this incident, but Complainant presents neither a copy of the complaint nor a case citation. Request Respond at 2. In short, Complainant offers no evidence to support this assertion. Moreover, he offers no explanation for why he failed to present this claim within the timeframes for response that the Motion to Compel and the Order to Compel identified. The Order on the Motion to Compel directed that Complainant must respond by November 17, 2023 — Complainant filed this submission roughly eight months later. The Court requires more than a conclusory assertion in a tardily filed motion to consider modifying its order. Accordingly, the filing is insufficient to alter the Court's prior decision granting the motion for sanctions. The Court therefore DENIES Complainant's motion to supplement his prior discovery requests as MOOT.

SO ORDERED.

Dated and entered on August 30, 2024.

John A. Henderson
Administrative Law Judge

request numbered 1, 4, 6, 7 ..."), and in other places to inform about Complainant's subsequent attempts to obtain employment, including a transcript of a conversation with potential employer. The Court presumes the final paragraph is a scrivener's error.