

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

PITERSON MAXIS REGIS,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00037
)	
VENTURE LOGISTICS, LLC, D/B/A)	
VENTURE TRANSPORT,)	
Respondent.)	
)	

Appearances: Piterson Maxis Regis, pro se Complainant
Amy L. Peck, Esq., Sarah J. Millsap, Esq., and David A. Calles Smith, Esq., for
Respondent
Tamara Hoflejzer Burnett, Esq., for the United States

FINAL ORDER OF DISMISSAL

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On February 1, 2024, Complainant Piterson Maxis Regis filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), asserting that Respondent Venture Logistics, LLC discriminated against him by failing to hire him due to his citizenship status in violation of 8 U.S.C. § 1324b(a)(1)(B). Complainant also alleges that Respondent requested more or different documents than required for the employment eligibility verification process in violation of 8 U.S.C. § 1324b(a)(6).

On August 20, 2024, Complainant submitted a Motion to Withdraw Complaint, stating that the parties had “reach[ed] an agreement on settlement” and that as a result he was “request[ing] to withdraw the charge and the complaint.” Mot. Withdraw 1.

On August 21, 2024, the Court held a prehearing conference to better understand the parties’ positions and to be assured that the pro se litigant fully understood the implications of his request for a dismissal. Amy Peck, Sarah Millsap, and David Calles Smith attended on behalf of Respondent. Complainant attended on his own behalf. The Court inquired as to whether Respondent joined Complainant in his request to withdraw. Respondent joined Complainant’s request and made an oral motion to dismiss the case pursuant to settlement.

The Court then discussed the implications of voluntary dismissal with Complainant, who agreed that pursuant to the settlement agreement he wanted to dismiss his case. Complainant also stated that he understood that the case would not proceed as a result.

The Court inquired whether the parties were seeking dismissal with or without prejudice. Respondent stated that pursuant to the settlement agreement, they were seeking dismissal with prejudice. The Court discussed the implications of dismissal with prejudice with Complainant; Complainant thereafter stated that he joined Respondent's request for the dismissal to be with prejudice.

Satisfied that the parties had met the requirements of 28 C.F.R. § 68.14(a)(2), the Court GRANTS the parties' joint oral motion to dismiss with prejudice pursuant to settlement. The Court therefore DENIES AS MOOT the other pending motions (Respondent's Motion to Dismiss and Respondent's Motion to Strike Complainant's Response).

Although the Court "may require the filing of the settlement agreement," the Court declines to require such a filing in this case. Symplice v. New York City Health and Hosp. Corp., 18 OCAHO no. 1493b, 2 (2024). Following the conference with the parties, the Court finds such a requirement is unnecessary.

The case is hereby DISMISSED with prejudice.

SO ORDERED.

Dated and entered August 29, 2024.

John A. Henderson
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Attorney General. Provisions governing the Attorney General's review of this order are set forth at 28 C.F.R. pt. 68. Within sixty days of the entry of an Administrative Law Judge's final 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.

Any person aggrieved by the final order has sixty days from the date of entry of the final order to petition for review in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business. *See* 8 U.S.C. § 1324b(i)(1); 28 C.F.R. § 68.57. A petition for review must conform to the requirements of Rule 15 of the Federal Rules of Appellate Procedure.