

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

J.L.M., a minor,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2023B00072
)	
COUNTY OF ONEIDA/WORKFORCE)	
DEVELOPMENT,)	
Respondent.)	
)	

Appearances: Jone'sa Montanez-McCarthy, pro se representative for Complainant
David H. Walsh, Esq., for Respondent

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 June 20, 2023, Complainant, J.L.M., filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting a claim of discrimination based on citizenship status arising under 8 U.S.C. § 1324b against Respondent, County of Oneida/Workforce Development. On August 10, 2023, Respondent filed an Answer to the Complaint.

On July 29, 2024, the parties filed a joint Stipulation of Discontinuance. The parties write that the “action is discontinued with prejudice to renewal and without costs to either party as against the other.” Stip. Discontinuance 1. On August 21, 2024, the Court held a status conference with the parties to discuss this filing and to be certain that the pro se litigant understood the implications of the submission. Jone'sa Montanez-McCarthy (Complainant's guardian) appeared on behalf of Complainant, and Attorney David H. Walsh appeared on behalf of Respondent. During the conference, the parties confirmed that they have reached a settlement agreement in this matter and seek dismissal based on settlement. The Court confirmed Complainant's representative's understanding of the dismissal and the effect of a dismissal with prejudice.

Where parties have entered into a settlement agreement, they shall notify the Administrative Law Judge (ALJ) that “the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” 28 C.F.R. §

68.14(a)(2).¹ After reviewing the Stipulation of Discontinuance, and after hearing from the parties at the status conference, the Court finds that dismissal with prejudice based on notice of settlement is appropriate.

Accordingly, the parties' request for dismissal of this action is GRANTED and this matter is DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated and entered on August 29, 2024.

John A Henderson
Administrative Law Judge

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).