

ZAJI ZAJRADHARA,
 Complainant,
 v.
 MANBIN CORPORATION,
 Respondent.

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8 U.S.C. § 1324b Proceeding
 OCAHO Case No. 2024B00012

ORDER AND NOTICE – AMENDED COMPLAINT

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

The Court sent an additional copy of the NOCA and Complaint to an alternate Respondent address on February 20, 2024. That NOCA and Complaint were delivered on March 9, 2024, making an answer due no later than April 8, 2024. See 28 C.F.R. §§ 68.3(a), 68.9(a).

On April 25, 2024, the Court issued (to Complainant) an Order to Show Cause – Jurisdiction & Deficient Complaint. *Zajradhara v. Manbin Corp.*, 19 OCAHO no. 1553 (2024).² The Court directed Complainant to file a response within 30 days of receipt of the order addressing the Court’s subject matter jurisdiction over his national origin discrimination claim, and addressing why his retaliation claim should not be dismissed for failure to state a claim. *Id.* at 3.

On June 4, 2024, Respondent, through counsel, filed an Entry of Appearance, an Answer, and a Motion to Allow Late Filing of Pleading. Respondent requested the Court accept the late-filed Answer. Complainant filed an opposition.

On June 12, 2024, Complainant filed a response to the Court’s Order to Show Cause. Complainant writes that although his Complaint alleged that Respondent employed fewer than four employees, “after further review and investigation, the Complainant realizes this was an error,” and Respondent employs between 4 and 14 employees. Resp. 1. Complainant asked for the opportunity to amend his Complaint to cure this deficiency. *Id.* Separately, on June 17, 2024, Complainant filed a Laymans’ Motion for Addendum Workforce Listing, attaching Commonwealth of the Northern Mariana Islands Department of Labor (CNMI DOL) Workforce Listings for the Respondent from First Quarter 2022 through Fourth Quarter 2023.

On June 25, 2024, the Court issued an Order Discharging Order to Show Cause (In Part) & Accepting Answer. *Zajradhara v. Manbin Corp.*, 19 OCAHO no. 1553a (2024). In that order, the Court first found Complainant satisfied the Order to Show Cause with respect to his national origin claim and granted him the opportunity to amend his Complaint to cure the deficiency. *Id.* at 3–4. Second, it found Complainant did not satisfy the Order to Show Cause with respect to his retaliation claim and dismissed the claim without prejudice. *Id.* at 4–5. Finally, the Court accepted Respondent’s late-filed Answer after it found good cause existed for the late filing. *Id.* at 5.

On September 23, 2024, the Court issued an Order Dismissing Discrimination Claim – National Origin & General Litigation Order. *Zajradhara v. Manbin Corp.*, 19 OCAHO no. 1553b (2024). In the order, the Court dismissed without prejudice Complainant’s national origin discrimination

² Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, 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 through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

claim after he failed to follow the Court's order to amend his complaint to adequately plead the Court's jurisdiction. *Id.* at 3.

On October 16, 2024, Complainant refiled the Layman's Motion for Addendum Workforce Listing from June 17, 2024.

II. ORDER AND NOTICE – AMENDED COMPLAINT

Currently, Complainant's only remaining allegation against Respondent is his claim of citizenship status discrimination. However, due to the Complainant's pro se status and his repeated attempts to litigate his national origin discrimination claim, the Court issues this order to give him a final opportunity to amend his Complaint to adequately plead this Court's jurisdiction over this claim.

The Court previously acknowledged Complainant's original Motion for Addendum Workforce Listing, noting it was "satisfied it has subject matter jurisdiction over Complainant's national origin allegation." *Zajradhara*, 19 OCAHO no. 1553a, at 3. However, Complainant was still required to file an amended complaint to correct the jurisdictional deficiency. Without a complaint pleading the correct factual information demonstrating jurisdiction, the Court cannot adjudicate that portion of a complaint. Stated a different way, the Court will not amend a complaint on behalf of a litigant.

So, to the extent Complainant seeks to pursue a national origin allegation, Complainant is ORDERED to file a motion seeking leave to amend his complaint. Complainant should attach to that motion a proposed amended complaint. OCAHO does have a Complaint Form, which is a way to provide the requisite information needed in an amended complaint. For additional guidance, Complainant is encouraged to consult OCAHO's topical index, found on its website.³

These submissions (motion and an amended complaint) must be submitted within sixty (60) days of the receipt of this Order to be considered timely filed.

SO ORDERED.

Dated and entered on October 22, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

³ The topical index can be found at: <https://www.justice.gov/d9/2024-10/cumulativeindex.pdf>. It is a searchable document organized alphabetically by topic.