

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

October 15, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00120
)	
)	
K-MOMO, INC.,)	
Respondent.)	
_____)	

ORDER GRANTING JOINT MOTION TO DISMISS – FINAL ORDER

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a.

On October 10, 2024, the parties filed a Notice of Settlement and Joint Motion to Dismiss, signed by both counsel. The parties, citing 28 C.F.R. § 68.14(a)(2), “give notice to this Court that the parties have reached a fully settlement of this case,” and “move for dismissal.” Joint Mot. Dismiss 2. The parties do not specify whether they seek dismissal with or without prejudice. The parties attached the executed settlement agreement.

The parties’ filing meets the regulatory requirements.¹

“When the parties fail to identify whether they seek a dismissal with or without prejudice, the Court may look to extrinsic evidence, including the settlement agreement, to determine the parties’ intent.” *United States v. Grove Hotel, LLC*, 18 OCAHO no. 1497a, 2 (2023).² The parties’

¹ Parties shall “[n]otify the Administrative Law Judge [when they] 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).

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

agreement indicates that upon execution of the agreement, “the Respondent’s written request for hearing . . . is hereby withdrawn” Joint Mot. Dismiss, Ex. 1 at 3, that Respondent will pay a designated amount, *id.*, and that the agreement “has been duly approved and authorized and constitutes a binding obligation” on the parties,” Joint Mot. Dismiss, Ex. 1 at 5. Respondent also admits failure to comply with 8 U.S.C. § 1324a. *Id.*, Ex. 1 at 2. These statements indicate the parties’ agreement does not contemplate serial litigation on the same charges. The Court finds dismissal with prejudice appropriate in this case. The parties’ Joint Motion to Dismiss is GRANTED. The case is dismissed with prejudice.

This is a Final Order.³

SO ORDERED.

Dated and entered on October 15, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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 precedents subsequent to Volume 8, 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 in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

³ In conformity with 28 C.F.R. § 68.52(e), this is the Final Order in this case. OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such 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.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.