

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024A00128
)	
)	
RIM MESA LLC, D/B/A ECONO LODGE INN)	
& SUITES,)	
Respondent.)	
)	

Under OCAHO's Rules of Practice and Procedure, to contest a material fact alleged in the complaint or a penalty assessment, a respondent must file an answer. 28 C.F.R. § 68.9(c). The answer must be filed within thirty days of being served with a complaint. 28 C.F.R. § 68.9(a).

One of the ways that this Court may perfect service is by “mailing to the last known address” of the Respondent. 28 C.F.R. § 68.3(a)(3).

Here, service appears to have been perfected on September 30, 2024, making Respondent’s answer deadline October 30, 2024. To date, Respondent has not filed an Answer.

Failure to file an answer “within the time provided may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint. The Administrative Law Judge may enter a judgment by default.” 28 C.F.R. § 68.9(b). “If a default judgment is entered, the request for hearing is dismissed, AND judgment is entered for the complainant without a hearing.” *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004). This Court’s long-established practice, however, is to issue an order to show cause before entering a default. *See United States v. Shine Auto Serv.*, 1 OCAHO no. 70, 444 (1989) (Vacating Order Denying Default Judgment).

Alternatively, OCAHO’s Rules provide, “[a] . . . request for hearing may be dismissed upon its abandonment by the party . . . who filed it” and “[a] party *shall* be deemed to have abandoned a request for hearing if a party . . . fails to respond to orders issued by the Administrative Law Judge.” 28 C.F.R. § 68.37(b)-(b)(1); *see United v. Steidle Lawn*, 17 OCAHO no. 1469a, 2 (2023).

The Court ORDERS Respondent to file an answer, pursuant to 28 C.F.R. § 68.9(c), within 45 days of the date of this Order. The Court further ORDERS Respondent to file a submission demonstrating good cause for its failure to timely file an answer, also within 45 days of the date of this Order.

Should Respondent fail to respond as ordered, or if Respondent is unable to show good cause, the Court may enter a default judgment against Respondent, pursuant to 28 C.F.R. 68.9(b). Alternatively, the Court may find that the Respondent has abandoned its request for hearing.

SO ORDERED.

Dated and entered on November 13, 2024.

Honorable Jean C. King
Chief Administrative Law Judge