

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

October 31, 2024

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00011
)	
COSTA WORLD CORPORATION,)	
Respondent.)	
)	

Appearances: Zaji Obatala Zajradhara, pro se Complainant
Costa World Corporation, pro Respondent

NOTICE & ORDER TO COMPLAINANT – STATUS FOLLOWING
ORDER TO SHOW CAUSE

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

On October 17, 2023, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Officer (OCAHO), alleging Respondent discriminated against him based on national origin and citizenship and retaliated against him in violation of 8 U.S.C. § 1324b(a)(1) and (a)(5).

On October 30, 2023, this office sent Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the Complaint (collectively the Complaint package), via certified U.S. mail. The Complaint package was served on Respondent on November 7, 2023. As previously noted, the Answer was due December 7, 2023. *See* 28 C.F.R. §§ 68.3(a), 68.9(a). Respondent did not file an answer.¹

¹ An answer filed at this juncture would be untimely; however, Respondent is not precluded from submitting an untimely answer with an explanation providing good cause for the delay. *See United States v. Corrales-Hernandez*, 17 OCAHO no. 1454, 3 (2022) (“As to the consideration of untimely filed submissions, the Court employs a standard of good cause in deciding whether to credit a party’s explanations and exercises discretion in accepting a late filing.”).

On April 16, 2024, this Court issued an Order to Show Cause – Jurisdiction & Deficient Complaint, ordering Complainant to submit a filing explaining his position on subject matter jurisdiction and his national origin claim within 30 days of receipt of the order. *Zajradhara v. Costa World Corp.*, 19 OCAHO no. 1546, 3 (2024). The Court also ordered Complainant to submit a filing explaining why his retaliation claim under § 1324b(a)(5) should not be dismissed for failure to state a claim upon which relief can be granted within 30 days of receipt of this order. *Id.*

To date, Complainant has not filed a responsive filing. However, on June 2, 2024 and September 29, 2024, the Complainant sent *ex parte* communications to the Court staff via email to provide unsolicited status updates relative to the filings requested in the April 16, 2024 Order to Show Cause. Because Complainant is *pro se*, and his *ex parte* communications could be construed as attempts to file a motion for an extension (albeit one improperly filed, as neither email contained a certificate of service and Respondent was not copied on the email, among other issues), the Court now ORDERS Complainant to provide a status update on whether he is in a position presently to respond to the Order to Show Cause. In his response, Complainant should propose a reasonable date by which the Court may expect his response to the Order to Show Cause if he is not able to otherwise file it immediately. Complainant must serve this filing on Respondent and provide a Certificate of Service. After receipt of this update, the Court will provide further guidance.

The Court finds this approach appropriate, as it seeks to ensure the *pro se* Complainant has an opportunity to be heard on the threshold issue outlined in the April Order. Separately, the additional time is unlikely to prejudice the Respondent, who has yet to file an answer or otherwise participate in this case.

Complainant's status update submission must be filed by December 20, 2024.

SO ORDERED.

Dated and entered on October 31, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge