

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

January 8, 2025

In re Investigation of:	)	
	)	
SAIL INTERNET, INC.,	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2025S00013
_____	)	

ORDER GRANTING MODIFICATION OF SUBPOENA

The Petitioner, Sail Internet, Inc. seeks an extension of time to comply with the subpoena numbered 2025S00013 filed by the Immigrant and Employee Rights Section, Civil Rights Division of the Department of Justice (IER or the government) in aid of its investigation of Sail Internet, Inc. On December 5, 2024, the undersigned denied Sail Internet Inc.'s Petition to Modify or Revoke the subpoena previously served on it, and ordered Sail Internet to comply within 14 days of the order, or December 19, 2024. The Court issued an amended order on December 18, 2024, to correct a clerical error in the case caption. Petitioner seeks an extension until January 10, 2024, due to the difficulty of responding during the holidays and the passing of an attorney who was assisting in the case. Petitioner did not indicate it had conferred with IER, and IER has not responded to the request.

The petitioner is, procedurally, seeking a further modification of the subpoena. *See In re Investigation of Wal-Mart Distrib. Center #6036*, 5 OCAHO no. 788, 551, 551-552 (1995) (granting extension of time to respond to subpoena). While Petitioner cites to this Court's precedent to argue that Administrative Law Judges have authority to grant an extension of time, these relate to discovery. Mot. 1. The authorities that allow this Court to manage discovery, including extensions of time to respond to discovery requests, do not apply in this context as the authority derives from the Court's authority to manage the case. *See United States v. Chancery Staffing Sols.*, 13 OCAHO no. 1326a, 3 (2019) (citing 28 C.F.R. pt. 68).¹ IER has not brought,

¹ 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 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

and is not a party, to any case involving Sail Internet, Inc., before this forum at this time, thus this subpoena is not brought as part of discovery in a pending case before OCAHO.

Per 28 C.F.R. § 68.25(c), an entity “served with a subpoena who intends not to comply with it has ten days after service of the subpoena in which to file a petition to revoke or modify it.” An untimely petition is “deficient and must be denied for its untimeliness.” *In re Investigation of Space Expl. Techns*, 14 OCAHO no. 1378, 2 (2020) (citing *In re Investigation of Hyatt Regency Lake Tahoe*, 5 OCAHO no. 751, 238, 243 (1995) (denying the petition as untimely because it was filed four days after the statutory filing date)).

Here, Petitioner filed the extension request on December 27, 2024. The order setting a new timeframe to respond to the subpoena is in essence a modification of the subpoena’s original date. The extension request was untimely from the Court’s original order both because it was filed after the period provided to respond to the subpoena had lapsed, and more than ten days after this Court’s order.² However, the amended order did not indicate as such, ordering instead that the response was due 14 days from issuance of that order. In light of this confusion, the Court will consider the motion to modify the subpoena.

In *Wal-Mart Distrib. Center #6036*, 5 OCAHO no. 788, at 551-552, the Administrative Law Judge granted an extension of time to respond to a subpoena where the person due to provide a statement was on medical leave and no prejudice was shown. Similarly, due to the passing of counsel, the modest amount of time requested, and the lack of opposition by IER, the Court will grant the Petition to modify the subpoena to extend the time to respond by the Petitioner. The Petitioner’s response is due January 10, 2025.

SO ORDERED.

Dated and entered on January 8, 2025.

Honorable Jean C. King
Chief Administrative Law Judge

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>.

² The only authority to enforce this subpoena is to apply to seek enforcement in the appropriate district court of the United States pursuant to 8 U.S.C. § 1324b(f)(2) and 28 C.F.R. § 62.25(e). IER may do so at its discretion, thus Petitioner should work with IER on any further timing requests.