

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

MARIA FERNANDEZ,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00024
)	
GMRI, INC.,)	
Respondent.)	
)	

Appearances: Elvis J. Adan, Esq. for Complainant
Sean M. McCrory, Esq., and Matthew Swanger for Respondent

ORDER GRANTING SUBSTITUTION OF COUNSEL
AND CANCELLING PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provision of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant Maria Fernandez filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on November 21, 2023. Complainant alleges that Respondent GMRI, Inc. violated 8 U.S.C. § 1324b(a)(1)(B) by firing her due to her citizenship status.

On February 26, 2024, the Court held a prehearing conference pursuant to 28 C.F.R. § 68.13(a) in which it set a case schedule, including a prehearing conference scheduled for December 18, 2024.

On July 29, 2024, Respondent filed its Motion for Summary Decision, with Exhibits. On August 28, 2024, Complainant filed its Response in Opposition to Respondent's Motion for Summary Decision.

On September 4, 2024, Respondent filed Respondent's Notice of Appearance and Unopposed Motion to Substitute Counsel, requesting that the Court substitute Matthew Swanger as co-counsel for Respondent in place of Monica Rodriguez. On September 5, 2024, Mr. Swanger filed his e-filing registration form.

On September 13, 2024, Respondent filed its Reply Brief in Support of its Motion for Summary Decision.

II. DISCUSSION

Under OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), withdrawal or substitution of counsel is permitted "upon written motion" and permission from the presiding Administrative Law Judge. 28 C.F.R. § 68.33(g). Attorney Swanger's Notice of Appearance and Unopposed Motion to Substitute Counsel fulfills the regulatory requirements of 28 C.F.R. § 68.33(f). Accordingly, the Court GRANTS the motion for substitution. Any filings submitted by Attorney Swanger should be e-filed.¹

In light of the now pending Motion for Summary Decision, the Court will cancel the scheduled December 18, 2024 prehearing conference. If Respondent's Motion for Summary Decision is denied, the Court will solicit a filing from the parties identifying new potential hearing dates and schedule a prehearing conference.

SO ORDERED.

Dated and entered on December 17, 2024.

Honorable John A Henderson
Administrative Law Judge

¹ For clarity, the Court will issue this order to both Attorney Swanger and Attorney Rodriguez, but only Attorney Swanger will be issued following orders.