

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

January 28, 2025

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2025A00021
)	
)	
WALLCON, LLC, D/B/A/ THE WALL)	
COMPANY,)	
Respondent.)	
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Appearances: Conor F. McNulty, Esq., for Complainant
Kathleen Campbell Walker, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO DISMISS (FINAL ORDER)

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

On January 24, 2025, the parties filed a Joint Notice of Settlement and Joint Motion to Dismiss. Citing 28 C.F.R. § 68.14(a)(2), the parties “give notice to this Court that the parties have reached a full settlement of this case and are in agreement to dismiss the action.” Joint Notice 1. The parties did not specify dismissal with or without prejudice. The parties did attach their settlement agreement.

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). Here, the joint motion meets the regulatory requirements.

“[W]hen the parties fail to indicate whether they seek dismissal with or without prejudice,” the presiding Administrative Law Judge may exercise her discretion to determine whether dismissal with or without prejudice is appropriate. *United States v. Martin Landscape Mgmt.*, 19 OCAHO no. 1551b, 4 (2024). Because the parties seek a final resolution of this matter, the Court finds

dismissal with prejudice appropriate. *See id.* at 5 (determining the parties sought dismissal with prejudice based on the contents of the settlement agreement where the joint motion to dismiss did not indicate the parties' preference).

The parties' Joint Motion is GRANTED. The case is DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated and entered on January 28, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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.