

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

January 23, 2025

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

SECOND ORDER TO SHOW CAUSE

I. BACKGROUND

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On September 12, 2024, Complainant, the Department of Homeland Security, Immigration and Customs Enforcement (ICE) filed a complaint alleging that Respondent violated 8 U.S.C. § 1324a(1)(B). Compl. 2-4.

On September 26, 2024, the Court served Respondent's owner with the Complaint, Notice of Intent to Fine, and Notice of Case Assignment Alleging Unlawful Employment (NOCA), collectively the complaint package, via United States Postal Service certified mail. The mail tracking information for the complaint package indicates that it was delivered on September 30, 2024.

On November 13, 2024, the Court issued an Order to Show Cause, ordering Respondent to file an answer and a submission demonstrating good cause for its failure to timely file an answer by December 30, 2024. *United States v. Rim Mesa LLC, d/b/a/ EconoLodge Inn & Suites*, 20 OCAHO no. 1609 (2024).¹ In the Order, the Court put the Respondent on notice that failure to file an answer

¹ Citations to OCAHO precedents after volume eight, where the decision has not yet been reprinted in a bound volume, include the volume and case number of the particular decision. Pinpoint citations 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 through the Westlaw database "FIM OCAHO," the LexisNexis database "OCAHO," and on the United States Department of Justice's website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

could result in the Court concluding that the Respondent had abandoned its request for hearing and dismissing the case, or entering default judgment against it. *Id.* at 2.

To date, Respondent has not filed an answer, nor a good cause filing.

II. LEGAL STANDARDS AND DISCUSSION

As discussed in the prior Order to Show Cause, 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).

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).

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 States v. Steidle Lawn*, 17 OCAHO no. 1469a, 2 (2023).

Given Respondent’s failure to respond to the earlier Order to Show Cause, the Court could enter default against Respondent, *see United States v. Dubose Drilling, Inc.*, 18 OCAHO no. 1487a, 3 (2023), or deem the request for hearing abandoned and dismiss the case, *see United States v. In-Power Motors, LLC*, 19 OCAHO no. 1545a, 2 (2024), at this juncture. The Court, however, will give Respondent one final opportunity to respond.

The Court ORDERS Respondent to file an answer, pursuant to 28 C.F.R. § 68.9(c), within 21 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 21 days of the date of this Order.

If the Respondent does not comply with this Order, the Court will deem Respondent's request for hearing abandoned and the Notice of Intent to Fine will become the Final Order. *See* 28 C.F.R. § 37(b)(1).

SO ORDERED.

Dated and entered on January 23, 2025.

Honorable Jean C. King
Chief Administrative Law Judge