

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

February 19, 2025

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

FINAL ORDER OF DISMISSAL – ABANDONMENT

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.

On January 23, 2025, the Court issued a Second Order to Show Cause, in which it ordered Respondent to file an answer and a submission demonstrating good cause to timely file an answer by February 13, 2025. *United States v. Rim Mesa LLC, d/b/a Econolodge Inn & Suites*, 20 OCAHO no. 1609a (2025). The Court warned Respondent that if it did not comply, the Court would deem Respondent's request for hearing abandoned and the Notice of Intent to Fine would become the Final Order. *Id.* at 3.

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

II. LEGAL STANDARDS AND DISCUSSION

Respondent in this case requested a hearing but has not participated in litigation. The Court previously warned that a "request for hearing may be dismissed upon its abandonment by the party . . . who filed it" and that "[a] party shall be deemed to have abandon a request for hearing if a party . . . fails to respond to orders issued by the Administrative Law Judge." *Rim Mesa*, 20 OCAHO no. 1609a, at 2 (quoting 28 C.F.R. § 68.37(b)-(b)(1)); *see also Rim Mesa*, 20 OCAHO no. 1609, at 2. Moreover, "[i]f the Court deems Respondent's request for hearing abandoned, 'the [Notice of Intent to Fine (NIF)] becomes the final order, and the NIF service date would be the date of assessment.'" *United States v. MSNF Foods 4 LLC*, 17 OCAHO no. 1459d, 2 (2023) (quoting *United States v. Edgemont Grp., LLC*, 17 OCAHO no. 1470b, 6 n.9 (2023) (CAHO Order)).

This Court has issued dismissals for abandonment in similar situations where a respondent failed to respond to Court orders. *See United States v. Alco Constr., Inc.*, 18 OCAHO no. 1517a, 5-6 (2025) (compiling cases); *see, e.g., United States v. Dubose Drilling, Inc.*, 18 OCAHO no. 1487b (2025) (dismissing case where respondent did not file an answer or respond to orders to show cause).

Given Respondent's lack of participation in this case, including its failure to respond to both of the Court's Orders to Show Cause, the Court finds that the Respondent has abandoned its request

for hearing pursuant to 28 C.F.R. § 68.37(b)(1).² The Complaint is DISMISSED and the original Notice of Intent to Fine becomes the final agency order in this matter.

SO ORDERED.

Dated and entered on February 19, 2025.

Honorable Jean C. King
Chief Administrative Law Judge

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO's webpage on the United States Department of Justice's website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

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.