

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

September 27, 2022

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2021B00020
)	
LBC MABUHAY (SAIPAN) INC.)	
Respondent.)	
)	

Appearances: Zaji Obatala Zajradhara, pro se, for Complainant
Colin Thompson, Esq., for Respondent

ORDER GRANTING COMPLAINANT’S REQUEST TO EXTEND DEADLINE TO
RESPOND TO SHOW CAUSE REGARDING AMENDED COMPLAINT

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On February 19, 2021, Complainant Zaji Obatala Zajradhara filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent LBC Mabuhay (Saipan) Inc., alleging that Respondent discriminated against him because of his national origin and citizenship status. Compl. 6.¹

On September 24, 2021, the Court issued an Order to Show Cause Regarding Jurisdiction (OTSC Jurisdiction) requiring Complainant to show cause “demonstrating the Court has jurisdiction over the actions allegedly taken by Respondent alleged in the Complaint.” OTSC Jurisdiction 2.

On April 25, 2022, the Court discharged the Order to Show Cause because Complainant provided a submission stating that Respondent had the jurisdictional number of employees, between four and fourteen employees. *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO

¹ Pinpoint citations to the complaint are to the internal pagination of the PDF file rather than to the page numbers printed at the bottom of the pages.

no. 1423, 3 (2022).² The Court also granted Complainant leave to amend his complaint to include jurisdictional facts because the operative complaint was deficient (it did not specify the number of employees Respondent had). *Id.* at 4. Complainant's amended complaint was due June 13, 2022. *Id.*

The Court warned that "[i]f Complainant fails to amend his complete within the allotted time [of June 13, 2022], his complaint may be dismissed for failure to plead jurisdiction as required by [28 C.F.R.] § 68.7(b)(1)." *Id.*

On July 21, 2022, Respondent filed a Respondent's Notice of Non-Filing of Complainant's Amended Answer,³ wherein Respondent noted that the case should be dismissed for lack of jurisdiction because Complainant had not filed its amended complaint.

On August 10, 2022, the Court issued an Order to Show Cause To Complainant Regarding Amended Complaint. *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423, 2–3 (2022). The Court ordered Complainant to show cause explaining why he failed to timely amend his complaint, and to file his amended complaint. *Id.* at 2. Both submissions were to be filed by August 25, 2022. *Id.* Respondent's answer to the amended complaint would have been due September 26, 2022. *Id.* at 3.

In his "Laymans' Request for Extension" filing dated August 30, 2022 but received on September 13, 2022, Complainant requested "an extension in order to respond and to respond to the various orders." Request Ext. 2. As good cause for the extension, Complainant explains that he is experiencing personal hardship related to his housing situation and employment. *See id.*

The Court has previously considered personal hardship as sufficient good cause for an extension of a deadline in a particular case. *See, e.g., United States v. DeJesus Corrales-Hernandez*, 17 OCAHO no. 1454, 4–5 (2022) (finding that hospitalization of the respondent's family member,

² 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 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 database "FIM-OCAHO," or in the LexisNexis database "OCAHO," or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

³ The Court is appreciative of Respondent's attentiveness to case deadlines. Respondent is not precluded from filing this motion anew should Complainant fail to timely comply with deadlines in this case.

which shifted focus away from his OCAHO case, was sufficient good cause to accept the late filed answer); *United States v. Sal's Lounge*, 15 OCAHO no. 1394c, 5 (2022) (crediting the respondent's medical issues as a factor weighing in favor of a finding of good cause); *see also Woods v. Philips N. Am., LLC*, 14 OCAHO no. 1371, 3 (2020) (finding good cause for failure to answer complaint where, in part, the respondent's counsel "encountered several challenges outside work that may have exacerbated the delay in receiving notice of these proceedings.").

Here, Complainant has demonstrated the requisite good cause for an extension of the deadlines cited in the August 10, 2022 Order to Show Cause. The submissions referenced in the Order to Show Cause Regarding Amended Complaint are extended by 60 days such that the filings are due by November 28, 2022. Respondent's answer to the amended complaint will be due 30 days thereafter.

Complainant is cautioned requests for extension should be filed in advance of the deadline (i.e., received by the Court by the deadline).⁴ However, the Court presumes Complainant's ability to do so may be impacted by his housing issue.

Separately, Complainant must also understand that this extension only applies to the Court's most recent order in this particular case. If Complainant feels an extension is warranted in other matters before OCAHO, he must file an extension request in each individual case, and each request will be subjected to independent review for good cause as it relates to the particular case.

Complainant is once more reminded that should he fail to provide both filings by the date specified, the Court may dismiss the case for failure to plead jurisdiction as required by 28 C.F.R. §68.7(b)(1) and/or for failure to respond to the Court's orders pursuant to 28 C.F.R. § 68.37(b)(1). *See Mbitaze v. City of Greenbelt*, 13 OCAHO no. 1345a, 5 (2020) (stating that the complaint should be dismissed if there is no subject matter jurisdiction); *Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388g, 2–3 (2022) (deeming the complaint abandoned for the complainant's failure to comply with court orders).

SO ORDERED.

Dated and entered on September 27, 2022.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁴ The Court observes that this matter was approved OCAHO's voluntary electronic filing pilot program on August 31, 2022. Electronic service of filings alleviates mail processing delays between the mainland United States and the CNMI.