

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

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00078
MARIANA PHARMACY,)	
Respondent.)	
)	

Appearances: Zaji Obatala Zajradhara, pro se Complainant
Janet King, Esq., for Respondent

ORDER DENYING COMPLAINANT’S
MOTION FOR EXTENSION OF TIME TO FILE A REPLY

Complainant’s request for an extension follows a somewhat circuitous procedural path. On July 18, 2023, Complainant filed a charge with the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent Mariana Pharmacy discriminated against him due to his national origin and citizenship status, and that Respondent retaliated against him in violation of 8 U.S.C. §§ 1324b(a)(1) and (a)(5). Respondent answered the Complaint on November 15, 2023, denying the allegations.

On December 19, 2023, Complainant filed his “Layman’s Motion for Extension to Reply.” In the motion, Complainant was unclear as to which deadline he was seeking an extension of, or why. Accordingly, on January 8, 2024, the Court denied the motion, stating that Complainant was free to refile however Complainant should correct these deficiencies in the refiled submission.

On January 9, 2024, Complainant refiled the motion seeking an extension, titling the motion “Layman’s Motion for Extension to Reply Resubmission 12(b)(6)¹.” In it, Complainant states that he submitted a Freedom of Information Act request for documents which he “believe[s] will prove that [Respondent] has requested more than . . . 3 employees[.]” Layman’s Mot. Extension Reply Resubmission 1. Complainant additionally asserts that the documents he already

¹ Presumably, Complainant’s mention of “12(b)(6)” in his title is a reference to Federal Rule of Civil Procedure 12(b)(6), which provides for dismissal of an action in federal court on the grounds that the complaint “fail[s] to state a claim upon which relief may be granted” Fed. R. Civ. P. 12(b)(6).

received demonstrate that the Respondent has not filed workforce listings in violation of the Commonwealth of the Northern Mariana Islands Department of Labor regulations. Complainant requests that the Court not dismiss his case based on Respondent having less than four employees. Id. Complainant concludes by requesting an additional 21 days to respond. Id. at 2.

While it is somewhat unclear, it appears to the Court that Complainant's motion seeks to delay an order dismissing Complaint's case while Complainant gathers discovery on the number of people that Respondent employed during the relevant time-period.

However, there is no presently pending motion to dismiss filed by the Respondent in this matter. The Court has also not issued a show cause order related to the number of people that Respondent employs. Indeed, the only presently pending dispositive motion is a motion filed by Complainant against Respondent, one which seeks default judgment because of Respondent's otherwise untimely filed Answer. That matter is fully briefed, including a reply filed by Complainant.

As there is no deadline upon which to grant an extension, the Court DENIES AS MOOT Complainant's motion.

SO ORDERED.

Dated and entered on May 13, 2024.

John A. Henderson
Administrative Law Judge