

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

TALHA CIHAD GULCU,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00053
)	
FRAUNHOFER USA,)	
Respondent.)	
)	

Appearances: Talha Gulcu, pro se Complainant
Amy L. Peck, Esq. and William Kang, Esq., for Respondent¹

NOTICE OF CONVERSION TO ELECTRONIC FILING

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. Complainant Talha Cihad Gulcu filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 22, 2024, alleging that Respondent Fraunhoffer USA discriminated against him on the basis of his citizenship status and national origin and retaliated against him in violation of 8 U.S.C. §§ 1324b(a)(1) and (a)(5).

On April 4, 2024, the Court invited the parties to participate in OCAHO's Electronic Filing Pilot Program. On April 8, 2024, counsel for Respondent submitted completed registration and certification forms. To date, Complainant has not submitted a completed registration and certification form. However, the Complaint in this matter includes an email address for Complainant.

This Court typically only enrolls cases in electronic filing when both parties have filed e-filing registration forms. *See* OCAHO Practice Manual, Chapter 3.7(c) (August 22, 2022). However, Complainant is located internationally, in Turkey, raising concerns about the reliability of service and of significant delays in filing by mail. Given the concerns with service and filing

¹ The Complaint lists Respondent's attorney as Mark J. Eby. Compl. 7. Given that the Court has not received a notice of appearance from this individual, the Court has not included him in the appearances on this matter. If an additional attorney wishes to appear for Respondent, that individual must file a notice of appearance in accordance with 28 C.F.R. § 68.33(f).

of documents by mail in this case, both for the parties and for the Court, the Court now advises the parties that it will convert the case to electronic filing unless one or both parties object in a written filing to the Court. The Court will utilize the address for Complainant listed on the Complaint for this purpose. If Complainant would prefer a different email be utilized, he may so indicate in a filing to the Court.

The parties have 30 days from the date of this order to file any objections to the conversion. The Court issues this order both by mail and electronically, to ensure that the parties are in receipt of the Court's order and may object as they deem appropriate. The Court will also include with the email containing this order courtesy copies of all the filings received and orders issued in this case thus far, inclusive of the Respondent's Motion to Dismiss, to ensure service on Complainant.

Given that the Court is sending a courtesy copy of Respondent's Motion to Dismiss by email with this Notice, the Court will exercise discretion to re-set the deadline for Complainant's response to Respondent's Motion to Dismiss until 10 days after the date of this Notice. *See* 28 C.F.R. § 68.11(b).²

The stay of all other proceedings remains in place. *See* Gulcu v. Fraunhofer USA, 19 OCAHO no. 1560 (2024).³

SO ORDERED.

Dated and entered May 16, 2024.

John A. Henderson
Administrative Law Judge

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

³ Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, where the decision has not yet been 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 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>.