

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

May 20, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00075
)	
SUNRISE PRODUCE LLC,)	
Respondent.)	
_____)	

Appearances: Ariel Chino, Esq., for Complainant
Scott Davidson, Esq., for Respondent

SECOND AMENDED FINAL ORDER OF DISMISSAL

On May 16, 2024, the Court issued an Amended Final Order in the above-captioned case; however that order's appeal information was not correct. The Court now amends the Final Order once more to ensure parties have the correct citations and references for appeal.

This case arises under the employment discrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the Department of Homeland Security, Immigration and Customs Enforcement, filed its Complaint on July 6, 2023. Respondent filed an answer on August 15, 2023. On May 14, 2024, the parties filed a Joint Motion to Dismiss Complaint with Prejudice. "The parties have come to a full agreement and now ask the court to dismiss the instant case with prejudice" pursuant to 28 C.F.R. § 68.14(a)(2). J. Mot. Dismiss. 1.

Under 28 C.F.R. § 68.14(a)(2), when parties have entered into a settlement agreement, they shall "[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement." The parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). Although the Court may require the filing of the settlement agreement, it declines to do so in this case. *See* 28 C.F.R. § 68.14(a)(2).

The parties' Joint Motion to Dismiss is GRANTED. The case is DISMISSED with prejudice.

SO ORDERED.

Dated and entered on May 20, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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 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.