

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

ZAJI O. ZAJRADHARA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00021
	)	
	)	
KANG CORPORATION,	)	
Respondent.	)	
	)	

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Appearances: Zaji O. Zajradhara, pro se Complainant  
Mark Scoggins, Esq., for Respondent

ORDER DENYING COMPLAINANT’S  
DECEMBER 2024 MOTIONS TO COMPEL

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On November 15, 2023, Complainant Zaji Zajradhara filed a Complaint with the Office of the Chief Administrative Hearing Officer against Respondent Kang Corporation. Complainant alleges that Respondent discriminated against him on the basis of his citizenship status and national origin in violation of 8 U.S.C. § 1324b(a)(1). On January 18, 2024, Respondent filed an Answer.

On December 16, 2024, Complainant submitted a filing titled Layman’s Response to Final Prehearing Statement and Motion to Compel. Complainant filed a similar motion to compel on December 30, 2024, titled Complainant’s Supra Motion to Compel Discovery.

In both motions, Complainant alleges that Respondent failed to respond to his discovery requests despite numerous requests and Complainant therefore moves for the Court to issue an order compelling production of the same. However, in both motions Complainant fails to include a copy of the requests for discovery, any responses, a certificate of service indicating when the discovery was sent, or a certification of a good faith effort to meet and confer with Respondent prior to filing the motions.

## II. LEGAL STANDARDS AND ANALYSIS

Under OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), parties may request an “order compelling a response” to discovery when “a party upon whom a discovery request is made . . . fails to respond adequately or objections to the requests or to any part thereof.” 28 C.F.R. § 68.23(a).<sup>1</sup> A motion to compel must include:

- (1) The nature of the questions or request;
- (2) The response or objections of the party upon whom the request was served;
- (3) Arguments in support of the motion; and
- (4) A certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure information or material without action by the Administrative Law Judge.

28 C.F.R. § 68.23(b).

Both of Complainant’s motions to compel fail to fulfill the regulatory requirements.<sup>2</sup> Neither contains the “nature of the questions or request,” nor “[a] certification that the movant has in good faith conferred or attempted to confer” with Respondent. 28 C.F.R. § 68.23(b).

In layman’s terms, that means to produce: 1) a copy of the requests sent to the other party, 2) a record showing when you sent them, 3) what they said in response, 4) why you believe you should have the answers and documents you asked for, and 5) a signed document stating that you in good faith tried to work out the dispute before filing the motion with the court (including the date when the conversation or email exchange took place).

These requirements are essential for the Court to properly evaluate whether a moving party is entitled to the discovery it has requested, and—perhaps more fundamentally—whether the discovery was issued at all and if it relates to the claims and defenses in the action. Similarly, the meet and confer requirement prevents the Court from having to adjudicate disagreements which the parties could resolve among themselves, saving finite judicial resources for matters which are truly in dispute.

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<sup>1</sup> 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>.

<sup>2</sup> The Court notes that Complainant’s motion also seeks sanctions against Respondent related to the discovery violations. Insofar as the motions to compel are denied, the motions for sanctions premised on the motions to compel are also denied.

Finally, the Court notes that without a certification of service, the Court cannot determine when the discovery was sent. This is particularly relevant in the matter presently before the Court, in that the General Litigation Order directs that motions to compel shall be filed promptly after the discovery violation is identified, “within 21 calendar days after receipt of a deficient response or after the response to the discovery is due, whichever occurs first.” Gen. Lit. Order 4. The motions were filed roughly four months after the close of discovery. In that Complainant has not produced a certificate of service, the Court cannot ascertain whether that order has been complied with.

Consequently, Complainant’s December 2024 Motions to Compel are DENIED.

SO ORDERED.

Dated and entered on April 22, 2025.

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Honorable John A. Henderson  
Administrative Law Judge