

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

MARTIN MENDOZA,)	
)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	
)	OCAHO Case No. 2024B00095
SONNY YILMAZ, D/B/A TURKONEONONE,)	
LLC,)	
)	
Respondent.)	
_____)	

Appearances: Martin Mendoza, pro se Complainant
Sonny Yilmaz, pro se Respondent

ORDER MEMORIALIZING INITIAL PREHEARING CONFERENCE
AND SETTING CASE SCHEDULE

I. PROCEDURAL HISTORY

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, Martin Mendoza, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on April 1, 2024. Complainant alleges that Respondent, Sonny Yilmaz, doing business as Turkoneonone LLC,¹ discriminated against him because of his national origin and citizenship status, retaliated against him, and asked him for more or different documents than required for the employment eligibility verification process, in violation of 8 U.S.C. §§ 1324b(a)(1), (a)(5), and (a)(6). Compl. § 6.

On August 7, 2024, Respondent emailed OCAHO staff and explained that the mailing address on record was no longer the best way to reach him. He provided

¹ Complainant asserts that Turkoneonone, LLC, operates under the following names: Bella Event Center, Bella Computer Stores, Bella Furniture and Mattress, Sisters Furniture, Lemy Furniture, and Monas Furniture. Compl. § 4.

OCAHO with updated contact information, including his home address and two telephone numbers.

On January 16, 2025, the Court issued an Order Accepting Answer to Complaint and Notification of Respondent's Change of Address. *Mendoza v. Yilmaz*, 21 OCAHO no. 1637 (2025).² Through that Order, the Court accepted Respondent's answer, which was filed with an unsigned certificate of service, as a filing in this case. *Id.* at 7. The Court also ordered Complainant to serve all filings in this case on Respondent at the updated address he provided OCAHO on August 7, 2024. *Id.*

On March 12, 2025, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference.³ *Mendoza v. Yilmaz*, 21 OCAHO no. 1637a (2025). The Court set an initial prehearing conference, pursuant to 28 C.F.R. § 68.13,⁴ for April 17, 2025, "to develop a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing in this matter." *Id.* at 2. The Court explained the rules governing proceedings in this forum, described the OCAHO Settlement Officer Program,⁵ opened discovery, and

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 after Volume 8, 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 in the Westlaw database "FIM-OCAHO," the LexisNexis database "OCAHO," or on OCAHO's homepage on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

³ Because this case is not registered for OCAHO's Electronic Filing Pilot Program, OCAHO issued the Court's Order dated March 12, 2025, by "mailing [it] to the last known address" for each party via United States Postal Service mail, being the address Complainant listed in the complaint and the address Respondent provided OCAHO on August 7, 2024. 28 C.F.R. § 68.3(3).

⁴ OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2024), generally govern these proceedings and are available on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

⁵ EOIR Policy Memorandum 20-16 sets forth the OCAHO Settlement Officer Program and is available at <https://www.justice.gov/eoir/page/file/1300746/download>.

ordered the parties to make their initial disclosures and file prehearing statements no later than twenty-one days from the date of the Order, or by April 3, 2025. *Id.* at 2–8. The Court warned the parties that failure to respond to the Court’s Orders, “including by failing to make initial disclosures, file prehearing statements, or appear at the prehearing conference, may lead to a finding of abandonment and dismissal pursuant to 28 C.F.R. § 68.37(b) or an entry of default pursuant to 28 C.F.R. § 68.9(b).” *Id.* at 8.

Neither party filed its prehearing statement by April 3, 2025. On April 14, 2025, OCAHO staff emailed both parties regarding their failure to file prehearing statements. For the parties’ convenience, OCAHO staff attached a copy of the Court’s Order dated March 12, 2025, to the email, and reminded both parties of the upcoming initial prehearing conference. On April 14, 2025, Complainant responded by email to OCAHO staff and stated that he did not receive the Court’s Order, but he would attend the prehearing conference. Because Respondent did not respond to the email, OCAHO staff called both telephone numbers he provided in his August 7, 2024, email. One telephone number had been disconnected; the other telephone number appeared to be used by another individual. OCAHO staff called the latter telephone number on April 14, 2025, and again on April 15, 2025, but did not reach Respondent and was unable to leave a voice message for him. No mail addressed to Complainant or Respondent was returned to OCAHO.

The Court held the initial telephonic prehearing conference pursuant to 28 C.F.R. § 68.13, as scheduled, on April 17, 2025. Although Complainant attended the prehearing conference, Respondent did not appear. After affording Respondent additional time to join the conference, the Court proceeded with the conference. The Court now issues this order to memorialize the conference pursuant to 28 C.F.R. § 68.13(c).

II. INITIAL PREHEARING CONFERENCE

During the prehearing conference, the Court explained that the purpose of the conference was to set a series of deadlines and processes for the remainder of the case, and that it would issue an order to both parties memorializing what was discussed.

Complainant confirmed to the Court that he intended to proceed pro se in this matter. The Court explained that each party has the right to an attorney but, pursuant to 28 C.F.R. § 68.34, the Court “does not have authority to appoint counsel.”⁶ Should either party choose to retain legal counsel in this matter, the Court

⁶ The Court noted that the State Bar of Texas offers a Lawyer Referral & Information Service. Additional information regarding the service can be found online at

noted that counsel must file a notice of appearance that complies with 28 C.F.R. § 68.33(f).

The Court explained that proceedings in this case would generally be governed by OCAHO's Rules of Practice and Procedure for Administrative Hearings which are available online, including on the United States Department of Justice's website. Should either party desire a physical copy of OCAHO's Rules, the Court noted that they may contact OCAHO staff. The Court emphasized that the parties must familiarize themselves with OCAHO's Rules, including the standards of conduct under 28 C.F.R. § 68.35, and then highlighted several rules.

First, the Court stated that all documents filed with the Court must have a title, a case caption, be signed by the party or their counsel, and contain a separate, signed certificate of service detailing "the manner and date of service" on the opposing party and the Court. 28 C.F.R. §§ 68.6(a), 68.7(a). Because this case is not yet registered for the OCAHO Electronic Filing Pilot Program, the Court noted that the parties must file all documents by one of the methods set forth in OCAHO's Rules, such as filing by United States mail. However, the Court explained that OCAHO would permit either party to email a courtesy copy of its filing to OCAHO, but it must copy the opposing party on its email. Nevertheless, the Court cautioned that the filing would not be deemed filed until OCAHO receives the original, signed filing via United States mail. *Id.* § 68.8(b). The Court cautioned the parties that OCAHO may reject any non-compliant or untimely filings in this case, and that both parties must comply with OCAHO's Rules, including its filing requirements.

Second, the Court said that the parties in this case will have an opportunity to seek discovery and present—and challenge—evidence. *See* 28 C.F.R. § 68.39(c). Discovery is the official process through which a party in litigation may seek information or evidence from the opposing party necessary to support their allegation or defense. The Court said that the general rules for discovery in this forum are outlined in 28 C.F.R. § 68.18 and noted that it had provided additional guidelines for conducting discovery in this case in its Order dated March 12, 2025. *See Mendoza*, 21 OCAHO no. 1637a, at 3–5. The Court explained that, while the parties should work to resolve most discovery disputes, either party may file a motion to compel discovery. *See* 28 C.F.R. § 68.23.

Third, the Court noted that the parties may file dispositive motions, such as a motion to dismiss (which asks the Court to find that the complaint cannot establish liability for a violation even when accepting all of its allegations as true, *see* 28 C.F.R. § 68.10) or a motion for summary decision (which asks the Court to find that the

undisputed facts are sufficient to support judgment in their favor, *see id.* § 68.38).⁷ Once a dispositive motion is filed, the other party will have an opportunity to file a response, but any reply to a response will not be considered unless the party first seeks the Court's permission to file the reply. *Id.* § 68.11(b). The Court explained that the parties may attach evidence in support of their motion or response, such as affidavits and copies of documentary evidence. *Id.* § 68.38(b). The Court reminded the parties that, if they encounter a situation not covered by OCAHO's Rules, they may use the Federal Rules of Civil Procedure as a general guideline. *See id.* § 68.1.

Fourth, the Court encouraged the parties to review the OCAHO Practice Manual⁸ which explains OCAHO's Rules of Practice and Procedure for Administrative Hearings and is an invaluable resource for parties learning how to participate properly in proceedings in this forum. The Court discussed two specific topics which are explained in detail in the OCAHO Practice Manual: the OCAHO Electronic Filing Pilot Program and the OCAHO Settlement Officer Program. *See* OCAHO Practice Manual Chs. 3.7, 4.7.

To participate in the OCAHO Electronic Filing Pilot Program, the Court explained that both parties must submit their written consent or neither party would be eligible to file electronically. OCAHO Practice Manual Ch. 3.7(b). The Court said that OCAHO received Complainant's electronic filing registration and certification form on August 27, 2024, but Respondent has not registered for electronic filing. Accordingly, the Court noted that it cannot register this matter for electronic filing, and the parties must continue to file by one of the methods approved in OCAHO's Rules, such as filing by mail. After explaining that OCAHO would continue to issue orders to the parties by mail, the Court asked Complainant to confirm his best mailing address given that he told OCAHO staff that he did not receive the Court's last order. Complainant then provided the Court with an updated mailing address which OCAHO shall use to issue orders in this case.⁹ The Court advised that should a party's best mailing address change, it is their responsibility to file a notice of

⁷ For more guidance as to how OCAHO adjudicates each type of motion, the parties may review OCAHO's published decisions, which are organized by topic and sub-topic. OCAHO precedent and a topical index of decisions are available on the United States Department of Justice's website at https://www.justice.gov/d9/2025-04/cumulativeindex_04_10_2025_4.pdf.

⁸ The OCAHO Practice Manual is available on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/reference-materials/ocaho>.

⁹ OCAHO has updated Complainant's mailing address on the service list for this matter and shall mail all orders to Complainant's new address of record. The Court directs Respondent to serve his filings on Complainant at his new address of record. This address is listed on the certificate of service attached to this Order.

change of address with the Court and serve that notice on the opposing party. Given the issues with receipt of mail, and at the request of Complainant, the Court said that OCAHO would email courtesy copies of the Court's orders to the parties.¹⁰ The Court then confirmed Complainant's preferred email address. The Court cautioned that the parties must continue to file by mail and are not permitted to file electronically unless or until Respondent submits a completed electronic filing registration form and certification, and the Court issues an order enrolling this case in the OCAHO Electronic Filing Pilot Program.

Additionally, the Court explained that OCAHO offers a voluntary, no-cost, confidential Settlement Officer Program through which the parties can engage in mediation to resolve this case. The Court said that the mediation sessions would be held by telephone or online, and the mediator would be another OCAHO Administrative Law Judge who would assist the parties in settlement discussions. As with the electronic filing program, the Court said that both parties must consent to participate in the Settlement Officer Program. OCAHO Practice Manual Ch. 4.7(a)(3)(A). The Court noted that the parties could file a jointly signed motion consenting to participate in the Settlement Officer Program, to abide by the program's policies and procedures, and to engage in mediation in good faith. The Court would then consider whether a referral to the program was appropriate. The Court asked if the parties had engaged in any settlement negotiations, and Complainant indicated that he has attempted to contact Respondent but has been unable to reach him.

After reviewing these rules and procedures, the Court turned to the allegations in the complaint. The Court confirmed that Complainant alleges claims of national origin and citizenship-status discrimination, retaliation, and document abuse. Regarding his national origin discrimination claim, the Court informed Complainant that it will issue an order of inquiry seeking more information to ensure that the claim is properly before this Court. Complainant also referenced a prior case he filed before the Equal Employment Opportunity Commission that involved similar allegations of discrimination by Respondent. The Court then reviewed Respondent's answer.

The Court asked Complainant whether he made his initial disclosures and why he did not file his prehearing statement as ordered. Complainant explained that he had not done so because he did not receive the Court's Order until OCAHO staff

¹⁰ OCAHO shall issue this Order via United States mail and send a courtesy copy of the Order to the parties' email addresses on file with the Court.

emailed it to him on April 14, 2025.¹¹ The Court said that Respondent also did not file a prehearing statement. The Court again ordered the parties to make their initial disclosures and file their prehearing statements within twenty-one days from the date of this Order. The Court directed the parties to consult its Order dated March 12, 2025, which lists what each prehearing statement should include. *See Mendoza*, 21 OCAHO no. 1637a, at 6–8. The Court explained that the prehearing statements must be filed in accordance with the instructions outlined in the Court’s March 12, 2025, Order. *Id.* The Court again warned the parties that failure to respond to the Court’s orders could result in either the complaint’s dismissal or entry of a default judgment against Respondent pursuant to 28 C.F.R. §§ 68.37(b)–(c).

Finally, the Court set a case schedule in this matter.¹² The Court first addressed the parties’ discovery needs. Complainant noted that the parties had not begun discovery, and he anticipated seeking relevant video footage from Respondent. Given Complainant’s limited discovery needs, he agreed that discovery would close in thirty days, or on May 19, 2025. The Court next addressed the parties’ anticipated motions. Complainant indicated that he intends to file a motion for summary decision. The Court then set a schedule for the filing of dispositive motions and responses. The Court said that dispositive motions must be filed by June 18, 2025, and responses must be filed by July 18, 2025.¹³ The Court noted that OCAHO’s Rules of Practice and Procedure for Administrative Hearings only permit a party to file a reply to a response after seeking permission from the Court. *See* 28 C.F.R. § 68.11(b).

Lastly, the Court scheduled a contested hearing in this matter with a tentative start date of October 14, 2025. *See* 28 C.F.R. §§ 68.39–40. Complainant advised that Dallas, Texas, was a convenient location. The Court explained that it would schedule a final prehearing conference with the parties to set dates for final prehearing filings, including witness and exhibit lists, should this case not be resolved through dispositive motions or by settlement.

¹¹ Given the issues with Complainant’s mail and his change of address, the Court finds that Complainant has demonstrated good cause for his noncompliance with the Court’s Order dated March 12, 2025.

¹² The parties should confer with each other before seeking continuances from the Court through a written motion. The parties shall note in their motion whether the request is agreed or opposed, or detail their attempts to confer should the filing party have been unable to speak with the opposing party. The parties should include at least three agreed dates for rescheduling if the motion is unopposed.

¹³ The Court again reminds the parties to support their filings with affidavits, sworn statements, joint stipulations, admissions, financial statements, records, correspondence, and any other documentary evidence, and that they should use page numbers and label any exhibits alphabetically or numerically.

Because Respondent was not present at the prehearing conference to articulate his position on the appropriate deadlines, the Court explained that Respondent may file a motion with the Court either requesting a prehearing conference or seeking to amend the case schedule. After confirming with Complainant that he did not have any other questions or other items for discussion, the Court adjourned the conference.

III. ORDERS

IT IS ORDERED that within twenty-one days of the date of this Order, the parties shall make their initial disclosures and file their prehearing statements in accordance with the Court's March 12, 2025, Order.

IT IS FURTHER ORDERED that Respondent shall serve his filings in this case on Complainant at his new address of record, namely, the address in this Order's Certificate of Service.

IT IS FURTHER ORDERED that the following schedule shall govern this case:

1. The parties shall complete discovery by May 19, 2025;
2. The parties shall file any dispositive motions by June 18, 2025;
3. The parties shall file any responses to dispositive motions by July 18, 2025; and
4. A hearing in this case is tentatively scheduled to begin on October 14, 2025, in Dallas, Texas.

Failure to respond to the Court's Orders may result in either the complaint's dismissal for abandonment or entry of a default decision against Respondent pursuant to 28 C.F.R. §§ 68.37(b)–(c).

SO ORDERED.

Dated and entered on April 23, 2025.

Honorable Carol A. Bell
Administrative Law Judge