

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

April 24, 2025

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00015
)	
ZARCO HOTELS INCORPORATED,)	
Respondent.)	
_____)	

Appearances: Jodie D. Cohen, Esq., for Complainant
Kian Zarrinnam, pro se Respondent

ORDER GRANTING RESPONDENT’S MOTION FOR LEAVE TO FILE REPLY

This case arises under the employer sanctions provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a.

On February 21, 2025, Respondent filed a Motion to Dismiss.

On March 4, 2025, Complainant filed a Response. That same day, Respondent filed a Reply, but did not seek leave to do so.

On April 21, 2025, the Court issued an order through which it rejected Respondent’s Reply for failure to follow the forum’s guidelines regarding motions practice. Apr. 21, 2025 Order Rejecting Resp’t Reply.

That same day, Respondent filed a Motion Seeking Leave to File a Reply to Complainant’s Response to Respondent’s Motion to Dismiss. Respondent argues a reply will “ensure the Court has a full and accurate record for adjudication,” and that good cause exists for granting leave (“facilitating judicial efficiency”). Finally, Respondent argues Complainant will not be prejudiced should the Court permit him to file a reply.

As the Court explained in its April 21 Order:

Reply briefs assist the Court when they add new evidence or argument to the record on a particular issue. *See Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450j, 4 (2023); *United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475d, 2 (2023). By contrast, a reply brief is not useful when its purpose is one of recycling a previously made argument or noting disagreement with an opposition response.

Even if a reply brief turns out to be useful to the Court, a party's seeking leave before filing the reply is still essential. Seeking leave serves as a docket management tool which separately recognizes the Court's responsibility in curating a clear record on a particular issue.

Apr. 21, 2025 Order at 2.

Here, the Court acknowledges Respondent's pro se status and his desire to address "new legal and factual arguments" raised in Complainant's Response. Mot. Leave 2. Accordingly, the Court will allow Respondent to file a reply brief that is limited to addressing these new arguments. Respondent is cautioned against recycling his original arguments, and is also cautioned against using this reply opportunity to note his disagreement with the opposition filing.

Respondent must file his reply within ten (10) days of the date of this order.

SO ORDERED.

Dated and entered on April 24, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge