

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

April 21, 2025

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

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

ORDER REJECTING RESPONDENT REPLY AND DENYING COMPLAINANT MOTION  
TO STRIKE

I. PROCEDURAL HISTORY

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

On November 9, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Zarco Hotels Incorporated.

On October 24, 2024, the Court granted Complainant's motion to amend the Complaint. *United States v. Zarco Hotels Inc.*, 18 OCAHO no. 1581d (2024).

On November 20, 2024, Respondent filed its Answer to First Amended Complaint.

On February 21, 2025, Respondent filed a Motion to Dismiss. The parties then proceeded to file a flurry of motions and oppositions in rapid succession, to wit:

On March 4, 2025, Complainant filed its Response to Respondent's Motion to Dismiss.

Also on March 4, 2025, Respondent filed its Reply to Complainant's Response to Respondent's Motion to Dismiss (Reply).

On March 10, 2025, Complainant filed a Motion to Strike Respondent's Reply to its Opposition.

On March 11, 2025, Respondent filed its Opposition to Complainant's Motion to Strike, as well as a Motion for Leave to File Reply.

The Court will adjudicate the Motion to Dismiss in a separate order, and for the reasons explained below, it will only consider the March 4, 2025 Complainant Response alongside the Motion to Dismiss.

## II. DISCUSSION

Motion practice in this forum is governed by 28 C.F.R. § 68.11.<sup>1</sup> Responses to written motions must be submitted within ten days after the motion is filed. *Id.* § 68.11(b).

"Unless the Administrative Law Judge provides otherwise, no reply to a response, counter-response to a reply, or any further responsive document shall be filed." *Id.* Therefore, if the presiding Administrative Law Judge has not previously granted the parties permission to file reply briefs, and they wish to do so, they must seek the Court's permission. In practice, this is done by filing a motion seeking leave of the Court to file the reply.

Reply briefs assist the Court when they add new evidence or argument to the record on any 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).<sup>2</sup> 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 any particular issue.

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<sup>1</sup> OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

<sup>2</sup> 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>.

A motion to strike is a tool best reserved for instances involving accepted filings. *See, e.g., Wangperawong v. Meta Platforms, Inc.*, 18 OCAHO no. 1510k, 2–4 (2025) (requesting the Court strike from the complaint language relating to settlement discussions). A motion to strike is premature if a filing has not yet been accepted.<sup>3</sup>

Respondent's reply was filed in contravention to OCAHO's regulations, as Respondent did not seek the Court's leave prior to filing the reply. While this Complainant is pro se, the Court considered he has been engaged in active motion practice in his case, and has demonstrated familiarity with OCAHO's procedural regulations.

Respondent's March 4, 2025 Reply filing is REJECTED.

Complainant's March 10, 2025 Motion to Strike is DENIED as there is nothing in the record to strike.

Respondent's March 11, 2025 oppositional response to the Motion to Strike is a part of the record, but it does not change the result as the motion was denied for other reasons.

SO ORDERED.

Dated and entered on April 21, 2025.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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<sup>3</sup> It is foreseeable that, when one party deviates from procedural requirements (like seeking leave to file a reply), it can cause confusion for the other party as to what is, or is not, in the record.