

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

UNITED STATES OF AMERICA,)	
)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	
)	OCAHO Case No. 2025A00022
IMPACT STAFFING, LLC,)	
)	
Respondent.)	
)	

Appearances: Geoffrey Gilpin, Esq., for Complainant
David L. Miller, Esq., and Elijah A. Turner, Esq., for Respondent

ORDER GRANTING RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE PREHEARING STATEMENT AND RESCHEDULING
INITIAL PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

On November 27, 2024, 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), alleging that Respondent, Impact Staffing, LLC, violated the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. On February 26, 2025, Respondent, through counsel, filed Respondent's Answer to Complainant's Complaint Regarding Unlawful Employment Practices.

On March 25, 2025, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference. The Court ordered the parties to make their initial disclosures and file their prehearing statements with the Court within twenty-one days of the Order, or by April 15, 2025. Mar. 25, 2025, Order for Prehr'g Statements 8. The Court also scheduled an initial prehearing conference with parties for May 1, 2025. *Id.* at 9.

On April 22, 2025, the Court issued an Order on Electronic Filing through which it enrolled this case in OCAHO's Electronic Filing Pilot Program.

On April 23, 2025, Complainant filed Complainant's Prehearing Statement. Also, on that date, Respondent's counsel emailed OCAHO staff and copied Complainant's counsel. Through that email, Respondent's counsel, on behalf of both parties, requested that the Court reschedule the initial prehearing conference in this matter to one of three proposed dates and times. Further, Respondent's counsel noted that he would be filing a motion seeking an extension until May 8, 2025, to file Respondent's prehearing statement and to serve initial disclosures.

On April 24, 2025, Respondent filed Respondent Impact Staffing, LLC's Unopposed Motion for Extension of Time to File Prehearing Statement.¹

II. LEGAL STANDARDS AND DISCUSSION

Pending before the Court is Respondent Impact Staffing, LLC's Unopposed Motion for Extension of Time to File Prehearing Statement. Through the motion, Respondent represents that it "has been working to gather necessary information and documents to prepare for the prehearing statement and conference," and therefore "requests an extension of time to file its prehearing statement on May 8, 2025." Mot. Extension 1-2. Because its requested extension "would bypass the current date of May 1, 2025, for the prehearing conference," Respondent moves the Court to reset the conference and proposes three alternate dates for the conference. *Id.* at 2. Respondent's counsel states that he "has conferred with counsel for Complainant, and no objections have been made to the extension of both the filing of the prehearing statement and prehearing conference." *Id.* Lastly, Respondent represents that "[t]his motion is made in good faith and not for the purposes of delay." *Id.*

Although Respondent has not formally moved for an extension of the Court's deadline for initial disclosures, given counsel's communication to OCAHO staff on April 23, 2025, that he intended to seek additional time, the Court exercises its discretion and accepts Respondent's email requesting an extension of time to make its initial disclosures as a filing in this case and incorporates that request into its motion pending before the Court. *See* 28 C.F.R. § 68.36 (providing for the receipt of communications from parties for purposes of requesting extensions of time);² *see also*

¹ In the introduction to the motion, Respondent states that the title of its motion is "Motion for an Extension of Time to File a Prehearing Statement and Reset the Prehearing Conference." Mot. Extension 1.

² 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

United States v. Muniz Concrete & Contracting, Inc., 19 OCAHO no. 1535b, 5 (2024) (exercising discretion and accepting as a filing the parties’ email seeking an extension of time to file prehearing statements and to reschedule a prehearing conference); *Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462c, 3 (2023) (exercising discretion and accepting as a filing a request contained in the body of an email).³

“OCAHO’s Rules of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *United States v. Space Expl. Techs., Corp.*, 18 OCAHO no. 1499, 5 (2023). *See also* Fed. R. Civ. P. 6(b)(1) (“When an act may be or must be done within a specified time, the court may, *for good cause*, extend the time”) (emphasis added).⁴ For a party to show good cause, there typically must be “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021).

While Respondent has not described the “necessary information and documents” it has been working to gather or why that process necessitates additional time, the Court credits Respondent’s assertion that its unopposed motion—which was filed after conferring with Complainant—was made in good faith and not to delay this case. Although Respondent filed its motion after the Court’s deadline for initial

<https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

³ 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>.

⁴ OCAHO’s Rules provide that, “in any situation not provided for or controlled by these rules, by the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation,” the Federal Rules of Civil Procedure may be used as a “general guideline.” 28 C.F.R. § 68.1.

disclosures and prehearing statements,⁵ the Court finds no evidence of bad faith by Respondent or prejudice to Complainant given the lack of opposition and the posture of this case which is in the early stages and in which no case schedule or hearing has been set. *See* 4 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (4th ed. 2023) (“[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”). Moreover, this is Respondent’s first extension request, and the requested extension of time is relatively short—twenty-three days—and therefore will not substantially impact these proceedings. Accordingly, the Court finds good cause exists for the extension. *See, e.g.*, *Space Expl. Techs. Corp.*, 18 OCAHO no. 1499, at 7 (finding good cause for extension of answer deadline where the motion was agreed, it was the first requested extension, and the thirty-day extension was unlikely to impact substantially the proceedings).

Respondent also moves the Court to reschedule the initial prehearing conference in this matter. Mot. Extension 2. Respondent and Complainant have proposed three agreed dates for the rescheduled conference. *Id.* The basis for this request is the extension of time Respondent requires to make its initial disclosures and file its prehearing statement with the Court before the conference. Having found that good cause exists for that extension and having considered that Respondent’s request to reset the conference is unopposed, the Court shall reschedule the initial prehearing conference.

The Court now grants Respondent Impact Staffing, LLC’s Unopposed Motion for Extension of Time to File Prehearing Statement. Respondent shall file its prehearing statement with the Court no later than May 8, 2025. If desired, Complainant may amend or supplement its prehearing statement by that date. Both parties have through May 8, 2025, to make their initial disclosures. The Court reschedules the initial prehearing conference to the agreed date and time of June 5, 2025, at 1:00 p.m. Eastern Standard Time.⁶

III. ORDERS

IT IS SO ORDERED that Respondent Impact Staffing, LLC’s Unopposed Motion for Extension of Time to File Prehearing Statement is GRANTED;

⁵ Complainant’s Prehearing Statement was likewise untimely filed. Despite its untimeliness, the Court accepts it as a filing in this case but reminds both parties to comply with the Court’s orders and, if necessary, to timely seek any extensions of the deadlines in these proceedings.

⁶ Although Respondent’s motion did not specify an agreed time for the rescheduled initial prehearing conference, the parties proposed 1:00 p.m. Eastern Standard Time as the agreed time in Respondent’s email to OCAHO staff on April 23, 2025.

IT IS FURTHER ORDERED that Respondent, Impact Staffing, LLC, shall file its prehearing statement with the Court by May 8, 2025, and Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, may amend, or supplement, its prehearing statement by that date;

IT IS FURTHER ORDERED that the parties shall make their initial disclosures by May 8, 2025; and

IT IS FURTHER ORDERED that the initial prehearing conference in this matter is rescheduled to June 5, 2025, at 1:00 p.m. Eastern Standard Time. Both parties shall attend the prehearing conference by calling telephone number ##### and entering conference room number #####.

SO ORDERED.

Dated and entered on April 30, 2025.

Honorable Carol A. Bell
Administrative Law Judge