

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

July 8, 2025

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

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

ORDER DENYING RESPONDENT'S MOTIONS (PROTECTIVE ORDER, SETTLEMENT & STATUS CONFERENCE) AND GRANTING LEAVE TO FILE REPLY

On May 18, 2025, while the parties were still engaged in discovery and had cross-motions to compel before the Court, Respondent filed a Motion for Summary Decision.

The following day, the Court issued an Order in which it granted in part and denied in part both parties' motions to compel. *United States v. Zarco Hotels Inc.*, 18 OCAHO no. 1518i (2025).¹ For reasons set forth in that Order, the Court revised the case schedule. *Id.* at 14–15.

On June 18, 2025, Complainant filed an Opposition to the Motion for Summary Decision.

On June 24, 2025, Respondent filed a Motion Seeking Leave to File Reply in Support of Motion for Summary Decision.

¹ 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>.

Also on June 24, 2025, Respondent filed a motion titled “Motion to Request Judicial Encouragement of Settlement Officer Program² or, in the alternative, a Status Conference on Settlement.” Separately, on June 30, 2025, Respondent filed a Motion for Protective Order.

OCAHO’s Rules provide that a party “may move with or without supporting affidavits for summary decision on all or any part of the complaint. . . [and] Any other party... may respond to the motion by serving supporting or opposing papers with affidavits, if appropriate, or countermove for summary decision.” 28 C.F.R. § 68.38(a).³

Summary decision motion practice allows parties to signal for the Court a case is ready for disposition, as the moving party is asserting there is no genuine issue of material fact necessitating a hearing. Inherent in that assertion is the presumption that the moving party believes the record has been sufficiently developed (otherwise that moving party would continue to engage in any available discovery). *See generally* Fed. R. Civ. P. 56.⁴

By filing a motion for summary decision, Respondent now signals to the Court it has sufficient evidence to show that it is entitled to summary decision (and implicitly needs no further discovery from Complainant).

Complainant, for its part, filed an opposition to summary decision, but that opposition is not predicated upon a premature conclusion to discovery, rather Complainant argues the record should be further developed at hearing. (There are issues of material fact that “necessitate the case to be set for hearing.”) Opp’n 3.

Because the parties are communicating to the Court they are now ready for the case to be considered on summary decision, the Court concludes any motion practice related to discovery should be appropriately DENIED as MOOT (i.e. Respondent’s Motion for a Protective Order).

Respondent also filed a motion in which it requests the Court “encourage” participation in the Court’s Settlement Officer Program. This motion is DENIED in so far as it seems to request the Court influence a party’s decision (here, Complainant’s decision) to participate in the Program (or not). While the Settlement Officer Program has been shown to assist parties in reaching settlement, parties are under no obligation to participate—ever. All parties (including the United States as a party) have the opportunity to decide for themselves whether the Program is of interest to them.

² On June 12, 2025, the Court informed the parties via an order it could only refer the case to OCAHO’s Settlement Officer Program upon consent from both parties (only Respondent expressed written interest in participation). *United States v. Zarco Hotels Inc.*, 18 OCAHO no. 1518j (2025).

³ OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

⁴ “Generally, summary judgment should not be granted before the completion of discovery.” *Greene v. Maricopa Cnty.*, 116 F.3d 484, *1 (9th Cir. 1997). However, where a party has had “ample time to conduct discovery” a court’s entry of summary judgment will be proper. *Id.* (citing Fed. R. Civ. P. 56(f); *Barona Grp. of the Capitan Grande Band of Mission Indians v. Am. Mgmt. & Amusements, Inc.*, 840 F.2d 1394, 1400 (9th Cir. 1987)).

One of Respondent's motions asks for a "status conference" related to settlement. This Motion is similarly DENIED as the status is: the parties are not enrolled in the Settlement Officer Program.

Finally, Respondent seeks leave to Reply to the Complainant's Opposition. This Motion is GRANTED. Respondent may file its Reply, but must do so by July 31, 2025 to be considered timely. As to the next step in the case, the Court will adjudicate the Motion for Summary Decision. Parties should be aware that the result of that motion (if it is denied) could be a hearing.

SO ORDERED.

Dated and entered on July 8, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge