

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

July 9, 2025

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00020
)	
)	
BLOSSOM CORPORATION,)	
Respondent.)	
)	

Appearances: Zaji Zajradhara, pro se Complainant
Wei Lin, for Respondent

ORDER DENYING RESPONDENT’S MOTION FOR SUMMARY DECISION

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On November 15, 2023, Complainant, Zaji Zajradhara, filed a Complaint¹ with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Blossom Corporation, alleging a violation of 8 U.S.C. § 1324b(a)(1).

On August 27, 2024, Respondent filed a Motion for Summary Disposition and Sanctions.² On January 6, 2025, Complainant filed his response to Respondent’s motion.

¹ The Complaint alleges:

[Complainant] electronically applied for the following JVA: Sales Supervisor Announcement Number: 23-05-101847-3, CW-1 Renewal Visas[.] [He is] qualified for the position, and willing to work, the company didn’t interview [him], though [he is] willing to work. The company has and is discriminating against American workers in order to keep non-citizens employed.

Compl. 15. Complainant also claims someone was eventually hired for the position. Compl. 7.

² The Motion For Sanctions will be addressed separately.

II. POSITION OF THE PARTIES

A. Respondent's Motion³

Respondent moves the Court to enter summary decision in its favor and issue an order declaring Complainant “vexatious litigant” and barring him “from any further and future filings, complaints or proceedings before OCHAO [sic] or the USDOL Civil Rights Division except upon application for and grant of leave on showing of a realistic prospect of success on the merits.” Mot. Summ. Dec. 1.

On summary decision, Respondent argues the Complaint “is unsupported by any actual fact” and “is false and frivolous on its face.” Mot. Summ. Dec. 1–2. Specifically, Respondent argues Complainant “never applied for the position advertised in JVA 23-05-101848 which sought stock clerks and closed on May 30, 2023,” *id.* at 1; and that while Complainant applied for the Sales Manager position referenced in his “Layman’s Response to Answer” (JVA 22-06-56698), it cancelled the job posting due to typographical errors, and in any event, Complainant “had no qualifications” for the position. *Id.* at 2.

As to the second part of the motion, (which will be addressed in a separate order) Respondent argues that “Mr. Zajradhara’s litigation history in this and other forums [sic] reflects a pattern of bringing baseless complaints transparently designed as attempts to harass and extort money from CNMI businesses.” Mot. Summ. Dec. 2. Respondent concludes the litigation in which Complainant is involved (in this and other fora) “satisf[ies] the [Ninth Circuit’s] standard for designating vexatious litigants and enjoying further litigious activity without prior leave.” *Id.* at 3–4 (citing *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047 (9th Cir. 2007)).

B. Complainant's Response

In his response, Complainant maintains that his “actions are not based on frivolous claims, but on a genuine belief in the importance of upholding the law and promoting equality in the workplace.”

³ Respondent, who proceeds pro se, filed a motion which moves the Court to dismiss the case and/or dispose of the case through summary decision “in [his] favor.” Mot. Summ. Dec. 1. Despite some ambiguity, the Court elects to construe this filing as a motion for summary decision.

When ruling on a motion to dismiss, the Court’s analysis is limited to the four corners of the complaint and any documents attached thereto or incorporated by reference. *See Talebinejad v. MIT*, 17 OCAHO no. 1464e, 2 (2024) (citing, inter alia, *Udala v. N.Y. State Dep’t of Educ.*, 4 OCAHO no. 633, 394 (1994); Fed. R. Civ. P. 10(c)). In contrast, when ruling on a motion for summary decision, the Court may consider “the pleadings, affidavits, [and] material obtained” and determine whether this evidence “show[s] that there is no genuine issue of material fact and that the party is entitled to summary decision.” 28 C.F.R. § 68.38(c).

Here, Respondent has attached to its motion two exhibits that were neither attached to nor incorporated by reference in the complaint. Accordingly, the motion is properly characterized as a motion for summary decision, and the Court will analyze it under the corresponding framework.

Resp. 2. He then argues that “there exists no public record to support” Respondent’s assertion that it cancelled a job posting due to typographical errors, and that Complainant submitted his resume for both the Sales Manager (JVA 22-06-96658) and Stock Clerk (JVA 23-05-101848) positions. Resp. 2. He claims Respondent responded to the former application “with unsubstantiated, and derogatory statements regarding the Complainant’s qualifications, while the posting for the latter position was closed “without any attempt to interview or contact [Complainant].” Resp. 2.

III. LAW & ANALYSIS

Summary decision is warranted “if the pleadings, affidavits, [and] material obtained . . . show that there is no genuine issue of material fact and that the party is entitled to summary decision.” 28 C.F.R. § 68.38(c).

“An issue of material fact is genuine only if it has a real basis in the record” and “[a] genuine issue of fact is material if, under the governing law, it might affect the outcome of the suit.” *Sephapour v. Unisys, Inc.*, 3 OCAHO no. 500, 1012, 1014 (1993) (first citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586–87 (1986), and then citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 284 (1986)).

“[T]he party opposing the motion for summary decision ‘may not rest upon the mere allegations or denials’ of its pleadings, but must ‘set forth specific facts showing that there is a genuine issue of fact for the hearing.’” *United States v. 3689 Commerce Place, Inc.*, 12 OCAHO no. 1296, 4 (2017) (quoting 28 C.F.R. § 68.38(b)). The Court views all facts and inferences “in the light most favorable to the non-moving party.” *United States v. Primera Enters.*, 4 OCAHO no. 615, 259, 261 (1994).

To be admissible in this forum, “[e]vidence should be reliable, probative, and substantial.” *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450l, 6 (2024) (citing 5 U.S.C. § 556(d); 28 C.F.R. § 68.52(d)). First, the Court will consider reliability,⁴ then it will assign probative value.⁵ *United States v. Kodiak Oilfield Servs., LLC*, 16 OCAHO no. 1436b, 7 n.14 (2023).

⁴ “Reliability can be analyzed by looking at whether documents ‘originate from the purported source’; whether other evidence calls into question a document’s reliability (i.e., disavowed correspondence); or whether a document is consistent or inconsistent with other record evidence.” *Sharma*, 17 OCAHO no. 1450l, at 6.

⁵ “Probative value is determined by how likely the evidence is to prove some fact[.]” *United States v. Bensimon*, 172 F.3d 1121, 1126 (9th Cir. 1999) (quoting *Am. Home Assurance Co. v. Am. President Lines*, 44 F.3d 774, 779 (9th Cir. 1994)). “Evidence is relevant if: (a) it has a tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” *United States v. Rose Acre Farms, Inc.*, 12 OCAHO no. 1285, 8 (2016) (quoting Fed. R. Evid. 401).

A. Respondent's Evidence

Respondent submitted two exhibits with its Motion for Summary Decision.

The first exhibit is a Respondent Stock Clerk Job Vacancy Announcement (JVA 23-05-101848) from the CNMI Department of Labor's website. Mot. Summ. Dec. Ex. 1. The position was open from May 9-30, 2023. *Id.* The Exhibit lists the applicant names. *Id.* Complainant is not listed. *Id.* This document is sufficiently reliable. It appears complete, and bears indicia it comes from the CNMI DOL, Complainant does not contest its reliability.

The second exhibit is a letter from Respondent to Complainant regarding a separate Sales Manager position (JVA number 22-06-96658). Mot. Summ. Dec. Ex. 2. Through the letter, Respondent represents the JVA posting was cancelled on June 7, 2022 "due to typo errors." *Id.* Respondent separately opines Complainant "clearly [does] not have the requisite experience" for the position. *Id.* This document is sufficiently reliable, it is internally consistent, and the letter is signed and on company letterhead.

While these exhibits are reliable, their probative value is limited. The JVA posting and letter relate to Stock Clerk and Sales Manager positions, respectively, whereas the complaint alleges Respondent failed to hire Complainant for a Sales Supervisor position with an entirely different JVA number. The Complaint makes no mention of the Stock Clerk or Sales Manager position.

B. Complainant's Evidence

Complainant submitted four exhibits with his response to the Motion for Summary Decision.

Complainant's Exhibit 1 is an email, the contents of which appear to be incomplete portions of a JVA posted by Respondent (Sales Manager position (JVA number 22-06-96658)). Resp. Ex. 1. Distinct from Respondent's Exhibit 1 JVA, this JVA, as presented, is not sufficiently reliable. It is not directly from the CNMI website, and it is not complete. This document, in its current form, cannot be considered by the Court.

Complainant Exhibit 2 is comprised of portions of emails between Complainant and Respondent along with a sufficiently complete copy of Respondent's JVA 24-08-16957911368 for a sales manager position from the CNMI DOL website. Resp. Ex. 2. The email snippets are not sufficiently reliable for the reasons Complainant's Exhibit 1 is not reliable; however, the JVA in Complainant's Exhibit 2 is reliable for the same reasons the Respondent JVA exhibit is reliable.

Complainant Exhibit 3 is a filing from these proceedings (a Notice of Appearance filed by Respondent's president). Resp. Ex. 3. This document is reliable as it is already in the record.

Complainant Exhibit 4 is a screenshot of Complainant's mailing address. The contents of the document are externally consistent with other information in the record (i.e. this screenshot matches the address contained in the Complaint), and so the Exhibit is sufficiently reliable.

Complainant has submitted some reliable evidence; however, none of it is probative. For example, the JVA in Exhibit 2 bears the same job title as the one at issue in the Complaint, but it is a different JVA based on the number assigned by the CNMI DOL.⁶ Similarly, it is difficult to divine how the Respondent's Notice of Appearance or Complainant's mailing address prove or disprove the allegation in the Complaint.

C. Propriety of Summary Decision When Record is Insufficiently Developed

Respondent argues it is entitled to summary decision; however, summary decision cannot be granted (for anyone) on this record. Summary decision is warranted "if the pleadings, affidavits, [and] material obtained . . . show that there is no genuine issue of material fact and that the party is entitled to summary decision." 28 C.F.R. § 68.38(c). Fundamental in any summary decision analysis is whether the moving party has first provided sufficient evidence of the material facts.⁷ "An issue of material fact is genuine only if it has a real basis in the record." *Sephapour v. Unisys, Inc.*, 3 OCAHO no. 500, 1012, 1014 (1993) (first citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586–87 (1986), and then citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 284 (1986)). Here, that has not transpired.

Neither party provided evidence to demonstrate whether Complainant could or could not establish a prima facie case of discrimination based on Respondent's non-selection of Complainant for the JVA: Sales Supervisor position advertised as JVA23-05-101847-3. *See generally McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802–05 (1973). Alternatively, neither party provided evidence to demonstrate Respondent did or did not have a legitimate non-discriminatory reason to decline selection of Complainant for the position. *Id.* Finally, neither party provided evidence of the existence or absence of pre-text. *Id.*

IV. CONCLUSION

The Motion for Summary Decision is DENIED. The case shall proceed to hearing. Parties can anticipate a separate order, which will include further guidance on the next phase of litigation.

SO ORDERED.

Dated and entered on July 9, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁶ This JVA could play a part in this case; however, its utility is for the parties to explain, not for the Court to guess.

⁷ The Complaint alleges that, on May 12, 2023, Complainant applied to Respondent's vacant Sales Supervisor position, advertised with the CNMI DOL as JVA 23-05-101847-3. Compl. 15. Both parties provide evidence or discuss other Respondent vacancies through this motion practice