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

July 9, 2025

DAMILOLA OBEMBE, Complainant,	)	
v.	)	8 U.S.C. § 1324b Proceeding OCAHO Case No. 2025B00030
DROISYS, INC., Respondent.	)	

Appearances: Damilola Obembe, pro se Complainant
Jon T. Velie, Esq., for Respondent

ORDER DENYING COMPLAINANT'S MOTION FOR JUDICIAL NOTICE

On July 7, 2025, Complainant filed a Motion for Judicial Notice, requesting "the Court take judicial notice of systemic citizenship discrimination evidenced in" attached documents. Mot. Jud. Notice 1. OCAHO's Rules provide the following regarding official notice of facts:

> Official notice may be taken of any material fact, not appearing in evidence in the record, which is among the traditional matters of judicial notice. Provided, however, that the parties shall be given adequate notice, at the hearing or by reference in the Administrative Law Judge's decision, of the matters so noticed, and shall be given adequate opportunity to show the contrary.

28 C.F.R. § 68.41.[1]

"Official notice is legally equivalent to judicial notice;" therefore, the Court also looks to Federal Rule of Evidence 201. *United States v. Psychosomatic Fitness LLC*, 14 OCAHO no. 1387, 2 (2021).[2] Rule 201 "states that courts may take notice of facts 'not subject to reasonable dispute

[1] OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

[2] 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

because [the fact] is generally known within the trial court's territorial jurisdiction; or can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.'" *Id.* (quoting Fed. R. Evid. 201(b)). "[J]udicial notice is inappropriate when the substance of a document at issue is 'subject to varying interpretations, and there is a reasonable dispute as to what the [document] establishes.'" *Id.* at 3 (quoting *Khoja*, 899 F.3d at 1000).

Should a court decline to take official notice of a fact, the fact does not become entirely inadmissible in the proceeding, rather, they can be asserted again in future pleadings (such as a motion for summary decision) where they will be "subject to the same relevance, credibility, and weight scrutiny generally applied to all evidentiary assertions made by the parties." *Id.*

Complainant requests the Court take official notice of four specific facts. Mot. Jud. Notice 2. For the reasons articulated below, the Court declines to do so. Complainant first asks the Court take judicial notice of "facts" contained in "recruiter communications and internal job postings from Droisys, Inc. . . . [which] demonstrat[e] a systemic and pervasive pattern of national origin and citizenship discrimination." Mot. Jud. Notice 2. Complainant also asks the Court to take official notice of a conclusory statement pertaining to why companies (in general) choose to settle matters with IER. *Id.* Whether something constitutes "systemic" or "pervasive" patterns of discrimination, is a conclusion, not a "fact." Similarly, statements asserting causation or a rationale for settling a matter, cannot be considered a "fact." Such conclusory statements are certainly subject to reasonable dispute. Complainant also asks the Court to take judicial notice of government regulations related to definitions of "U.S. persons" and "ITAR/EAR guidance." Mot. Jud. Notice 2. The Court declines to take judicial notice of the existence or contents of regulations, which are also not "facts" as contemplated by 28 C.F.R. § 68.41 and Federal Rule of Evidence 201. Regulations, to the extent they apply to the proceedings, may be relied upon by the Court or parties, and don't require "official notice."

Complainant's Motion for Judicial Notice is DENIED.

SO ORDERED.

Dated and entered on July 9, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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.