

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

July 15, 2025

RAVI SHARMA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022B00023
)	
NVIDIA CORP.,)	
Respondent.)	
_____)	

Appearances: Robert J. Barton, Esq., and Marie-Lise Baroutjian, Esq., for Complainant
Patrick Shen, Esq., K. Edward Raleigh, Esq., and Samantha Caesar, Esq.,
for Respondent

ORDER DENYING COMPLAINANT’S MOTION FOR JURY TRIAL

On June 12, 2025, Complainant filed Complainant’s Motion for Jury Trial. In its Motion, Complainant relies on his assessment that *Securities & Exchange Comm’n v. Jarkesy* created a right to a jury trial in OCAHO proceedings. 603 U.S. 109 (2024). This Motion post-dates the filing of the Complaint by 1226 days, post-dates the Order which disposed of the summary decision motion by 203 days, and post-dates the issuance of *Jarkesy* by 350 days.

On July 7, 2025, Respondent filed its Opposition. Respondent contends “Complainant’s reliance on *Jarkesy v. SEC* is misplaced. That case involved a statutory scheme that permits adjudication in federal district court, where jury trials are available. No such option exists under §1324b, which commits adjudication solely to OCAHO ALJs.” Opposition 2.

Complainant’s Motion for a Jury Trial is DENIED for the reasons that follow.

Unlike the “anti-fraud provisions”¹ enforced by the Securities and Exchange Commission,² the Immigration and Nationality Act (INA) does not provide a mechanism for “suit in federal court.”

“As an administrative forum, this Court’s authority is derived exclusively from the INA at sections 1324a – 1324c.” *United States v. Terrapower, LLC*, 19 OCAHO no. 1548a, 6 (2024).

This case arises under §1324b, or the “Unfair Immigration-Related Employment Practices,” which prohibits (among other things) “discrimination based on... citizenship status,” but only with respect to a discrete list of personnel actions. 8 U.S.C. §1324b(a)(1)(B).

The statute, at §1324b(e)(2) permits “hearings on complaints under this subsection, [which] **shall** be considered before administrative law judges who are specially designated by the Attorney General.” 8 U.S.C. §1324b(e)(2) (emphasis added).

The statute also outlines the “authority of administrative law judges... conducting... hearings under this subsection,” and unequivocally confirms it is the administrative law judge who makes dispositive “determinations” as the fact-finder. 8 U.S.C. §1324b(f)(2) and (g).³

¹ As the Supreme Court explained:

In the aftermath of the Wall Street Crash of 1929, Congress passed a suite of laws designed to combat securities fraud and increase market transparency. Three such statutes are relevant here: The Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Advisers Act of 1940. 48 Stat. 74, 15 U. S. C. §§77a et seq.; 48 Stat. 881, 78a et seq.; 54 Stat. 847, 80b–1 et seq. These Acts respectively govern the registration of securities, the trading of securities, and the activities of investment advisers. Their protections are mutually reinforcing and often overlap. See *Lorenzo v. SEC*, 587 U. S. 71, 80 (2019). Although each regulates different aspects of the securities markets, their pertinent provisions—collectively referred to by regulators as “the antifraud provisions,” App. to Pet. for Cert. 73a, 202a—target the same basic behavior: misrepresenting or concealing material facts.

Jarkesy, 603 U.S at 109.

² According to the Supreme Court, the SEC (when enforcing the Acts) has a choice of forum, and that choice is a material one. *Jarkesy*, p. 2. (“The SEC may bring an enforcement action in one of two forums. First, the Commission can adjudicate the matter itself. See §§77h–1, 78u–2, 78u–3, 80b–3. Alternatively, it can file a suit in federal court. See §§77t, 78u, 80b–9. The SEC’s choice of forum dictates two aspects of the litigation: The procedural protections enjoyed by the defendant, and the remedies available to the SEC.”)

³ “If, upon the preponderance of the evidence, an administrative law judge determines that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact...”

The case will continue to proceed to hearing before an Administrative Law Judge, as the statute unequivocally requires, and as OCAHO precedential decisions have made abundantly clear. *See A.S. v. Amazon Web Servs Inc.*, 14 OCAHO 1381c, 1-2 (2021) (quoting *United States v. Strano*, 4 OCAHO 623, 304 (1994)).

If the Complainant no longer desires a hearing, he may move the Court to dismiss the case at any time.

SO ORDERED.

Dated and entered on July 15, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

If upon the preponderance of the evidence an administrative law judge determines that the person or entity named in the complaint has not engaged and is not engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.” 8 U.S.C. §1324b(g)(2)(A) and (g)(3).