

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

July 28, 2025

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| ZAJI OBATALA ZAJRADHARA, |) | |
| Complainant, |) | |
| |) | |
| v. |) | 8 U.S.C. § 1324b Proceeding |
| |) | OCAHO Case No. 2024B00011 |
| |) | |
| COSTA WORLD CORPORATION, |) | |
| Respondent. |) | |
| _____ |) | |

Appearances: Zaji O. Zajrdhara, pro se Complainant
Stephen J. Nutting, Esq., for Respondent

ORDER DENYING COMPLAINANT’S MOTION FOR “JUDICIAL NOTICE”

This case arises under the employment discrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b.

On October 17, 2023, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Officer (OCAHO), alleging Respondent discriminated against him and retaliated against him in violation of 8 U.S.C. § 1324b(a)(1) and (a)(5).

On June 17, 2025, Complainant filed “Complainant’s Motion for Judicial Notice and Response to Court’s Order Denying Motion to Reconsider.”¹ The Court will not consider “responses” to its orders. The Court will consider motions, and will consider the Complainant’s request the Court take official notice.² For the reasons that follow, the Court will decline to do so here – DENYING Complainant’s motion.

¹ On July 2, 2025, Complainant filed a Motion for Addendum to Motion to Reconsider Rejection of Filings, Complete the Court Record, and Expediate Resolution. To the extent this filing “supplements” prior filings which contain content which the Court will not consider (i.e. responses to Court orders or reconsideration of reconsideration), this filing will not be considered when the Court adjudicates the motion. The Motion is DENIED.

² The Complainant provides a list of things of which he requests the Court take official notice, including regulations, statutes, executive orders, a decision from the Sixth Circuit Court of Appeals, and a text of emails related to Respondent, Respondent’s counsel, and other entities.

A Court may take “judicial notice of an adjudicative fact” if it is “not subject to reasonable dispute because it: (1) generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot be questions.” Fed. R. Evid. § 201(a)-(b). OCAHO adjudicators may take “official notice” of “any material fact, not appearing in evidence in the record, which is among the traditional matters of judicial notice” so long as “the parties” have “adequate notice . . . of the matters so noticed” and “adequate opportunity to show the contrary.”³ 28 C.F.R. § 68.41. Some courts “describe official notice as a broader concept” than judicial notice, that “includ[es] the traditional subjects of judicial notice as well as information which an executive branch agency uncovers in the course of the exercise of its duties.” *Heath v. Ancile, Inc.*, 15 OCAHO no. 1511b, 2 (2022).⁴

Factual accuracy ‘is only part of the inquiry under Rule 201(b). A court must also consider – and identify – which fact or facts it is noticing from [an applicable document]. Just because the document itself is susceptible to judicial notice does not mean that every assertion of fact within that document is judicially noticeable for its truth.’ *Khoja v. Orexigen*, 899 F.3d 988, 999 (9th Cir. 2018).

It is generally appropriate for courts to take judicial notice of some public records; however, judicial 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.’ *Khoja* [899 F.3d] at 1000; citing *Reina-Rodriguez v. United States*, 655 F.3d 1182, 1193 (9th Cir. 2011).

Additionally, a decision to reject a request to officially notice a particular fact does not render that fact inadmissible, as admissibility is a completely separate analysis. Such ‘rejected’ facts or evidence, if asserted in other pleadings or at hearing, are consequently subject to the same relevance, credibility, and weight scrutiny generally applied to all evidentiary assertions made by the parties.

United States v. Psychosomatic Fitness LLC, 14 OCAHO no. 1387, 3 (2021).

³ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO’s webpage on the United States Department of Justice’s website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

⁴ 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 subsequent to 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 “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

With the above explanation in mind, the Court deems it unnecessary to take official notice of the existence or text of federal statutes, regulations, executive orders, and case law. Relevant, controlling, or otherwise useful case law, statute, regulation, etc. may be cited by parties without official notice from the Court.

The text of the emails and proposed identities of individuals or entities who sent these emails are, ostensibly, factual assertions; however, the Court will decline to take official notice for several reasons. The document is not a public record; it may be subject to varying interpretations; and there is a real possibility of dispute as to what the document establishes.

SO ORDERED.

Dated and entered on July 28, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge