

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

July 30, 2025

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	OCAHO Case No. 2024A00122
	)	
	)	
WHOLESALE CUSTOM TIRES AND WHEELS,	)	
LLC, D/B/A PHOENIX TIRES & WHEELS	)	
OUTLET,	)	
	)	
Respondent.	)	
	)	

Appearances: Lisa Dubowski, Esq., for Complainant  
Heidi Nunn-Gilman, Esq., and Julie A. Pace, Esq., for Respondent

FINAL ORDER OF DISMISSAL

On July 29, 2025, the parties filed a Joint Notice of Settlement and Joint Motion to Dismiss. Through the motion, which is signed by counsel for both parties, the parties represent that they “have reached a full settlement of this case and are in agreement to dismiss the action. . . . Therefore, the parties respectfully request that the Court dismiss the action.” Joint Not. & Mot. Dismiss 2. The parties attached a copy of the executed settlement agreement to the motion. *Id.* Attach. A. Neither the motion nor the agreement indicate whether the parties seek dismissal with or without prejudice.

OCAHO’s Rules provide for two avenues of dismissal pursuant to a settlement agreement. *See* 28 C.F.R. § 68.14(a).<sup>1</sup> Relevant here, the parties may “[n]otify the Administrative Law Judge that [they] have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” 28 C.F.R. § 68.14(a)(2).

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<sup>1</sup> OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

Upon review of the parties' Joint Notice of Settlement and Joint Motion to Dismiss, the Court finds the parties have complied with 28 C.F.R. § 68.14(a)(2)'s requirements, and therefore the Court orders the Joint Motion to Dismiss be GRANTED and the complaint DISMISSED WITH PREJUDICE. *See United States v. Chinese Back Rub*, 17 OCAHO no. 1452, 2 (2022) (dismissing with prejudice where parties' motion to dismiss was silent on the issue but where they executed a settlement agreement suggesting "that the parties seek a final resolution").<sup>2</sup>

SO ORDERED.

Dated and entered on July 30, 2025.

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Honorable Jean C. King  
Chief Administrative Law Judge

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<sup>2</sup> 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>.

### Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.