

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

July 23, 2025

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324c Proceeding
v.	)	OCAHO Case No. 2025C00038
	)	
	)	
MUSTAFA FADHIL ABBAS AL BAYATTI,	)	
Respondent.	)	
	)	

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Appearances: James A. Harmony, Esq., for Complainant  
Solomon Kanu, Esq., for Respondent

**ORDER GRANTING WITHDRAWAL OF RESPONDENT'S COUNSEL &  
EXTENSION OF DEADLINE FOR ORDER TO SHOW CAUSE**

This case arises under the document fraud provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324c.

On April 10, 2025, the U.S. Department of Homeland Security, Immigration and Customs Enforcement filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Mustafa Fadhil Abbas Al Bayatti. The Complaint alleges Respondent filed an N-400, Application for Naturalization, with knowledge or reckless disregard of the fact that it was falsely made, violating 8 U.S.C. § 1324c(a)(5).

Respondent's answer was due on May 22, 2025. To date, Respondent has not filed an answer.

On June 30, 2025, the Court issued an Order to Show Cause. Respondent was ordered to file an answer and submit a filing demonstrating good cause for his failure to timely file an answer by July 21, 2025. The Court warned Respondent that failure to file an answer and demonstrate good cause for his untimeliness could result in the Court entering a default judgment against him or deeming his request for a hearing as abandoned. June 30, 2025 Order to Show Cause 2.

On July 22, 2025, the Court received a “Response to Order to Show Cause” from Respondent’s attorney (which is, based on its content, a motion to withdraw as counsel). Respondent’s counsel represents that he “made several attempts to reach [Respondent] to discuss his response to the complaint. Unfortunately, [counsel has] not received any response to [his] email or a return call from Mr. Bayatti.” Resp. 1. Respondent’s counsel then sought withdrawal, noting he sent a copy of his filing to Respondent’s last known address. Resp. 1.

OCAHO’s Rules provide that “[w]ithdrawal or substitution of an attorney or representative may be permitted by the Administrative Law Judge upon written motion.” 28 C.F.R. § 68.33(g).<sup>1</sup> The Court GRANTS Respondent’s counsel’s request to withdraw noting he provided notice of his motion to Respondent.

This still leaves, of course, the issues outlined in the Order to Show Cause, which will not be discharged based on the filing provided. While the deadline to submit the response and answer has passed, in light of the circumstances, Respondent (who is now pro se), shall be afforded an additional 30 days to respond to the Order to Show Cause. Respondent should bear in mind that a failure to fully respond to that Order could result in his request for hearing being deemed abandoned or an adverse entry of default judgment. June 30, 2025 Order to Show Cause 2.

Respondent’s answer and good cause filing are due by August 22, 2025.

SO ORDERED.

Dated and entered on July 23, 2025.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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