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

July 21, 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 TO SHOW CAUSE – DISMISSAL OF COMPLAINT WITH PREJUDICE

On July 16, 2025, the Court issued a Notice & Order Denying Parties' Motions (To Admit Evidence, Extend Discovery, and Strike Interrogatories) ("Order Denying Motions"). Order Den. Motions 2. In that Order, the Court noted that Complainant's filings contained citations to regulations and quotations from OCAHO's Practice Manual that did not exist. *See* Order Den. Motions 3 n.3.

The Court informed Complainant that all litigants are required "to act with integrity, and in an ethical manner," 28 C.F.R. § 68.35(a), [1] and warned that should she continue to "submit inaccurate or non-existent law or facts," she could be subject to sanctions. *Id.* (citing *United States v. Koy Chinese & Sushi Rest.*, 16 OCAHO no. 1416e, 7 (2023)).[2]

[1] OCAHO's Rules for 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 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.

On July 17, 2025, Complainant filed a Notice of Clarification in which she explained the fictitious regulation she previously cited was a "clerical mistake and does not reflect any intent to mislead the Court or misstate applicable authority." Not. Clarification 1. She then affirmed "her ongoing commitment to accuracy and integrity in all filings." *Id.*

On July 16, 2025, Complainant filed a Motion for Reconsideration of Order Denying Motion to Leave to Serve Interrogatories (Motion for Reconsideration). The motion contains five total citations to legal authority (regulation, caselaw,[3] and OCAHO's Practice Manual).

First, she cites OCAHO Practice Manual Ch. 4.2(d) for the proposition that this Court has "inherent authority to reconsider interlocutory orders."[4] Mot. Reconsider 1. In fact, Chapter 4.2(d) governs the procedure for responding to written motions in the forum. OCAHO Practice Manual Ch. 4.2(d).

Second, Complainant argues "Matter of Gracie, 19 OCAHO no. 1589a (2026), compels allowance of discovery for newly uncovered violations." Mot. Reconsider 2. No OCAHO case by the name of "Matter of Gracie" exists. In fact, the reference number ("1589") cited by Complainant was published in Volume 20 of OCAHO's published decisions (not Volume 19), and corresponds to the matter of *US Tech Workers v. Sharma Strategy Grp.*[5] Most telling of its dubious origins, this decision is apparently from the future (published, according to Complainant, in 2026). Complainant goes on to cite two direct quotes from "Matter of Gracie." Mot. Reconsider 3.

Third, Complainant relays the procedural regulations at 28 C.F.R. § 68.18(c) set forth a "good cause standard." Mot. Reconsider 2. This regulation exists; however, it does not provide a "good cause standard, " rather it addresses how parties obtain protective orders. 28 C.F.R. § 68.18(c).

Fourth, Complainant argues "OCAHO's rules prioritize substance over hypertechnicality [sic]," citing 28 C.F.R. § 68.1 (including a parenthetical which states § 68.1 provides "flexibility for pro se litigants.") Mot. Reconsider 3. In fact, § 68.1 relays only the scope of OCAHO's Rules.

Fifth (and finally), Complainant argues her citation errors were "harmless," and while "§ 68.18(e) does not exist, . . . § 68.18(c) and Gracie provide direct legal support." Mot. Reconsider 4. She concludes by arguing 28 C.F.R. § 68.38(e) stands for the proposition that technical errors should not be fatal. But, once again, Complainant misrepresents the rule. 28 C.F.R. § 68.38(e) deals with motions for summary decision, and explains that a case will proceed to a hearing where a motion for summary decision is denied.

Where a party fails to comply with an Administrative Law Judge's order, OCAHO's Rules allow for the Court to take several actions, including to "[r]ule that a pleading, or part of a pleading, or

[3] This includes two direct quotes from what Complainant purports to be an OCAHO case.

[4] Chapter 8.1 of the Practice Manual governs review of interlocutory orders; however, this review is conducted by the Chief Administrative Hearing Officer and not the presiding Administrative Law Judge. OCAHO Practice Manual Ch. 8.1(a).

[5] In that decision, the Court granted a continuance related to a prehearing conference.

a motion… be stricken, or that a decision of the proceeding be rendered against the non-complying party, or both." 28 C.F.R. § 68.23(c)(5).

Based on the egregious nature (both in type, volume, and temporal proximity to the Court's Order warning Complainant) of the misrepresentations in Complainant's most recent filing, the Court concludes the harshest option available in regulation ("a decision rendered against the non-complying party") is appropriate.[6]

Prior to dismissal of the Complaint with prejudice, Complainant shall be provided an opportunity to be heard via this Order to Show Cause. Complainant must provide her response to the Order to Show Cause by July 31, 2025. Should Complainant fail to timely respond or fail to demonstrate good cause as to why her Complaint should not be dismissed with prejudice, the Complaint will be dismissed with prejudice. Respondent is permitted an opportunity to be heard as well, but no filing is required from Respondent.

SO ORDERED.

Dated and entered on July 21, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

[6] Federal district courts and other fora have dismissed the complaints of pro se litigants where they have submitted filings containing citations to caselaw that does not exist. *See Thomas v. Pangburn*, 2023 WL 9425765, *5 (S.D. Ga. Oct. 6, 2023) (recommending dismissal of pro se plaintiff's complaint as sanction for his use of "fictitious citations and his evasive response to a direct order from" the court), *R. & R. adopted*, 2024 WL 329947 (S.D. Ga. Jan. 29, 2024); *see also Dawson v. Lennon*, 797 F.2d 934, 935 (11th Cir. 1986) ("[W]hile dismissal of an action with prejudice is a sanction of last resort, it is appropriate in cases involving bad faith."); *see also Willis v. U.S. Bank Nat'l Ass'n as Trustee, Igloo Series Trust*, 2025 WL 1224273, *3 (N.D. Tex. Apr. 28, 2025). The Court of Federal Claims has noted that "[w]hile courts afford *pro se* litigants considerable leeway, that leeway does not relieve *pro se* litigants of their obligation under Rule 11 [of the Federal Rules of Civil Procedure] to confirm the validity of any cited legal authority." *Sanders v. United States*, 176 Fed. Cl. 163, 169 (2025).