

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

July 29, 2025

DAMILOLA OBEMBE,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2025B00030
)	
)	
DROISYS, INC.,)	
Respondent.)	
<hr style="border: 0.5px solid black;"/>)	

Appearances: Damilola Obembe, pro se Complainant
Jon T. Velie, Esq., for Respondent

FINAL ORDER OF DISMISSAL WITH PREJUDICE

I. PROCEDURAL HISTORY

On January 28, 2025, Complainant filed the underlying complaint in this case.

On February 5, 2025, the Deputy Chief Administrative Hearing Officer issued a Notice of Case Assignment (NOCA), in which she detailed the undersigned to this case and provided guidance to the parties on how to proceed in this forum.

On May 15, 2025, the Court held the initial prehearing conference in this case. In that prehearing conference, the Court relayed to the parties “information pertaining to resources and procedure.” May 15, 2025 Order Summ. Prehr’g Conf. 1. Specifically, the Court informed the parties “OCAHO’s Rules of Practice and Procedure are codified at 28 C.F.R. pt. 68 (2024).” *Id.* at 2. The Court also “provided a brief overview of [Federal Rule of Civil Procedure] Rules 12, 26, and 56.” *Id.* Finally, at footnote 4 of the Order, the Court also “invited the parties to consult OCAHO’s topical index, which is a searchable document organizing precedential OCAHO cases by topic and subtopic. The topical index, as well as all published OCAHO decisions, are found on OCAHO’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.” *Id.*

On July 16, 2025, the Court issued an Order wherein it addressed several motions and opposition filings related to discovery. In adjudicating those motions, the Court noted with concern that “[w]hile Complainant is pro se, the proposed regulation on which she relies, 28 C.F.R. § 68.18(e), does not exist” July 16, 2025 Notice & Order 2.

Further, the Court noted:

Again, much like the citation to a regulation that does not exist, Complainant's reliance on these sections are at best imprecise citation attempts by a pro se litigant, and at worst, something a bit more concerning. The Court notes that Complainant appears to have invented a quote from Chapter 4.2(d) of OCAHO's Practice Manual (This quote appears neither in Chapter 4.2(d) or anywhere in the Practice Manual for that matter.). *See* Mot. Admit Evid. 4.

Out of an abundance of caution, the Court places Complainant on notice that OCAHO requires of all litigants (pro se or not) "appearing in proceedings before an Administrative Law Judge... to act with integrity, and in an ethical manner." 28 C.F.R. § 68.35(a). Complainant must consider herself on notice that sanctions are available in this forum. *See United States v. Koy Chinese & Sushi Rest.*, 16 OCAHO no. 1416e, 7 (2023). Ideally for Complainant, the Court's observations will prove to be an anomaly, vice a pattern.

Id. at 3 n.3 (emphasis added).

On July 17, 2025, Complainant submitted an unsolicited filing entitled "Notice of Clarification," in which she explained the fictitious regulation she cited was merely a "clerical mistake." July 21, 2025 Order to Show Cause 2. She filed a Motion for Reconsideration alongside this submission. That motion contained five citations to legal authority which were patently fictitious or clearly misrepresentations of decisions and/or regulations,¹ which prompted the Court to issue an Order to Show Cause.

On July 21, 2025, the Court issued the above-referenced Order to Show Cause. In that Order, the Court noted it previously "informed Complainant that all litigants are required 'to act with integrity, and in an ethical manner,' 28 C.F.R. § 68.35(a) and warned that should she continue to 'submit inaccurate or non-existent law or facts,' she could be subject to sanctions." July 21, 2025 Order to Show Cause 1 (internal citations omitted). After outlining each instance of concerning conduct, the Court noted that OCAHO regulation permits the Court to "rule . . . that a decision of the proceeding be rendered against [a] non-complying party." *Id.* at 3 (citing 28 C.F.R. § 68.23(c)(5)). The Court concluded this could be an appropriate outcome given the "egregious nature (both in type volume, and temporal proximity to the Court's Order warning Complainant) of the misrepresentations," and offered Complainant an opportunity to be heard before dismissal with prejudice. *Id.*

¹ These include citations to the OCAHO regulations and the OCAHO Practice Manual that stand for entirely different propositions, and a non-existent precedential OCAHO decision (including fabricated quotations). Each of which was identified and fully analyzed in the Order. July 21, 2025 Order to Show Cause 2.

On July 28, 2025, Complainant responded to the Order to Show Cause. In her response to the Order to Show Cause, Complainant proffers three rationales which she argues establishes good cause. First, she claims the “hallucinated” citations in her filings “were the result of [her] reliance on publicly available AI tools.” Resp. 2. Second, “[a]s a pro se immigrant complainant [she] lack[s] institutional or professional legal training and do[es] not have access to Westlaw, LexisNexis, or other commercial legal research tools that most legal professionals use to verify citations.” Resp. 2–3. Third, and finally, Complainant notes she is undergoing medical treatment.² Resp. 3–4.

II. LAW & ANALYSIS

“All persons appearing in proceedings before an Administrative Law Judge are expected to act with integrity, and in an ethical manner.” 28 C.F.R. § 68.35(a). This includes individuals appearing pro se. *See Zajradhara v. HDH Co., Ltd.*, 16 OCAHO no. 1417c, 1 (2022) (sanctioning pro se complainant for violating ethical duties under § 68.35(a)).³ Indeed, “deviation from the ethical standards of this forum [after being put on notice of unethical conduct] may lead to a dismissal of the Complaint in its entirety.” *Griffin v. All Desert Appliances*, 14 OCAHO no. 1370b, 9 (2021) (citing, inter alia, Fed. R. Civ. P. 11).

In discussing the use of generative artificial intelligence in this forum, the Deputy Chief Administrative Hearing Officer (via the NOCA) instructed this litigant that, while permissible, use of AI does not relieve a party of their ethical obligations in this forum:

[P]arties and attorneys appearing before OCAHO who elect to use technological tools such as generative artificial intelligence in preparing their filings should be mindful of the ethical and professional responsibility implications of using such tools. *See generally Wallcon*, 21 OCAHO no. 1630, at 9-14 (discussing ethical and professional considerations regarding the use of generative artificial intelligence in OCAHO proceedings).

² The Court fully considered the medical information provided, but for reasons of privacy declines to describe them here.

³ 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>.

Not. Case Assign. 6. The ethical and professional responsibility implications outlined in *Wallcon* are as follows:

All parties appearing before OCAHO are expected to be candid with the Court and to comply with pleading practices that adhere to the ethical standards set forth in OCAHO's regulations, as well as other applicable rules of professional conduct. Consequently, parties and attorneys should take care to confirm the accuracy of any citations or other research or drafting conducted using such tools. Parties and attorneys are responsible for all filings they submit to OCAHO, and may be excluded from OCAHO proceedings or otherwise sanctioned for, *inter alia*, refusal to adhere to reasonable standards of orderly and ethical conduct or failure to act in good faith. . . .

In sum, although OCAHO neither imposes a blanket prohibition on the use of generative AI, nor a mandatory disclosure requirement regarding its use, OCAHO nevertheless expects all parties to take their ethical responsibilities seriously and to comport themselves with integrity and adherence to relevant standards of professional conduct, including when they rely on the use of generative AI.

United States v. Wallcon, LLC, 21 OCAHO no. 1630, 13–14 (2025) (internal quotes and citations omitted).

Reliance on generative AI without regard to its accuracy is not good cause for misrepresenting caselaw and/or regulation.

Complainant also cites lack of access to “commercial legal research tools,” but this argument is also not persuasive. OCAHO provides notice of the procedural regulations at case assignment (via the NOCA), and all precedential decisions are available on the Department of Justice's public website (alongside the OCAHO Topical Index). Complainant was informed by the undersigned of these resources - both at the Initial Prehearing Conference and again in the Order which summarized that conference (which included links to regulations, the Topical Index, and the Decisions by Volume). Order Summ. Prehr'g Conf. 2 n.3–4.

Lack of access to “commercial legal research tools” is not good cause for misrepresenting caselaw and/or regulation.

Finally, while a party's health issues may impact their ability to appear or participate in proceedings,⁴ health issues cannot justify fabrications and other misrepresentations, particularly when that party has been placed on notice that such conduct may result in a sanction.

⁴ Parties with health issues may always request extensions, stays or other action, as appropriate, to allow for their meaningful participation in proceedings.

III. CONCLUSION

After providing this Complainant with ample notice and an opportunity to respond, the Court now concludes DISMISSAL WITH PREJUDICE pursuant to 28 C.F.R. § 68.23(c)(5) is appropriate.⁵

As explained above, the misrepresentations made by this Complainant are egregious in nature. To deter such conduct in the future, dismissal with prejudice is the appropriate remedy. *See Rodriguez v. Tyson Foods, Inc.*, 9 OCAHO no. 1109, 6 (2004) (dismissing with prejudice pursuant to 28 C.F.R. § 68.23(c)(5) where complainant failed to comply with Court's orders); *Zornes v. Specialty Indus., Inc.*, 166 F.3d 1212 (4th Cir. 1998) (affirming district court's dismissal with prejudice of complaint where plaintiff engaged in bad faith and court sought to deter future noncompliance by litigants).

SO ORDERED.

Dated and entered on July 29, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

⁵ 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).

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Attorney General. Provisions governing the Attorney General's review of this order are set forth at 28 C.F.R. pt. 68. Within sixty days of the entry of an Administrative Law Judge's final 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.

Any person aggrieved by the final order has sixty days from the date of entry of the final order to petition for review in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business. *See* 8 U.S.C. § 1324b(i)(1); 28 C.F.R. § 68.57. A petition for review must conform to the requirements of Rule 15 of the Federal Rules of Appellate Procedure.