

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

NATASHA WILLIAMS,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2025B00002
)	
)	
CISCO SYSTEMS, INC.,)	
Respondent.)	
)	

Appearances: Natasha Williams, pro se Complainant
K. Edward Raleigh, Esq., and Anna I. Perina, Esq., for Respondent

ORDER PERMITTING COMPLAINANT TO FILE A MOTION FOR LEAVE FOR
CONSIDERATION OF THE UNTIMELY OPPOSITION TO THE MOTION TO DISMISS

I. PROCEDURAL HISTORY

This case arises under the antiretaliation provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant Natasha Williams alleges that Respondent Cisco Systems retaliated against her due to her complaints about discrimination in the workplace. Compl. § 8. She alleges that the retaliation began around January 2023, and that she was terminated after returning from long term disability in October 2024. *Id.* She thereafter filed a charge with the Department of Justice’s Immigrant and Employee Rights Section (“IER”).

On June 7, 2024, IER sent Complainant a letter by certified mail advising that Complainant had within 90 days of receipt of the letter to file a complaint with the Office of the Chief Administrative Hearings Officer (“OCAHO”). Compl. 37.

This office received Complainant’s Complaint on October 1, 2024.

On November 18, 2024, Respondent filed its motion to dismiss. Respondent argues, *inter alia*, that the Complaint was untimely filed.

Per 28 C.F.R. § 68.11(b), the deadline for a response to a motion is ten days after the motion is served, with an additional five days if the motion was served by mail. 28 C.F.R. § 68.8(c)(2).

Consequently, Complainant's response to the motion to dismiss was due by November 29, 2024. Complainant did not file a response by the deadline.

On December 17, 2024, the Court *sua sponte* extended Complainant's deadline to file a response to the motion. In its order, the Court noted that Complainant was pro se and that she had contacted court staff to raise arguments about the timeliness of her filing. Williams v. Cisco Sys., Inc., 21 OCAHO no. 1628 (2024). The order advised "[i]f the Complainant would like the Court to consider her arguments regarding the timeliness of her Complaint and supporting documentation . . . she must submit a response to the Motion to Dismiss." Id. at 2. The Court further advised that Complainant must also send a copy of any filing to the Respondent. Id.

On February 24, 2025, the Court held a status conference with the parties. During that status conference, the Court advised that it had not received a written opposition to the motion to dismiss. Respondent noted as well that it was not in receipt of a written filing addressing its motion. Complainant stated that she had contacted court staff by telephone concerning the timeliness of her filing. The Court reminded Complainant that substantive communications with Court staff are an inappropriate means of raising arguments about the merits of her case, and that all arguments concerning a motion should be made in writing to the attention of the Court with a copy sent to the Respondent. The Court thereafter stayed all proceedings so that the parties may discuss settlement. In subsequent orders, the Court granted the parties' motion for an extension of the stay so that they might continue their settlement discussions. Williams v. Cisco Sys., Inc., 21 OCAHO no. 1628b (2025); Williams v. Cisco Sys., Inc., 21 OCAHO no. 1628c (2025).

On July 19, 2025, Complainant filed a Status Report and Request to Proceed. In her filing, Complainant "disputes Respondent's assertion that the complaint was filed 26 days late." Complainant's Status Report 1. Complainant states that she "filed her signed Complaint with [the Court] via FedEx" and "[a]ccording to official FedEx delivery records, the Complaint was delivered and signed for . . . on September 6, 2023." Id. at 2.

II. DISCUSSION

Complainant's Status Report functionally appears to be her response to Respondent's Motion to Dismiss. Although Complainant raises several arguments, her response is very late. Moreover, the deadline for the opposition was clearly stated in the regulations, and it was extended *sua sponte* in light of Complainant's pro se status. The Court repeatedly advised that only a written submission to the Court was acceptable, and that the filing must be made to the Court directly, not through conversations with Court staff. The Status Report does not explain why Complainant failed to file her response by the deadline.

As a general matter, the Court requires that a party seeking consideration of an otherwise untimely filed motion or response to submit a motion along with the filing explaining why good cause exists for the Court to amend its prior order and accept the submission. See Brown v. Pilgrim's Pride Corp., 14 OCAHO no. 1379c, 6 (2024) ("The normal remedy for a party which submits an untimely filing where the party fails to demonstrate good cause . . . is to strike the filing."). The motion seeking leave should also be timely filed, meaning as soon as practicable

under the circumstances. In this matter, Complainant has not submitted such a filing.

In the normal run of events, this operates as a waiver—insofar as no good reason has been offered for the delay, the Court presumes that the moving party has none. In the matter presently before the Court, the record suggests that Complainant may have had in the recent past a health emergency which militates towards some flexibility in the Court's orders.

Accordingly, the Court permits Complainant seven days from the issuance of this order to provide any argument or documentation supportive of why the Court should amend its prior order to permit consideration of the otherwise untimely filed response to the motion to dismiss. The Court reminds the parties that all submissions to the Court must be made in writing, with a copy provided to the other party. The Respondent may file any response to the Complainant's filing within seven days of its receipt. All other proceedings in this matter are STAYED pending the resolution of the motion to dismiss.

SO ORDERED.

Dated and entered on August 15, 2025.

Honorable John A. Henderson
Administrative Law Judge