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

August 11, 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 DENYING RECONSIDERATION OF DISMISSAL WITH PREJUDICE

On July 29, 2025, the Court dismissed the Complaint with prejudice, issuing a Final Order to that effect. July 29, 2025 Final Order of Dismissal with Prejudice; *see also* 28 C.F.R. § 68.52. That Final Order informed the Complainant of her appeal rights.[1]

[1] Complainant was informed:

> 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.
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> 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.

July 29, 2025 Final Order at 6.

On August 1, 2025, Complainant filed a "Motion for Reconsideration of Final Order of Dismissal With Prejudice," in which she "moves the Court to reconsider and vacate its Final Order . . . [because her filing] identifies newly emphasized and unaddressed evidence of discriminatory hiring practices in Respondent's discovery; corrects clear errors of law and fact, including the misapplication of binding precedent . . . [and] seeks to prevent manifest injustice."[2] Aug. 1, 2025 Mot. Reconsider 1–2.

The Motion presents no new evidence specific to dismissal Order, rather it presents "newly emphasized" evidence. Mot. Reconsider 2. As to the Complainant's conduct which gave rise to the dismissal, Complainant seeks to introduce "newly compiled [evidence]" which "directly rebuts the Courts finding that referencing 'Matter of Gracie' constitutes fabrication. [The proposed exhibit] includes July 2025 screenshots of first-page Google results in which the fictious citation appeared across multiple legal blog pages and AI-generated summaries." Mot. Reconsider 2–3. Relying on this exhibit, Complainant argues "this evidence, omitted from the Final Order, is alone sufficient to justify reconsideration under 28 C.F.R. § 68.11(b)."[3] Mot. Reconsider 3.

Complainant also argues dismissal with prejudice is a "severe sanction," and then provides a discussion of cases which appeared in footnote 5[4] of the Court's Final Order. Mot. Reconsider 4–6.

For the purposes of calculating applicable timelines, Complainant is reminded the Final Order was issued in the case on July 29, 2025. There is nothing about this motion or Order which changes that date or the calculation of deadlines on appeal.

[2] In her filing, Complainant asserts 28 C.F.R. § 68.11 "recognizes . . . three grounds . . . [for a] motion for reconsideration." Mot. Reconsider 1.

It does not.

OCAHO Rules of Practice and Procedure, codified at 28 C.F.R. pt. 68 (2024), do not directly address motions for reconsideration. In fact, 28 C.F.R. § 68.11 covers only "motions and requests" "generally," explaining that motions are, by default, in writing, and must "state with particularity the grounds therefor, and shall set forth the relief or order sought." 28 C.F.R. § 68.11(a).

[3] But again, this provision on the CFR does not address motions for reconsideration. In fact, 28 C.F.R. § 68.11(b) serves to inform parties that, unless otherwise indicated by the Administrative Law Judge, a timely response to a motion is filed within 10 days after a written motion is served.

[4] This footnote provided a survey of cases which discuss instances where pro se litigants' cases or matters were dismissed based on that pro se litigant's conduct. Specifically, it stated:

> 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

First, she seeks to distinguish her case from *Dawson v. Lennon*. 797 F.2d 934, 935 (11th Cir. 1986).[5] Mot. Reconsider 4–5.

Then, she argues that reference to *Thomas v. Pangburn* is "inappropriate." Mot. Reconsider 13. According to Complainant, the "plaintiff [in that case] repeatedly submitted fictitious legal citations that never existed in any federal or state database. More critically, the court found that the plaintiff intentionally persisted in submitting false authorities even after multiple judicial warnings and was uncooperative with discovery and court orders. The pattern of behavior in

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> 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).
>
> *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).
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> 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).

July 9, 2025 Final Order at 5 n.5.

[5] In *Dawson*, the appellant was incarcerated and sought to proceed in forma pauperis; however, the district court ultimately concluded he had sufficient assets (which he did not disclose) to exclude him from proceeding in forma pauperis. 797 F.2d at 935.

On appeal, the Eleventh Circuit upheld the district court's decision, explaining, "The clear pattern of attempts to deceive the courts on his financial status in this and other cases justifies the district court's imposition of the severe sanction of dismissal with prejudice. The district court clearly acted within its discretion." *Id.* at 936.

Pangburn evidenced deliberate abuse of process, bad faith, and contempt of court." Mot. Reconsider 14. Complainant's own summary of the case all but proves the Court's point.

Complainant goes on to argue the Court erred when it "failed to engage with the substance of the most damning and probative evidence . . . which clearly establishes . . . a pattern of discriminatory hiring practices." Mot. Reconsider 6–7. Complainant concludes the "body of evidence is sufficient to overcome any Rule 12(b)(6)-type dismissal and to warrant full adjudication on the merits." Mot. Reconsider 8.

Complainant also renews her argument related to her medical condition—namely that it "caused citation errors." Mot. Reconsider 9–10. Additionally, Complainant asserts she did access publicly available legal resources, and her pleadings should be held to "less stringent standards."[6] Mot. Reconsider 12.

For its part, Respondent submitted a written opposition.[7]

[6] Here, she cites a Supreme Court case, *Erickson v. Pardus*, and claims that, at page 94, the Supreme Court provides "guidance" "requir[ing] courts to hold pro se pleadings to less stringent standards, especially where resource disparities exist." Mot. Reconsider 12 (citing (allegedly) *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)). An actual review of this case and the page referenced reveals it has minimal relevance to the issue here.

That case pertained to an individual whose "allegations" were "deem[ed] . . . to be 'conclusory' by the Court of Appeals for the Tenth Circuit . . . . The [circuit court and district court's] holding[s] depart[ed] in so stark a manner from the pleading standard mandated by the Federal Rules of Civil Procedure that [the Supreme Court] grant[ed] review. [The Supreme Court] vacate[d] the court's judgment and remand[ed] the case." *Erickson v. Pardus*, 551 U.S. 89, 90 (2007).

The case then goes on to analyze pleading standards under Rule 8. *Id*. at 93. Specifically, the Supreme Court explains the allegations, which were attacked through a motion to dismiss, did in fact "satisfy Rule 8(a)(2)." *Id*. at 94. The Court then explains that a complaint drafted by a pro se litigant is 'held to less stringent standards than formal pleadings drafted by lawyers.'" *Id.* (internal citation omitted).

Nothing on page 94 of the Opinion could reasonably be construed as "guidance" that could result in this Court turning a blind eye to the conduct at issue here.

[7] Respondent's Opposition also appears to contain language pertaining to a motion for attorney's fees. Parties may not place a motion within a response to a motion; rather, a new request must be filed as its own standalone motion. Respondent is encouraged to carefully review OCAHO precedent on attorney's fees in considering whether to file such a motion.

Per 28 C.F.R. § 68.52(g), "[i]n a case arising under section 274B of the INA, the Administrative Law Judge's order becomes the final agency order on the date the order is issued."[8]

Contrary to Complainant's assertions, OCAHO procedural regulations do not address motions for reconsideration; however, OCAHO precedential case law makes clear parties may make such motions, and, when appropriate, such motions are granted. *See, e.g.*, *Ogunrinu v. Law Rescs.*, 13 OCAHO no. 1332b, 4 (2019); *A.S. v. Amazon WebServs. Inc.*, 14 OCAHO no. 1381b, 2 (2021); *see also Mangewala v. Sail Internet Inc.*, 19 OCAHO no. 1552b (2024) (granting motion to reconsider order denying motion to dismiss). Further, where a Final Order has been issued, motions for reconsideration may be brought under the constructs offered in Federal Rules of Civil Procedure 59(e) or 60(b).[9] *Zajradhara v. Gig Partners* 14 OCAHO no. 1363d, 2 (2021) (citing *McCarty v. Astrue*, 505 F. Supp. 2d 624, 628 (N.D. Cal. 2007); *accord Heath v. Optnation*, 14 OCAHO no. 1374a, 3 (2020)).

As the Court previously held in a procedurally similar matter:

> A Rule 59 motion for reconsideration "must be filed no later than 28 days after the entry of judgment[,]" Fed. R. Civ. P. 59(b), while a Rule 60 motion for reconsideration generally needs to be made "within a reasonable time[.]" Fed. R. Civ. P. 60(c)(1). For a motion for reconsideration brought under Rule 59(e), the moving party must present newly discovered evidence that was previously unavailable, clear error that was manifestly unjust, or an intervening change in controlling law. *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001). Similarly, Rule 60(b)(2) provides that a party may be relieved from a final judgment if there is "newly discovered evidence that, with reasonable diligence, could not have been discovered in time[.]" However, relief under Rule 60(b) should be utilized '"sparingly' and only where necessary 'to prevent manifest injustice.'" *United States v. Wilson*, 27 F. App'x 852, 853 (9th Cir. 2001) (quoting *Greenawalt v. Stewart*, 105 F.3d 1268, 1273 (9th Cir.1997)).

Zajradhara, 14 OCAHO no. 1363d, at 3.

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[8] Additionally, "[i]n cases arising under section 274B of the INA, an Administrative Law Judge may correct any substantive, clerical, or typographical errors or mistakes in a final order at any time within sixty (60) days after the entry of the final order." 28 C.F.R. § 68.52(f).

Here, although the undersigned is within the permitted time to correct the order, Complainant does not raise anything that demonstrates a "substantive error or mistake in the final order."

[9] 28 C.F.R. § 68.1 permits using the Federal Rules of Civil Procedure as a general guideline for OCAHO cases.

Here, Complainant presents no new evidence relevant to the rationale under which the case was dismissed. Complainant's motion darts between several legal theories related to pleading standards, motions to dismiss, and summary decision—none of which were at issue when the Court issued its Final Order. Indeed, the Court did not consider whether the allegations stated a claim upon which relief can be granted, and it did not consider whether Complainant would have or could have prevailed on the merits. Rather, the Court took issue with Complainant's conduct.

In carefully considering the motion and its content, the Court notes that Complainant argues she has "newly emphasized" evidence, but this is simply an alternative way to say she has recycled previously presented and considered evidence and argument pertaining to her conduct.

She also seems to argue that she has presented "new" evidence that "Matter of Gracie" was not fabricated after all because it appears in "AI generated summaries." Mot. Reconsider 16–17.

"AI" does not create caselaw, courts do.

This evidence is then, unsurprisingly, not compelling, and certainly does not cause the Court here to conclude reconsideration is appropriate.

Complainant next provides a series of exhibits which relate to the merits of her claims. Mot. Reconsider Exs. A–G. This evidence is irrelevant on reconsideration—at issue here is not the strength of her case, it is her concerning conduct in the forum.

Complainant then presents a series of arguments pertaining to the Court's interpretation of caselaw, which has, in Complainant's estimation, resulted in a "manifest injustice." Mot. Reconsider 19. The Court carefully considered these arguments, but remains unpersuaded. In its most distilled version, Complainant seems to conclude she is not responsible for the information and citations she places in her filings. The Court very much concluded that she is.

On reconsideration, the Court considered Complainant's access to resources, the notice she received (early and often) about those free, publicly available resources, the notice she received at the outset about AI in the forum, the notice she received about her misrepresentations, and her opportunity to be heard as to the outcome of her Complainant.[10] Nothing the Complainant presents here (as the moving party) causes the Court to disturb its prior conclusion. The Motion for Reconsideration is DENIED.

SO ORDERED.

Dated and entered on August 11, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

[10] All of which is documented in full detail within the Court's Order to Show Cause and Final Order of Dismissal with Prejudice.