

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

September 8, 2025

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

Appearances: James A. Harmony, Esq., for Complainant
Mustafa Fadhil Abbas Al Bayatti, pro se Respondent

ORDER DEEMING HEARING REQUEST ABANDONED – FINAL ORDER

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

I. BACKGROUND & FINDINGS OF FACT

1. 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).

2. Respondent's answer was due on May 22, 2025.

3. 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 could result in the Court entering a default judgment against him or deeming his request for

a hearing as abandoned. *United States v. Mustafa Fadhil Abbas Al Bayatti*, 22 OCAHO 1671, 2 (2025).¹

4. On July 22, 2025, the Court received a motion from Respondent’s counsel seeking to withdraw because Respondent ceased contact with his attorney. The Court granted the motion, and to ensure Respondent had adequate opportunity to respond to the prior Order and/or secure new counsel if desired, the Court delayed the deadline to respond to the Order to Show Cause and to file an answer to August 22, 2025. The Court, once more, reminded Respondent that failure to respond and file an answer could result in his request for hearing being deemed abandoned or default judgment.

5. To date, Respondent has not filed an answer or a response to the Order to Show Cause.

II. CONCLUSIONS OF LAW

“A complaint or a request for hearing may be dismissed upon its abandonment by the party or parties who filed it. A party shall be deemed to have abandoned a complaint or a request for hearing if... [a] party or his or her representative fails to respond to orders issued by the Administrative Law Judge.” 28 C.F.R. § 68.37(b)(1). Alternatively, the Court may enter judgment by default in favor of a Complainant when a Respondent fails to file an answer. *See* 28 C.F.R. § 68.9(b).

Between the two options, abandonment is admittedly harsher;² however, it is appropriate here insofar as this Respondent is uninterested in participating in the hearing he requested. Indeed,

¹ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet 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 in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

² *See United States v. In-Power Motors, LLC*, 19 OCAHO 1545a (2024).

Between the two, default is more generous to a Respondent in that it permits the Respondent to still be heard on penalties (default is a loss of opportunity to contest the allegations). By contrast, abandonment is a harsher outcome - the NIF simply becomes the Final Order, stripping the Respondent of the right to be heard on both liability and penalty. *United States v. Edgemont Grp., LLC*, 17 OCAHO no. 1470b, 6 n. 9 (2023) (CAHO Order) (“[I]n cases where the respondent timely requests a hearing but then abandons that request, the NIF becomes the final order.”); *see e.g., United States v. Dubose Drilling, Inc.*, 18 OCAHO no. 1487b, 6 (2024); *United States v. Steidle Lawn & Landscape, LLC*, 17 OCAHO no. 1457c, 2 (2023).

were the Court to select default judgment, the matter would advance to the issue of penalties. Such an outcome makes little sense when a Respondent has unequivocally demonstrated they don't intend to participate, and thus would leave the Court with no further record development beyond Complainant's submission of the Notice of Intent to Fine.

Finally, the Court is satisfied that Respondent received adequate notice of the prospect that his hearing request may be deemed abandoned. Despite notice and warning, he failed to respond to the Order to Show Cause (even with the extension).

III. CONCLUSION & ORDERS

Respondent's Request for Hearing is DEEMED ABANDONED.

The Court enters a finding of liability against Respondent, to wit: Respondent violated 8 U.S.C. § 1324c(a)(5) as outlined in the Complaint.

The Court now adopts the Notice of Intent to Fine as the Final Order. 28 C.F.R. § 68.52.

SO ORDERED.

Dated and entered on September 8, 2025.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324c(d)(4) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1) (2021).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324c(d)(4) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such 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.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324c(d)(5) and 28 C.F.R. § 68.56.