

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

September 4, 2025

OLUFEMI KWESI,	)	
Complainant,	)	
	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2025B00046
	)	
	)	
AMAZON DISTRIBUTION CENTER,	)	
Respondent.	)	
	)	

Appearances: Olufemi Kwesi, pro se Complainant
Stephen H. Smalley, Esq., for Respondent

ORDER GRANTING EXTENSION OF ANSWER DEADLINE

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. On May 13, 2025, Complainant Olufemi Kwesi filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent Amazon Distribution Center discriminated against him on the basis of his national origin and citizenship status, retaliated against him and engaged in documentation abuse when it failed to hire him. Compl. 8.

After an initial unsuccessful attempt to serve Respondent with a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), OCAHO reissued the NOCA on August 4, 2025. Respondent, through counsel, indicated it received service on August 7, 2025. Mot. Extension 1.

On September 3, 2025, Respondent filed a Consent Motion for Extension of Time to Answer or Otherwise Respond to Complainant's Complaint. Respondent states that the parties are discussing settlement and requests a 30-day extension of the answer deadline as the "parties have reached a settlement in principle that would resolve all claims asserted in the Complaint." *Id.* Respondent states that Complainant has consented to the extension. *Id.* at 2.

“OCAHO’s Rules of Practice and Procedure . . . do not provide specific standards for extensions, but the standard routinely applied is good cause.” *United States v. Patch Sub, LLC*, 18 OCAHO no. 1521, 2 (2024) (quoting *United States v. Space Exploration Techs.*, 18 OCAHO no. 1499, 5 (2023)). “Good cause requires ‘a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.’” *Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462, 2 (2022) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).

Respondent indicates that the requested extension of time is to facilitate ongoing settlement negotiations. Respondent submitted the request for an extension prior to the answer deadline and indicates that Complainant does not object to the extension. Mot. Extension 2. Given the proffered reason, the timeliness of the request, and Complainant’s lack of opposition, the Court finds good cause for the requested extension of the answer deadline.

The Court GRANTS Respondent’s Agreed Motion for Extension of Time. Respondent may file its answer no later than October 6, 2025.

If the parties finalize a settlement agreement before the October 6, 2025, answer deadline, they should refer to 28 C.F.R. § 68.14(a) for how to seek dismissal pursuant to settlement. Any filing seeking to dismiss the matter under 28 C.F.R. § 68.14(a)(2) should indicate if the parties seek dismissal with or without prejudice.

SO ORDERED.

Dated and entered on September 4, 2025.

Honorable Jean C. King
Chief Administrative Law Judge