

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

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2023A00058
PJ'S OF TEXAS, INC.,	)	
	)	
Respondent.	)	
	)	

Appearances: Oscar J. Montemayor, Esq., for Complainant  
Kevin R. Lashus, Esq., for Respondent

ORDER GRANTING COMPLAINANT'S UNOPPOSED MOTIONS TO EXTEND  
AND SETTING REVISED CASE SCHEDULE

I. PROCEDURAL HISTORY

On May 9, 2023, Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, PJ's of Texas, Inc. The complaint alleges that Respondent violated the employer sanctions provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. On June 21, 2023, Respondent filed a Special Appearance, Special Exceptions, and Answer.

On January 31, 2024, the Court issued an Order on Service, Complainant's Notice of Appearance and Motion for Substitution, Electronic Filing, Prehearing Statements, and Scheduling Initial Prehearing Conference. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524 (2024).<sup>1</sup> Through that Order, the Court authorized

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<sup>1</sup> 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 after Volume 8, where the decision has not yet been reprinted

the parties to begin their discovery at any time and advised them that, “Any motion to extend discovery must demonstrate good cause for the extension, state the other party's position on the motion and be filed with the Court before the discovery closing date.” *Id.* at 8–9.

On February 28, 2024, the Court held an initial prehearing conference with the parties, and, on March 25, 2024, the Court issued an Order Memorializing Initial Prehearing Conference.

On April 23, 2024, the Court issued an Order Granting Joint Motion for and Consent to Referral to the Settlement Officer Program, Referring Case to the OCAHO Settlement Officer Program, and Designating Settlement Officer. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524a (2024). On June 20, 2024, the Court issued an Order Extending Referral to the OCAHO Settlement Officer Program. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524b (2024).

The parties participated in the OCAHO Settlement Officer Program but were unable to reach a settlement agreement. As a result, the Court scheduled a prehearing conference with the parties to discuss their anticipated discovery needs and to “develop a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing in this matter.” May 2, 2025 Order for Preh’g Statements and Scheduling Preh’g Conf. 5–6. In preparation for the conference, the Court ordered the parties to supplement their initial disclosures and file prehearing statements by May 27, 2025. *Id.* at 5.

On May 23, 2025, DHS Deputy Chief Counsel Oscar J. Montemayor filed a Notice of Appearance and Motion for Substitution, along with a completed and signed Attorney and Registration Form and Certification for OCAHO’s Electronic Filing Pilot Program. Notice Appearance & Mot. Substitution Ex. A. That same day, DHS filed Complainant’s Supplemental Initial Disclosures and Prehearing Statement. On May 27, 2025, Respondent filed Respondent’s Updated Prehearing Statement and Initial Disclosures. On June 2, 2025, the Court issued an Order on Complainant’s Notice of Appearance, Motion for Substitution, and Electronic Filing. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524c (2024).

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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,” the LexisNexis database “OCAHO,” or on the United States Department of Justice’s website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

On June 3, 2025, the Court held a prehearing conference with the parties. On June 10, 2025, the Court issued an Order Memorializing Second Prehearing Conference and Setting Case Schedule. The Court ordered the parties to complete fact discovery by September 2, 2025. June 10, 2025 Order Mem. Second Prehr'g Conf. 2. The Court further ordered the parties to file any dispositive motions by October 2, 2025, and to file any responses to dispositive motions by November 3, 2025, or no later than thirty days from the filing date of the opposing party's dispositive motion. *Id.* The Court then tentatively scheduled a hearing in this case for January 27, 2026, in San Antonio, Texas. *Id.*

On July 29, 2025, Respondent filed Respondent's Unopposed Motion to Extend the Interrogatory Response Deadline. Through its motion, Respondent represented that "Complainant served interrogatories on Respondent on June 30, 2025," and moved the Court to "grant it seven more days to respond, to August 7, 2025." Mot. Extend Interrog. Resp. Deadline 1.

On July 31, 2025, the Court verbally granted Respondent's Unopposed Motion to Extend the Interrogatory Response Deadline and permitted Respondent through August 7, 2025, to respond to Complainant's interrogatories. On August 11, 2025, the Court issued an Order Memorializing the Grant of Respondent's Unopposed Motion to Extend the Interrogatory Response Deadline. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524d (2025).

On September 12, 2025, Complainant filed The United States Department of Homeland Security's Unopposed Motion to Extend Discovery and Dispositive Motion Deadlines. On November 13, 2025, Complainant filed The United States Department of Homeland Security's Second Unopposed Motion to Extend Discovery and Dispositive Motion Deadlines.

## II. DISCUSSION

Pending before the Court are Complainant's two unopposed motions: (1) The United States Department of Homeland Security's Unopposed Motion to Extend Discovery and Dispositive Motion Deadlines (Motion to Extend) and (2) The United States Department of Homeland Security's Second Unopposed Motion to Extend Discovery and Dispositive Motion Deadlines (Second Motion to Extend). Through the Motion to Extend, Complainant initially sought a thirty-day extension of time of the September 2, 2025, deadline for fact discovery and the October 2, 2025, deadline to file dispositive motions. *See* Mot. Extend 2. Complainant represented that "[t]he parties are still engaged in discovery" and anticipated deposing two individuals on September 30, 2025. *Id.* Through the Second Motion to Extend, Complainant moves the Court to extend the discovery deadline by ninety days and to similarly adjust the

deadline for the filing of dispositive motions in this case. *See* Second Mot. Extend 2. Complainant represents that “[t]he parties recently exchanged interrogatories and conducted the depositions” of two individuals on September 30, 2025. *Id.* Complainant stated that its counsel “received the deposition transcripts” and is “assessing whether further discovery is needed.” *Id.* Further, Complainant notes that “the recent governmental shutdown has affected case handling and processing.” *Id.*

“OCAHO has broad authority to control discovery.” *United States v. Chancery Staffing Sols.*, 13 OCAHO no. 1326a, 3 (2019) (citing 28 C.F.R. pt. 68 generally). Although OCAHO’s Rules of Practice and Procedure for Administrative Hearings<sup>2</sup> do not articulate a standard for granting extensions of time, “the standard routinely applied is good cause.” *United States v. Space Expl. Tech. Corp.*, 18 OCAHO no. 1499, 5 (2023); *see also* Fed. R. Civ. P. 6(b)(1) (“When an act may be or must be done within a specified time, the court may, *for good cause*, extend the time . . . .”) (emphasis added).<sup>3</sup> “In determining whether good cause exists, a court should consider ‘whether the moving party acted in good faith, the length of the delay and its effects, and whether the delay will prejudice the non-moving party.’” *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381i, 3–4 (2021) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).

The Court now finds that good cause exists to grant the requested extensions of time. Although the Motion to Extend discovery was untimely filed ten days after the closure of fact discovery, the Court notes that the request was unopposed and that, while the Motion to Extend was pending, the parties worked diligently to complete discovery in this case by deposing two individuals on September 30, 2025. *See* Second Mot. Extend 2. In the Second Motion to Extend, Complainant has not identified what, if any, additional discovery is needed to justify an extension of time for fact discovery in this case which has been pending since May 9, 2023, and in which the Court opened discovery on January 31, 2024. Rather, Complainant’s counsel has asserted that he needs time to assess “whether further discovery is needed.” *Id.* In

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<sup>2</sup> OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2025), generally govern these proceedings and are available on OCAHO’s homepage on the United States Department of Justice’s website. *See* <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

<sup>3</sup> OCAHO’s Rules provide that, “in any situation not provided for or controlled by these rules, by the Administrative Procedure Act, or by any other applicable statute, executive order, or regulation,” the Federal Rules of Civil Procedure may be used as a “general guideline.” 28 C.F.R. § 68.1.

agreeing to give the parties additional time to conclude fact discovery, the Court has considered the representation that “the recent governmental shutdown [October 1, 2025, through November 12, 2025] has affected case handling and processing.” *Id.* Further, the Court does not find, and Respondent has not alleged, any bad faith or prejudice arising from an extension of time for Complainant’s counsel to determine whether the government needs additional discovery. *See* 4 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (4th ed. 2023) (“[A]n application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”).

Accordingly, the Court now grants Complainant’s unopposed motions to extend time and permits the parties through December 10, 2025, to conclude fact discovery. Having extended the deadline for the completion of discovery in this case, the Court likewise grants Complainant’s request to extend the deadline for dispositive motions. The Court now extends the deadline to file dispositive motions to January 26, 2026, and sets February 25, 2026, as the deadline to file responses to dispositive motions, or no later than thirty days from the filing date of the opposing party’s dispositive motion. Lastly, given these revisions to the case schedule, the Court strikes the tentative hearing date of January 27, 2026. Should this matter not be resolved by the parties’ anticipated motions, the Court shall schedule another prehearing conference with the parties during which it shall set a new hearing date and other prehearing deadlines.

### III. ORDERS

IT IS SO ORDERED that The United States Department of Homeland Security’s Unopposed Motion to Extend Discovery and Dispositive Motion Deadlines and The United States Department of Homeland Security’s Second Unopposed Motion to Extend Discovery and Dispositive Motion Deadlines are GRANTED.

IT IS FURTHER ORDERED that the following schedule shall govern this case:

1. Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, and Respondent, PJ’s of Texas, Inc., shall complete discovery by December 10, 2025;
2. The parties shall file any dispositive motions by January 26, 2026; and
3. The parties shall file any responses to dispositive motions by February 25, 2026, or no later than thirty days from the filing date of the opposing party’s dispositive motion.

IT IS FURTHER ORDERED that the tentative hearing date of January 27, 2026, in San Antonio, Texas, is stricken.

SO ORDERED.

Dated and entered on November 20, 2025.

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Honorable Carol A. Bell  
Acting Chief Administrative Law Judge