

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 ACCEPTING PARTIES' JOINT FILINGS AND SCHEDULING
PREHEARING CONFERENCE

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).¹ Through that Order, the Court authorized

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 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, pursuant to 28 C.F.R. § 68.13,² 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

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>.

² 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 the United States Department of Justice’s website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

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).

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 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.

On November 20, 2025, the Court issued an Order Granting Complainant's Unopposed Motions to Extend and Setting Revised Case Schedule. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524e (2025). Through the Order, the Court gave the parties through December 10, 2025, to complete discovery. *Id.* at 5. The Court permitted the parties through January 26, 2026, to file any dispositive motions and ordered them to 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. *Id.* Lastly, the Court struck the January 27, 2026, hearing date in these proceedings. *Id.* at 6.

On December 4, 2025, the parties filed a Joint Motion to Stay Proceedings Pending Final Settlement Execution. On January 13, 2026, the Court issued an Order Granting the Parties' Joint Motion to Stay Proceedings Pending Final Settlement Execution. *See United States v. PJ's of Tex., Inc.*, 18 OCAHO no. 1524f (2026). The Court stayed these proceedings through January 27, 2026, and ordered the parties to file a joint status report on January 28, 2026, if they had not made filings to resolve the matter in accordance with 28 C.F.R. § 68.14. *Id.* at 5. The Court also set the following revised case schedule to go into effect upon the expiration of the stay:

1. The parties shall complete discovery by February 5, 2026;
2. The parties shall file any dispositive motions by February 25, 2026; and
3. The parties shall file any responses to dispositive motions by March 17, 2026, or no later than twenty days from the filing date of the opposing party's dispositive motion.

Id. at 6.

On January 30, 2026, the parties submitted the following filings: (a) Joint Motion for Leave to File and Approve Sett[l]ement, Consent Findings and Dismissal, (b) Settlement Agreement, (c) Consent Findings, and (d) Joint Motion to Approve Consent Findings.

II. DISCUSSION AND ANALYSIS

During the stay of these proceedings, the parties did not proceed in accordance with 28 C.F.R. § 68.14 by, for example, filing a notice of settlement and a joint motion to dismiss signed by counsel for both parties in accordance with 28 C.F.R. § 68.14(a). *See PJ's of Tex., Inc.*, 18 OCAHO no. 1524f, at 5. The parties also did not file the joint status report addressing the status of settlement as ordered by the Court. *See id.* Rather, after the expiration of the stay of proceedings, on January 30, 2026, the parties filed a Joint Motion for Leave to File and Approve Sett[l]ement, Consent Findings and Dismissal, (b) Settlement Agreement, (c) Consent Findings, and (d) Joint Motion to Approve Consent Findings.

Through their Joint Motion for Leave to File and Approve Sett[l]ement, Consent Findings and Dismissal (Joint Motion Settlement), the parties move the Court to “grant leave to file the instant motion, and . . . order the approval of the attached settlement agreement, consent findings, and dismiss these proceedings.”³

³ The parties likewise indicated that the Consent Findings were an attachment to the parties' Joint Motion to Approve Consent Findings.

Joint Mot. Settlement 1. The parties did not address their failure to file a joint status report on January 28, 2026.

The Court now addresses the parties' request for leave to file the Joint Motion for Leave to File and Approve Sett[e]ment, Consent Findings and Dismissal and attachments. Although the first page of the parties' joint motion contains a blank signature line,⁴ counsel for both parties signed and dated the joint motion on page two. *See* Joint Mot. Settlement 1–2. As such, the filing complies with OCAHO's Rules of Practice and Procedure for Administrative Hearings. *See* 28 C.F.R. § 68.7(a) (providing that pleadings shall be signed and dated by the party or its representative). The Court exercises its discretion and grants, in part, the parties' joint motion to the extent they seek leave to file the motion and its attachments. Thus, the parties' Joint Motion for Leave to File and Approve Sett[e]ment, Consent Findings and Dismissal and the attached Settlement Agreement and Consent Findings are accepted as filings in this case. Further, although the parties did not seek leave to file the Joint Motion to Approve Consent Findings, which likewise contains a blank signature line on page one, it too is accepted as a filing in this case given that the parties' counsel signed and dated the joint motion. Joint Mot. Consent Findings 1–2; *see* 28 C.F.R. § 68.7(a).

The parties' settlement materials, however, fall short of meeting the requirements for dismissal based on consent findings provided in OCAHO's Rules of Practice and Procedure for Administrative Hearings, specifically 28 C.F.R. § 68.14. Given the motions pending before the Court, the Court will hold a prehearing conference with the parties on Tuesday, February 17, 2026, at 3:00 p.m. Eastern Standard Time⁵ to discuss the parties' Joint Motion for Leave to File and Approve Sett[e]ment, Consent Findings and Dismissal, Settlement Agreement, Consent Findings, and Joint Motion to Approve Consent Findings. *See* 28 C.F.R. §§ 68.13(1), (2)(ix).

⁴ The incomplete signature line reads: "Signed and executed this _____ day of _____, 2026." Joint Mot. Settlement 1. This same blank signature line appears on page one of the parties' Joint Motion to Approve Consent Findings (Joint Motion Consent Findings). *See* Joint Mot. Consent Findings 1.

⁵ If the parties need to reschedule the prehearing conference, no later than 5 p.m. Eastern Standard Time on Wednesday, February 11, 2026, they shall provide the Court with a joint written notice of a minimum of three proposed agreed dates (no later than February 24, 2026) and times in Eastern Standard Time for the rescheduled conference. The Court will confirm the date and time for the rescheduled conference either telephonically or in writing as soon thereafter as practicable.

III. ORDERS

IT IS SO ORDERED that the parties' Joint Motion for Leave to File and Approve Settl[e]ment, Consent Findings and Dismissal is GRANTED, in part, and the parties' (a) Joint Motion for Leave to File and Approve Settl[e]ment, Consent Findings and Dismissal and attached Settlement Agreement and Consent Findings are ACCEPTED as filings in this case;

IT IS FURTHER ORDERED that the parties' Joint Motion to Approve Consent Findings is ACCEPTED as a filing in this case; and

IT IS FURTHER ORDERED that, pursuant to 28 C.F.R. §§ 68.13(1), (2)(ix), a telephonic prehearing conference with the parties will be held on Tuesday, February 17, 2026, at 3:00 p.m. Eastern Standard Time. Both parties shall attend the prehearing conference by calling telephone number [x-xxx-xxx-xxx] and entering the meeting number ([xxxx]) and password ([xxx]).

SO ORDERED.

Dated February 9, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge