

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. 2026A00009
LA TROJE BAR AND GRILL, LLC,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Oscar J. Montemayor, Esq., for Complainant
Ignacio G. Martinez, Esq., for Respondent

ORDER CONFIRMING DISMISSAL

I. PROCEDURAL BACKGROUND

This case arises under the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on December 16, 2025. Complainant alleges that Respondent, La Troje Bar and Grill, LLC, failed to ensure the employee properly completed section 1 and/or failed to properly complete section 2 or 3 of the Employment Eligibility Verification Form (Form I-9) for sixteen individuals, in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl. ¶ 6.

Complainant attached to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) that it personally served on Respondent through Mr. Luis Gonzalez, who identified himself as the owner of the Respondent-business, in Brownsville, Texas, on July 17, 2024, seeking a fine of \$35,258.80 for the alleged violations. Compl. Ex. A.

Also attached to the complaint was a letter dated August 19, 2024, signed by Mr. Ignacio G. Martinez, Esq., on behalf of the Respondent-business, through which

Mr. Martinez requested a hearing before an Administrative Law Judge (“request for hearing”). Compl. Ex. B.

On January 5, 2025, using the United States Postal Service’s certified mail service, OCAHO mailed Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment, the complaint, the NIF, and Respondent’s request for hearing (together, the “Complaint package”).

On February 10, 2026, the Court issued a Notice and Order to Show Cause finding that OCAHO perfected service of the Complaint package on Respondent and its counsel on January 9, 2026, in accordance with 28 C.F.R. §§ 68.3(a)(3), 68.3(b).¹ *United States v. La Troje Bar and Grill, LLC*, 22 OCAHO no. 1690, 4 (2025).² The Court also found that Respondent had not timely filed its answer to the complaint and ordered Respondent, within twenty-one days, to file a response showing good cause for its failure to file a timely answer together with an answer to the complaint. *Id.* at 5–6. Respondent did not file an answer or response to the Notice and Order to Show Cause.

On February 24, 2026, the Court issued an Order to File Timely Request for Hearing. *United States v. La Troje Bar and Grill, LLC*, 22 OCAHO no. 1690a (2026). Through that Order, the Court directed the parties to file a copy of Respondent’s timely, written request for a hearing before an ALJ within twenty-one days of the date of the Order’s issuance, namely, by March 17, 2026. *Id.* at 5. Neither party has filed a copy of the Respondent’s timely request for hearing.

¹ OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. pt. 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>.

² 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 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 March 6, 2026, the Court issued an Order Scheduling Initial Prehearing Conference. Through that Order, the Court scheduled a telephonic prehearing conference with the parties for March 12, 2026, at 11:30 a.m. Eastern Standard Time, pursuant to 28 C.F.R. § 68.13. Mar. 6, 2026 Order Scheduling Initial Prehr'g Conf. 2–3.

On March 12, 2026, the Court held the initial prehearing conference with the parties. On March 17, 2026, the Court issued an Order Memorializing Initial Prehearing Conference. During the conference, the parties informed the Court that they had settled this case and executed a settlement agreement. Mar. 17, 2026 Order Memorializing Initial Prehr'g Conf. 3. Complainant indicated to the Court that it would file the parties' settlement agreement and a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). *Id.* at 3–4.

Also, on March 12, 2026, Complainant filed Complainant's Second Notice of Filing. Through that filing, Complainant informed the Court that the parties had executed a settlement agreement. Second Notice of Filing 1. Complainant attached the parties' settlement agreement to the filing. *Id.* Ex. A. On that same date, Complainant filed a Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i).

II. NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i)

The parties have settled this case, and Complainant has filed a Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i). In its filing, Complainant states that it “gives notice that the above captioned action is voluntarily dismissed without prejudice against the Respondent.” Notice of Dismissal 1.

Although OCAHO's Rules of Practice and Procedure for Administrative Hearings do not address a complainant's voluntary dismissal of a complaint,³ they do provide that the Court may use the Federal Rules of Civil Procedure as a general guideline. *See* 28 C.F.R. § 68.1. Federal Rule of Civil Procedure 41(a)(1)(A) describes two filings through which a plaintiff may voluntarily “dismiss an action without a

³ OCAHO's Rules provide for dismissals under various circumstances, including (1) where “the Administrative Law Judge determines that the complainant has failed to state a claim upon which relief can be granted” (28 C.F.R. § 68.10(b)); (2) where the parties have reached a settlement agreement and agree to dismissal of the action (*id.* § 68.14(a)(2)); (3) where a party abandons a complaint or a request for hearing it filed (*id.* § 68.37(b)); and (4) through a final order post-hearing after “the Administrative Law Judge determines that a person or entity named in the complaint has not engaged in and is not engaging in an unfair immigration-related employment practice” (*id.* § 68.52(d)(5)).

court order.” First, if “an answer or a motion for summary judgment” has not yet been served, Rule 41(a)(1)(A)(i) permits a plaintiff to file “a notice of dismissal.” Second, Rule 41(a)(1)(A)(ii) permits “a stipulation of dismissal signed by all parties who have appeared” in the case. If a plaintiff cannot dismiss an action under Rule 41(a)(1)(A) because an answer or motion for summary judgment has been filed or the parties have not signed a joint stipulation of dismissal, then the plaintiff can pursue a court order dismissing the case under Rule 41(a)(2).

Here, Complainant has filed a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). The Court finds that the filing of this notice is proper because this case is in its early stages and Respondent has not yet filed an answer to the complaint or a motion for summary judgment. *See, e.g., Exxon Corp. v. Md. Cas. Co.*, 599 F.2d 659, 661 (5th Cir. 1979) (“A unilateral motion to dismiss an action is permissible only before the defendant has filed an answer or a motion for summary judgment.”).⁴ As such, Complainant has “an absolute right to dismiss” this action by filing a Rule 41(a)(1)(A)(i) notice of dismissal. *Welsh v. Correct Care, L.L.C.*, 915 F.3d 341, 343 (5th Cir. 2019). Complainant has notified the Court that it is dismissing this action without prejudice which is the default under the rule. Notice of Dismissal 1; *see* Fed. R. Civ. P. 41(a)(1)(B) (explaining that “[u]nless the notice ... states otherwise, the dismissal is without prejudice.”).

Complainant’s filing of its Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i) dismisses the case automatically without requiring the Court to take any action. *See United States v. Space Expl. Techs. Corp.*, 18 OCAHO no. 1499b, 5 (2025) (explaining that “[b]ecause Federal Rule of Civil Procedure 41(a)(1)(A)(i) is applicable and Complainant’s notice conforms with it, the dismissal without prejudice is self-effectuating.”); *see also Horne v. Town of Hampstead*, 6 OCAHO no. 884, 673, 676 (1996) (“Once filed . . . , a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i), is self-executory.”). However, during the initial prehearing conference on March 12, 2026, the parties requested that the Court issue an order for clarity of the record. Mar. 12, 2026 Ord. Memorializing Initial Prehr’g Conf. 4. Given the parties’ request and the local norms of the relevant federal circuit, the Court now issues this Order Confirming Dismissal. *See, e.g., A.P. Moller-Maersk A/S, Trading v. Safewater Lines (I) PVT, Ltd.*, 322 F.R.D. 255, 260 (S.D. Tex. Aug. 23, 2017) (explaining that “in this district a court usually issues an order granting a motion for voluntary dismissal [pursuant to Rule 41(a)(1)(A)(i)].”).

⁴ The Court consults case law from the United States Court of Appeals for the Fifth Circuit as it is the “appropriate circuit for review.” 28 C.F.R. § 68.56.

III. ORDER

The Court confirms that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), this case has been voluntarily DISMISSED without prejudice.

SO ORDERED.

Dated March 17, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge