

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., and Gretchen Otto, Esq., for Complainant
Andres Lopez, Esq., for Respondent

ORDER MEMORIALIZING INITIAL PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

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). *United States v. La Troje Bar and Grill, LLC*, 22 OCAHO no. 1690, 4 (2026).¹ 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. To date, Respondent has not filed an answer or responded 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. To date, neither party has filed a copy of the Respondent’s timely request for a hearing.

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 Ord. Scheduling Initial Prehr’g Conf. 2–3.

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 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>.

II. INITIAL PREHEARING CONFERENCE

On March 12, 2026, the Court conducted an initial telephonic prehearing conference with the parties pursuant to 28 C.F.R. § 68.13(a). With the Court's consent, DHS Assistant Chief Counsel Gretchen Otto appeared with Oscar J. Montemayor, Esq., for the limited purpose of observing the prehearing conference. Respondent's counsel, Ignacio G. Martinez, Esq., did not appear at the prehearing conference. Rather, Andres Lopez, Esq., appeared on behalf of Respondent. The Court permitted Mr. Lopez's appearance for the limited purpose of the prehearing conference.

The Court explained that the purpose of the prehearing conference was to discuss the status of this case, including settlement discussions. Complainant's counsel, Mr. Montemayor, informed the Court that the parties had settled this matter and executed a settlement agreement resolving the allegations against Respondent. Respondent's counsel confirmed that his client had reached a settlement with the government. Complainant's counsel said that he had attempted to file a notice informing the Court of the settlement agreement on March 9, 2026. The Court said that it had not received the filing. Complainant's counsel said that he would file the notice and a copy of the parties' settlement agreement.²

Complainant indicated that it wished to leave the forum. The Court explained that OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. pt. 68 (2025),³ do not address a complainant's voluntary dismissal of an action. Given the posture of this case, in which no answer had been filed, pursuant to 28 C.F.R. § 68.1, the Court directed the parties' attention to Federal Rule of Civil Procedure 41. The Court discussed the requirements for voluntary dismissal of this action and found that Rule 41(a)(1)(A)(i) was applicable to these proceedings because Respondent had not yet filed an answer to the complaint. The Court also noted that the parties could file a jointly signed stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii).

² After the prehearing conference, on March 6, 2026, Complainant's counsel 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.

³ OCAHO's Rules of Practice and Procedure for Administrative Hearings 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>.

Complainant's counsel indicated that, after the prehearing conference, he would file a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). The Court said that Rule 41(a)(1)(B) provided that, unless Complainant's notice stated otherwise, the dismissal would be without prejudice. Complainant's counsel confirmed that Complainant would be dismissing this action without prejudice. Respondent's counsel noted his agreement to dismissal without prejudice. The Court informed the parties that, if Complainant filed a notice of dismissal pursuant to Rule 41(a)(1)(A)(i), it would not review the parties' settlement agreement or issue a final order of dismissal. Rather, Complainant's notice would result in dismissal. The Court inquired as to whether the parties needed an order confirming dismissal pursuant to Rule 41(a)(1)(A)(i), and the parties stated that they would appreciate an order confirming dismissal of this matter.

Lastly, the Court reminded the parties' counsel to submit all filings through OCAHO's web-based electronic filing system (OCAHO Portal) with certificates of service. The Court also permitted Complainant to submit courtesy copies of its anticipated filings to OCAHO via email. Pursuant to 28 C.F.R. § 68.6(c)(2)(iii), Respondent's counsel consented to receive electronic service of Complainant's filings and the Court's orders and provided two email addresses.

After confirming that the parties had no further questions or issues that they wanted to discuss, the Court adjourned the conference.

SO ORDERED.

Dated March 17, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge