

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. 2024A00036
SUMAJ, LLC,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Ariel Chino, Esq., for Complainant
Kevin Lashus, Esq., for Respondent

ORDER FOR STATUS REPORT FROM RESPONDENT, SCHEDULING SECOND
PREHEARING CONFERENCE, AND NOTICE REGARDING OCAHO PORTAL

I. PROCEDURAL HISTORY

On January 26, 2024, 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) alleging that Respondent, SUMAJ, LLC, violated the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a.

Complainant attached to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) it served on Respondent on August 8, 2023, seeking a fine of \$789,681.20 for the alleged violations, and Respondent's request, through counsel, for a hearing before OCAHO dated August 28, 2023. Compl. Exs. A–B. On February 27, 2024, Respondent filed an answer to the complaint.

On June 20, 2024, the Court issued an Order on Electronic Filing, permitting the parties to participate in OCAHO's Electronic Filing Pilot Program.

On March 10, 2025, the Court issued an Order on Service of Complaint, finding that service of the complaint had been perfected on Respondent in accordance with OCAHO's Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68.¹ *United States v. SUMAJ, LLC*, 21 OCAHO no. 1648, 3–4 (2025).²

Also, on March 10, 2025, the Court issued an Order for Prehearing Statements and Scheduling Initial Prehearing Conference, through which it ordered the parties to make initial disclosures and file their prehearing statements by March 31, 2025, and set an initial prehearing conference for April 15, 2025.

On April 14, 2025, the parties filed a Joint Prehearing Statement. Also, on April 14, 2025, the parties filed a Joint Motion for and Consent to Referral to Settlement Officer Program, through which they moved the Court to refer this matter to the OCAHO Settlement Officer Program and “expressly consent[ed] to participation in the Settlement Officer Program and agree[d] to engage in settlement negotiations in good faith.” Joint Mot. Referral Consent 1.

On April 15, 2025, pursuant to 28 C.F.R. § 68.13, the Court conducted the initial telephonic prehearing conference and, after considering the parties' Joint Motion for and Consent to Referral to Settlement Officer Program, the Court found that this case was appropriate for a sixty-day referral to the OCAHO Settlement Officer Program. *United States v. SUMAJ, LLC*, 21 OCAHO no. 1648a, 4 (2025).

On April 21, 2025, 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*

¹ OCAHO's Rules of Practice and Procedure for Administrative Hearings are the provisions contained in 28 C.F.R. part 68 (2026). OCAHO's Rules, which generally govern these proceedings, are available in the Electronic Code of Federal Regulations. *See* <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

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 OCAHO's homepage on the United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

v. SUMAJ, LLC, 21 OCAHO no. 1648b (2025). Through that Order, the Court found that the parties' joint motion satisfied the Executive Office for Immigration Review (EOIR) Policy Memorandum (PM) 20-16's requirement that no referral to the OCAHO Settlement Officer Program be made without "receipt of written confirmation of consent" from both parties and reiterated its determination during the prehearing conference that the case was appropriate for referral.³ *Id.* at 4. The Court then appointed an OCAHO Administrative Law Judge (ALJ) as the Settlement Officer and ordered that the case be referred to the OCAHO Settlement Officer Program for sixty days beginning on April 22, 2025, and continuing through June 23, 2025. *Id.* at 4–6. The Court found no need to stay procedural deadlines during the referral period. *Id.* at 5.

On June 23, 2025, the assigned Settlement Officer, OCAHO ALJ John A. Henderson, requested a thirty-day extension of this case's referral to the OCAHO Settlement Officer Program. The Settlement Officer explained that he was seeking the extension of time at the parties' request to enable them to continue pursuing a resolution of this case through mediation. He represented that the parties consented to a thirty-day referral.

Also, on June 23, 2025, the Court issued an Order Extending Referral to the OCAHO Settlement Officer Program. *See United States v. SUMAJ, LLC*, 21 OCAHO no. 1648c (2025). Through that Order, the Court extended the referral period to the OCAHO Settlement Officer Program through July 24, 2025, and reminded the parties that, should they reach a settlement agreement during the referral period, they must file a joint notice of settlement and agreed motion to dismiss compliant with 28 C.F.R. § 68.14(a)(2). *Id.* at 3–4. In the event the parties could not reach a settlement agreement during the referral period, the Court advised the parties that the Settlement Officer would refer them back to the undersigned for further proceedings, and that the Court would request status reports and set new case deadlines. *Id.* at 4. The Settlement Officer later advised the Court that the parties were continuing fruitful settlement negotiations beyond the thirty-day extension.

On February 3, 2026, the Settlement Officer advised the Court that the parties were continuing to work toward a settlement. On February 5, 2026, the Court issued an Order for Status Reports ordering both parties to file a status report on the update of their settlement agreement no later than March 9, 2026.

On March 26, 2026, Complainant filed a Settlement Negotiation Update and advised that the parties' "mediation was cut short due to the serious medical

³ EOIR PM 20-16 established the OCAHO Settlement Officer Program. Chapter 4.7 of the OCAHO Practice Manual, which is part of the Executive Office for Immigration Review's Policy Manual, outlines the OCAHO Settlement Officer Program and is available on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho>.

condition of the Respondent's manager." Complainant's Settlement Negot. Update 1. Complainant's counsel represented that, on August 12, 2025, Respondent's counsel informed him that Respondent's manager died. *Id.* Complainant explained that it had determined that the Respondent-business was still operational, but using the name "Suma Plus Solutions LLC."⁴ *Id.* at 2. Further, Complainant indicated that Angela Anissa Avendano was managing the business. *Id.* Complainant explained that it wanted to continue the parties' settlement negotiations and asked the Court for an additional thirty days to seek a settlement with Respondent's new management. *Id.*

To date, Respondent has not filed the status report ordered by the Court.

II. DISCUSSION

A. Respondent's Status Report

Given Respondent's failure to file a status report as ordered by the Court on February 5, 2026, the Court again orders Respondent to file a status report addressing the status of settlement negotiations no later than April 16, 2026. In the status report, Respondent shall indicate whether it is interested in further settlement negotiations with Complainant, including through the OCAHO Settlement Officer Program. Further, Respondent shall address any changes to its business or legal representation affecting this case. The Court puts Respondent on notice that changes to its name, management team, or representation⁵ do not alleviate Respondent of its responsibility to file the status report ordered by the Court.

If Respondent ignores the Court's orders and fails again to file the status report, the Court may "find that it has abandoned its request for hearing and dismiss its request pursuant to 28 C.F.R. § 68.37(b)(1)." *United States v. Road Masters IG, LLC*, 22 OCAHO no. 1694, 5 (2026); *see also United States v. Steidle Lawn & Landscape, LLC*, 17 OCAHO no. 1457c, 2 (2023) (finding that the respondent abandoned its request for a hearing when it failed to respond to the ALJ's orders). "A final order of dismissal based on abandonment is analogous to entry of a default judgment under the Federal Rules of Civil Procedure." *United States v. Vilardo Vineyards*, 11 OCAHO no. 1248, 4 (2015). "Abandonment will result in DHS's NIF

⁴ The parties have leave to file a motion to amend the case caption to identify the proper party.

⁵ Should Respondent retain different counsel in this matter, its counsel shall file a notice of appearance in accordance with 28 C.F.R. § 68.33(f). If Kevin Lashus no longer represents Respondent, he shall file a motion to withdraw as counsel.

becoming the final order.” *United States v. DJ’s Transp.*, 18 OCAHO no. 1488a, 5 (2024).

B. Second Prehearing Conference

Given the developments asserted in Complainant’s Settlement Negotiations Update and the status of the parties’ settlement negotiations, the Court will hold a telephonic prehearing conference with the parties on Tuesday, April 21, 2026, at 11:30 a.m. Eastern Time.⁶ *See* 28 C.F.R. §§ 68.13(a)(1), (a)(2)(i), (a)(2)(v), (a)(2)(viii).

At the conference, the parties should be fully prepared and have authority to discuss any questions regarding the case, including questions raised by the pleadings, motions contemplated to be filed, the probable length of time needed for discovery, and the possibility of settlement of the case. The parties should be prepared to discuss a case schedule, including dates for the completion of discovery, the filing of motions, and a hearing in this matter. *See* 28 C.F.R. § 68.13. The parties will have the opportunity to discuss any problems confronting them, including the need for time in which to prepare for a hearing. The parties shall be prepared at the conference to tell the Court their preferred location for a hearing, should one be required in this matter.

The Court again puts Respondent on notice that it may deem the request for hearing abandoned if Respondent again fails to respond to the Court’s orders or fails to appear at the prehearing conference. *See* 28 C.F.R. § 68.37(b)(1). Respondent must file a status report in advance of the conference.

Because Complainant has identified a new manager for the Respondent-business, *see* Complainant’s Settlement Negot. Update 2, OCAHO shall issue this Order both to Respondent’s counsel of record via electronic mail and to Ms. Avendano at the mailing address for the Respondent-business on file with OCAHO. Should Respondent’s preferred address differ from the address on file, Respondent shall file a timely notice with the Court updating the address. *See* Notice Case Assignment ¶ 2 (explaining that “[a]ll representatives and parties are also required to maintain a current address with OCAHO and to timely file a notice of a change of address with the presiding Administrative Law Judge ... and must also serve such notice on the opposing party.”).

⁶ If the parties need to reschedule the prehearing conference, no later than 5 p.m. Eastern Time on Thursday, April 16, 2026, they shall provide the Court with a joint written notice of a minimum of three proposed agreed dates (no later than April 29, 2026) and times 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.

C. OCAHO Portal

The Court now notifies the parties that OCAHO has implemented a web-based electronic filing system (OCAHO Portal) for cases filed with OCAHO under 8 U.S.C. §§ 1324a, 1324b, and 1324c. The system is the result of a successful pilot program to test electronic filing by email, which launched in 2014 and was extended indefinitely in 2015. All litigants can use the OCAHO Portal for their cases for filing and receipt of decisions and orders.

Use of the OCAHO Portal for all filings in OCAHO cases is mandatory for attorneys and authorized representatives. *See* 28 C.F.R. § 68.6(b)(1). Registration requires a valid email address for electronic service. *See id.* § 68.6(c)(3). A certificate of service is required on filings made through the Portal. *See id.* § 68.6(c)(1). Parties may register for the OCAHO Portal and log into their account to file by visiting the OCAHO filing page on the United States Department of Justice's website: <https://ocaho.eoir.justice.gov/>. The parties should contact the help desk for the Executive Office for Immigration Review (EOIR) if they need assistance registering for the OCAHO Portal.⁷

If both parties are filing through the OCAHO Portal, the Portal will effectuate service by providing notification of each filing to all parties via email. *See* 28 C.F.R. § 68.6(c)(1). The filing party must include a certificate of service stating that "all parties are using OCAHO's electronic filing application and, therefore, no separate service was completed." *Id.* If one party is not using the OCAHO Portal or if the Portal is unavailable, the parties shall serve their filings by one of the means specified in 28 C.F.R. § 68.6(c)(2).

Regardless of which filing method is used, the Court will accept courtesy copies of the parties' filings by email to OCAHO.

⁷ EOIR's help desk can be reached by calling 1-877-388-3842 or emailing ecas.techsupport@usdoj.gov. Should the parties encounter difficulties viewing the Court's orders and decisions through the OCAHO Portal, or need to confirm the Court's receipt of a filing, they may contact OCAHO directly.

III. ORDERS

IT IS SO ORDERED that Respondent shall file a status report no later than April 16, 2026, addressing the status of settlement negotiations.

IT IS FURTHER ORDERED that, pursuant to 28 C.F.R. §§ 68.13(a)(1), (a)(2)(i), (a)(2)(v), (a)(2)(viii), a telephonic prehearing conference with the parties will be held on Tuesday, April 21, 2026, at 11:30 a.m. Eastern Time. Both parties shall attend the prehearing conference by calling telephone number [x-xxx-xxx-xxxx] and entering the meeting number ([xxx xxx xxx]) and password ([xxxx]).

The Court puts Respondent on notice that its failure to file a status report in response to this Order or a failure to appear at the prehearing conference may result in the matter being deemed abandoned pursuant to 28 C.F.R. § 68.37(b)(1). The Court will then issue an order of dismissal, and the NIF will be rendered the final agency order. *Id.*

SO ORDERED.

Dated April 9, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge