

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

July 15, 2026

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2026A00042
CHEETAH CLEAN	)	
HOLDING COMPANY, LLC,	)	
	)	
Respondent.	)	
	)	

Appearances: Amery E. Abercrombie, Esq., for Complainant
Vinh Duong, Esq., for Respondent

FINAL ORDER OF DISMISSAL

I. PROCEDURAL HISTORY

On April 7, 2026, 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) alleging that Respondent, Cheetah Clean Holding Company, LLC, violated the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1968, 8 U.S.C. § 1324a. Specifically, Complainant alleged that Respondent failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for three individuals (Count I) and failed to ensure proper completion of section 1 and/or failed to properly complete section 2 or 3 of the Form I-9 for forty-eight individuals (Count II), all in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl. ¶¶ 6–7. Complainant attached to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) it served on Respondent on January 12, 2026, seeking a fine of \$130,476.80 for the alleged violations. *Id.* Ex. A. Also attached to the complaint was a letter dated January 15, 2026, from Respondent’s counsel to Complainant contesting the alleged violations and requesting a hearing (request for hearing). *Id.* Ex. B.

On April 13, 2026, using the United States Postal Service’s (USPS) certified mail service, OCAHO mailed Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), the complaint, the NIF, and Respondent’s request for hearing (hereinafter the “complaint package”). Through the NOCA, OCAHO’s Deputy Chief Administrative Hearing Officer (Deputy CAHO) informed Respondent that these proceedings would be governed by OCAHO’s Rules of Practice and Procedure for Administrative Hearings¹ and applicable case law. Notice of Case Assignment ¶ 2. The NOCA included links to OCAHO’s Rules and its Practice Manual,² along with contact information for OCAHO. *Id.* The Deputy CAHO directed Respondent to answer the complaint within thirty days in accordance with 28 C.F.R. § 68.9(a). *Id.* ¶ 4. The Deputy CAHO cautioned Respondent that its failure to file an answer could lead the Court to enter a judgment by default and all appropriate relief pursuant to 28 C.F.R. § 68.9(b). *Id.*

On May 11, 2026, Respondent filed Respondent’s Motion for Extension of Time to File Answer. Through that filing, Respondent acknowledged service of the complaint on April 13, 2026, and moved the Court to grant it “an extension of at least sixty (60) days to file the Answer.” Mot. Extension Time Answer ¶¶ 2, 6. Respondent represented that its motion was “made in good faith and not for purposes of delay,” *id.* ¶ 7, and argued such an extension would “facilitate meaningful settlement discussions, conserve adjudicatory and party resources, and will not prejudice the Complainant.” *Id.* ¶ 6.

On May 13, 2026, the parties jointly filed an Agreed Order Extending Time to File Answer, through which they requested a thirty-day extension of the answer deadline. Respondent’s counsel again conceded service of the complaint on April 13, 2026, and acknowledged that the answer was due on May 13, 2026. Joint Mot. Extend Answer Deadline ¶ 2; *see also* 28 C.F.R. §§ 68.3(b), 68.9(a).³ The parties represented that, given their ongoing settlement negotiations, the agreed extension of time would “facilitate meaningful settlement discussions, conserve adjudicatory and party

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

² The OCAHO Practice Manual, which is part of the EOIR Policy Manual, provides an outline of the procedures and rules applicable to cases before OCAHO. It is available on the United States Department of Justice’s website. *See* <https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho>.

³ The USPS website indicated that, on April 17, 2026, separate copies of the complaint package were delivered to Respondent’s counsel, Respondent’s founder and chief executive officer, and the Respondent business. Notice of Case Assignment 8; Compl. Ex. B.

resources, and promote the just, orderly, and economical resolution of this proceeding consistent with 28 C.F.R. § 68.1.” *Id.* ¶ 5.

On May 20, 2026, the Court issued an Order Granting Joint Motion to Extend Answer Deadline, Setting Deadline for Filing of Prehearing Statements, and Scheduling Initial Prehearing Conference. *United States v. Cheetah Clean Holding Co., LLC*, 22 OCAHO no. 1704 (2026).⁴ Although the parties’ filing was styled as an agreed order, because counsel for both parties jointly represented and stipulated to the facts and jointly signed the filing, the Court explained that it construed the parties’ filing to be a joint motion to extend the answer deadline. *Id.* at 2. The Court then granted the parties’ joint motion to extend the answer deadline and ordered Respondent to file its answer to the complaint on or before June 12, 2026. *Id.* at 3–4, 11. Further, the Court denied as moot Respondent’s Motion for Extension of Time to File Answer. *Id.* at 11. The Court also directed the parties to make their initial disclosures and file their prehearing statements with the Court on or before July 3, 2026. *Id.* Lastly, the Court scheduled an initial prehearing conference with the parties for July 7, 2026. *Id.* at 4, 11.

Respondent did not file an answer to the complaint on June 12, 2026. Rather, the parties filed an Agreed Second Motion to Extend Time to File Answer on June 12, 2026. In that motion, the parties represented that they had made “substantial progress toward resolving this matter and anticipate executing and finalizing a settlement within the next thirty (30) days.” Agreed Second Mot. Extend Time ¶ 6. They moved the Court to permit Respondent until July 12, 2026, to file its answer and to reschedule the initial prehearing conference and other deadlines. *Id.* ¶¶ 7–9.

On July 6, 2026, the parties filed a Notice of Settlement and Joint Motion to Dismiss. On July 7, 2026, Vinh Duong, Esq., filed a Notice of Appearance of Counsel on behalf of Respondent.⁵ Also, on July 7, 2026, OCAHO staff notified the parties

⁴ 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>.

⁵ OCAHO’s Rules of Practice and Procedure for Administrative Hearings require each attorney to file a notice of appearance “[e]xcept for a government attorney filing a complaint pursuant to section 274A, 274B, or 274C of the INA.” 28 C.F.R. § 68.33(f).

that, given the parties' July 6, 2026, filing, the initial prehearing conference was canceled.

II. LEGAL STANDARDS AND ANALYSIS

Pending before the Court is the parties' Notice of Settlement and Joint Motion to Dismiss. For the reasons set forth below, the Court grants the parties' joint request and approves a dismissal without prejudice of this case.

Under OCAHO's Rules of Practice and Procedure for Administrative Hearings, which generally govern these proceedings, there are two avenues for leaving the forum when the parties have entered into a settlement agreement. *See* 28 C.F.R. § 68.14. The parties may either submit an agreement containing consent findings or file a notice of settlement and seek dismissal. *Id.* § 68.14(a). 28 C.F.R. § 68.14(a)(2) requires the parties to notify the Administrative Law Judge (ALJ) that they "have reached a full settlement and have agreed to dismissal of the action." The presiding ALJ may require the parties to file their settlement agreement and must approve dismissal of the action. *Id.* § 68.14(a)(2).

The Court finds that the parties' filing substantially conforms to the requirements of 28 C.F.R. § 68.14(a)(2). In the Notice of Settlement and Joint Motion to Dismiss, which the parties bring pursuant to 28 C.F.R. § 68.14(a)(2), they represent that they "give notice to this Court that the parties have reached a full settlement of this case and are in agreement to dismiss this action." Joint Mot. Dismiss 1. The parties then move the Court to "dismiss this action without prejudice." *Id.* The parties' counsel signed the notice and motion. *Id.*

The parties did not attach their settlement agreement to the Notice of Settlement and Joint Motion to Dismiss or otherwise file the agreement with the Court. As explained above, the Court may exercise its discretion pursuant to 28 C.F.R. § 68.14(a)(2) and require the parties to file their settlement agreement before it rules on their Notice of Settlement and Joint Motion to Dismiss. *See, e.g., United States v. Torres Mexican Food, Inc.*, 4 OCAHO no. 596, 88, 89 (1994) (explaining that 28 C.F.R. § 68.14(a)(2) neither requires ALJs to review parties' settlement agreements nor precludes them from doing so). After considering the nature of these proceedings and the record before the Court, including that both parties are represented by counsel and have been actively participating in this matter, the Court will not require the parties to file their settlement agreement and

The Notice of Appearance filed by Mr. Duong comports with OCAHO's Rules as it is signed and identifies "the name of the case or controversy, the case number ... and the party on whose behalf the appearance is made." *Id.* It also is accompanied by "a certification indicating that such notice was served on all parties of record." *Id.* Mr. Duong's appearance as counsel for Respondent is entered in this matter.

now rules on their joint motion. *See, e.g., United States v. El Camino, LLC*, 18 OCAHO no. 1479d, 2 (2023) (declining to require the filing of a settlement agreement, in part, because “both parties are represented, [and] have actively engaged in the case”).

As for the type of dismissal, namely a dismissal with or without prejudice, the Court gives great weight to the parties’ agreement to seek a dismissal without prejudice after reaching a full settlement in this case. *See* Joint Mot. Dismiss 1. The Court will approve such a dismissal. *See, e.g., United States v. MRD Landscaping & Maint., Corp.*, 15 OCAHO no. 1407d (2023) (granting dismissal without prejudice where parties, each of whom was represented by counsel, agreed to such a dismissal).

Given the Court’s finding that the parties have sought dismissal in conformity with 28 C.F.R. § 68.14(a)(2) and having considered the type of dismissal, the Court now grants the parties’ Notice of Settlement and Joint Motion to Dismiss and dismisses this case without prejudice. Given the dismissal, the Court denies as moot the parties’ Agreed Second Motion to Extend Time to File Answer.

III. ORDERS

IT IS SO ORDERED that, pursuant to 28 C.F.R. § 68.14(a)(2), the Notice of Dismissal and Joint Motion to Dismiss filed by Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, and Respondent, Cheetah Clean Holding Company, LLC, is GRANTED;

IT IS FURTHER ORDERED that parties’ Agreed Second Motion to Extend Time to File Answer is DENIED as moot; and

IT IS FURTHER ORDERED that, pursuant to 28 C.F.R. § 68.14(a)(2), this case, namely OCAHO Case No. 2026A00042, is DISMISSED without prejudice.

SO ORDERED.

Honorable Carol A. Bell
Chief Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.