

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

September 1, 2026

RAVI SHARMA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2026B00049
	)	
	)	
SYNOPSIS, INC. AND INSIGHT GLOBAL,	)	
Respondent(s).	)	
	)	

Appearances: Ravi Sharma, pro se Complainant
Kathryn J. Cheatle, Esq., and Amy L. Peck, Esq., for Respondent Synopsis, Inc.
Leon Rodriguez, Esq., and Christopher Laudenbach, Esq., for Respondent Insight
Global

ORDER GRANTING LEAVE TO AMEND COMPLAINT

I. BACKGROUND

On June 8, 2026, Complainant filed a Complaint naming both Synopsis, Inc and Insight Global as Respondent(s)¹ alleging citizenship discrimination based on his non-selection for a HAPS Prototyping Engineer position.²

On August 6, 2026, Complainant filed a “Notice of First Amendment to the Original Complaint.”

¹ The Complaint notes Synopsis is located in California, and Insight Global is located in a different location – Georgia. Compl. 5. A careful review of the Answers filed in this case causes the Court to conclude they hold themselves out to be two distinct businesses or entities.

² As is explained later in this Notice & Order, Complainant amended his Complaint to describe the position as “HAPS Prototyping Engineer/Application Engineer.”

On August 12, 2026, the Court issued an Order noting the Amended Complaint failed to meet the Court's pleading standard.

That Order required Complainant submit a filing providing additional information surrounding his allegation(s) against the Respondents by August 31, 2026.³ The Court ordered Complainant to explain whether he is alleging:

1. That each Respondent business had a "HAPS Prototyping Engineer/Application Engineer" vacant position (i.e. did Complainant apply to a vacancy at each business through one advertisement)?
2. That one business was a recruiter or staffing agency for the vacant position at the other?
3. That one business had a contractual arrangement with the other regarding employment matters (e.g. one is a contractor or subcontractor for the other)?
4. That there some other permutation not listed here that gives rise to his allegation(s) against each named Respondent?

On August 31, 2026, Complainant filed his submission. He stated, "Insight Global is a placement/recruiting agency which refers and places candidates... Synopsys is one of the client companies of Insight Global." Response 1.

As it relates to Insight Global, Complainant explained he was contacted by Insight Global for a "6-month contract-to-hire position... Resp. 1. Complainant explains the "contract-to-hire" construct as "[F]or the first six months, [Complainant] would be a W-2 employee with Insight Global, but the company [Complainant] would be working for is Synopsys... After the six months when [Complainant] would be brought on permanently, [he] would be a direct W-2 employee with Synopsys." Resp. 1.

As it relates to his non-selection for the singular position at issue, Complainant explained he was interviewed "by three managers of Synopsys." Resp. 1-2. He alleges he "answered their questions correctly, and they were satisfied with [his] answers." Resp. 2.

Complainant then alleges he contacted an individual at Insight Global to learn the status of his interview, but that individual did not know the outcome. Resp. 2. Complainant alleges he also contacted one of the interviewers from Synopsys, and that person did not respond. Resp. 2.

Complainant alleges "Insight Global/Synopsys hired H1B/Optional Practical Training (OPT) visa candidates even through [Complainant] was equally qualified for the position but was rejected because of [his] U.S. citizenship." Resp. 2.

³ Respondent was also informed it could be heard on this issue, and could opine on whether this case constitutes is an instance of misjoinder, and/or whether there is a claim to be severed.

II. LAW & ANALYSIS

A. Amending a Complaint Under 28 C.F.R. § 68.9(e)

As was previously noted in OCAHO caselaw:

OCAHO Rule 68.9(e) permits a complainant to amend a complaint “[if] a determination of a controversy on the merits will be facilitated thereby,” and “upon such conditions as are necessary to avoid prejudicing the public interests and the rights of the parties[.]” The Court is therefore charged with balancing those interests in determining whether to allow the proposed amendment. *United States v. Sal’s Lounge*, 15 OCAHO no. 1394, 1–2 (2020) (internal citations omitted).

OCAHO Rule 68.9(e) is “analogous to and is modeled upon Rule 15 of the Federal Rules of Civil Procedure,” a permissible guidance in OCAHO proceedings, see 28 C.F.R. § 68.1. *United States v. Valenzuela*, 8 OCAHO no. 1004, 3 (1998).

Shater v. Shell Oil Company, 18 OCAHO no. 1504b, 2 (2024).⁴

When Rule 15(a)(1) does not apply (as is the case here), “[a] party may amend its pleading only with... the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. Proc. 15(a)(2).

In “balancing interests” and considering how a Court should apply its discretion when analyzing an amendment under Rule 15(a), the Supreme Court’s *Foman* case is both binding and highly instructive. *Foman v. Davis*, 371 U.S. 178 (1962). The Supreme Court explained:

“The Federal Rules reject the approach that pleading is a game of skill in which one misstep by [a party] may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.” *Conley v. Gibson*, 355 U.S. 41, 48 (1957)... As appears from the record, the amendment would have done no more than state an alternative theory for recovery...

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 subsequent to 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 “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Rule 15(a) declares that leave to amend “shall be freely given when justice so requires;” this mandate is to be heeded. *See generally*, 3 Moore, Federal Practice (2d ed. 1948), paras. 15.08, 15.10. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits.

Foman at 181-2.

B. Futility and Amendment

When the Court analyzed an amendment in *Wangperawong v. Meta Platforms, Inc.* it noted:

“The principal factors to be considered are whether the determination on the merits will be facilitated by the proposed amendments, whether the proposed amendments would be futile, and whether prejudice to the public interest or parties will result . . . [the Court may also consider] [b]ad faith, undue delay and dilatory motive . . .” *Santiglia v. Sun Microsystems, Inc.*, 9 OCAHO no. 1097, 5 (2003).

18 OCAHO no. 1510e, 3 (2024).

There is no requirement to give factors equal weight, indeed, futility, if present, can be dispositive. *See Shater v. Shell Oil Company*, 18 OCAHO no. 1504b, 3 (2024).⁵

As the Court noted in its previous Order,⁶ the Complaint did not provide sufficient notice, and thus did not meet the forum’s pleading standard.

⁵ ““While the other elements tilt towards granting the motion to amend, the Court declines to grant the motion because the granting would be futile to the claims in the complaint. As the court has previously noted, ‘a court may deny as futile a motion to amend a complaint when the proposed complaint would not survive a motion to dismiss.’” (internal citations omitted).

⁶ In the August 12, 2026 Order, the Court placed the parties on notice of the following (via footnote 8 of that Order) the following:

An OCAHO Administrative Law Judge (ALJ) may dismiss a complaint for failure to state a claim upon which relief may be granted. 28 C.F.R. § 68.10(b). This rule is modeled after Federal Rule of Civil Procedure 12(b)(6). *S. v. Discover Fin. Servs., LLC*, 12 OCAHO no. 1292, 7 (2016) (citing *United States v. Spectrum Tech. Staffing Servs., Inc.*, 12 OCAHO no. 1291, 8 (2016); and then citing 28 C.F.R. § 68.1). “In considering a motion to dismiss, the court must limit its analysis to the four corners of the complaint.” *Udala v. New York State Dep’t Educ.*, 4 OCAHO no. 633, 390, 394 (1994). The complainant’s allegations of fact are accepted as true and all reasonable inferences derived therefrom are drawn in the complainant’s favor. *Id.*

OCAHO’s Rules of Practice and Procedure provide that complaints shall contain: (1) “A clear and concise statement of facts, upon which an assertion of jurisdiction

In his August 31, 2026 proffer, Complainant demonstrates he could provide a more definite statement regarding who allegedly engaged in recruitment and who allegedly engaged in hiring for what he ultimately identified as one singular position to which he applied.

Considering both the proffer and the precedential and binding caselaw on amendment, the Court is left to conclude that granting Complainant leave to amend is the appropriate result. It is not clear that amendment would be per se futile, and Complainant should be given an opportunity to test his claim.⁷

III. CONCLUSION

Complainant may file an amended complaint including the additional proffered information contained in his August 31, 2026 filing. To be considered timely, that amended complaint must be filed by September 21, 2026. Failure to file an amended complaint could result in dismissal of the complaint, because, at present, it is deficient for the reasons outlined in this and the prior Order.

Respondents shall have 30 days from the date an amended complaint is filed to file an amended answer. Respondents should note that, if they do not file an amended answer, the Court will rely on their previously filed answers as responsive to the amended complaint.

Further, Respondents should note that any motions to dismiss (or motions pertaining to misjoinder or seeking an action to sever) should be filed as soon as practicable after receiving any amended

is predicated”; (2) “The alleged violations of law, with a clear and concise statement of facts for each violation alleged to have occurred”; and (3) “A short statement containing the remedies and/or sanctions sought to be imposed against the respondent.” 28 C.F.R. § 68.7(b)(1)-(4).

“Statements made in the complaint only need to be ‘facially sufficient to permit the case to proceed further,’ . . . as ‘[t]he bar for pleadings in this forum is low.’” *Sharma v. NVIDIA Corp.*, 17 OCAHO no. 1450, 3 (2022) (citing *United States v. Mar-Jac Poultry, Inc.*, 10 OCAHO no. 1148, 10 (2012), and then citing *United States v. Facebook, Inc.*, 14 OCAHO no. 1386b, 5 (2021)). “OCAHO’s pleading standard does not require a complainant [to] proffer evidence at the pleadings stage . . . **Rather, pleadings are sufficient if ‘the allegations give adequate notice to the respondents of the charges made against them.’**” *Id.* (quoting *Santiglia v. Sun Microsystems, Inc.*, 9 OCAHO no. 1097, 10 (2003)); see also *Mar-Jac Poultry, Inc.*, 10 OCAHO no. 1148, at 9.

US Tech Workers et al v. Gensler, 20 OCAHO no. 1587a, 7 (2024) (emphasis added).

⁷ Respondents should both notes that the Court’s futility analysis is only limited to the issue of notice pleading. Respondents are welcome to file Rule 12 motions advancing other theories pertaining to dismissal.

complaint. All parties should be aware that, absent such a motion, the Court will set this case for a prehearing conference and open discovery.

SO ORDERED.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge