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

October 5, 2026

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2026A00063
MINNESOTA HALAL MARKET, INC.,	)	
	)	
Respondent.	)	
	)	

Appearances: Kenneth R. Knapp, Esq., for Complainant
Abdulwahid Osman, Esq., for Respondent

ORDER GRANTING RESPONDENT'S MOTION FOR LEAVE TO FILE INITIAL PREHEARING STATEMENT OUT OF TIME

I. PROCEDURAL HISTORY

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on August 11, 2026. Complainant alleges that Respondent violated 8 U.S.C. § 1324a(a)(1)(B).

On September 8, 2026 Respondent filed an answer. On September 15, 2026 the Court issued an Order Setting Prehearing Conference and General Litigation Order. On September 22, 2026, Complainant's Initial Prehearing Statement was filed. On September 24, 2026, Respondent filed the Initial Prehearing Statement alongside Respondent's Motion for Leave to File Initial Prehearing Statement Out of Time.

II. COURT'S REVIEW OF RESPONDENT'S MOTION

Prior to the initial prehearing conference, the Court reviewed Respondent's motion which was filed 1 calendar day past its established deadline of September 23, 2026. The motion stated that Respondent's 1 calendar day delay was "*inadvertent and was not the result of disregard for the Court's Order*." (Resp't's Mot. For Leave to File Initial Prehearing Statement Out of Time 1).

Furthermore, the motion stated how *"upon discovering the missed deadline, counsel acted promptly to cure the deficiency and prepared the require Initial Prehearing Statement for immediate filing*." (Resp't's Mot. For Leave to File Initial Prehearing Statement Out of Time 1-2).

Lastly, the motion concluded that "*Respondent has otherwise actively participated in the proceeding, including by timely filing its Answer and communicating with Complainant, and intends to comply fully with all future deadlines and requirements by the Court*." (Resp't's Mot. For Leave to File Initial Prehearing Statement Out of Time 2).

III. COURT'S INQUIRY HELD DURING INITIAL PREHEARING CONFERENCE

The initial prehearing conference proceeded to cover a variety of topics related to case deadlines, discovery topics anticipated as well as other matters related to the proceedings which are detailed in the Court's *Order Summarizing Initial Prehearing Conference*, dated October 5, 2026 which may be found under the case filing bearing designation 2026A00063c.

For purposes of this order the court cites the inquiry held during the relevant portion of the hearing and summarized on pages 1- 2 of its prior order:

"Date, Time and Appearances. The Court held the initial prehearing conference on September 30, 2026, at approximately 1:00 PM Eastern Standard Time via Webex video.

Mr. Kenneth R. Knapp, Esq., appeared on behalf of the Complainant, The United States of America.

Mr. Abdulwahid Osman, Esq., appeared on behalf of the Respondent, Minnesota Halal Market, Incorporated.

Prehearing Statements. The Court noted that Respondent filed a pending Motion for Leave to File Initial Prehearing Statement Out of Time, alongside its Prehearing Statement. There being no objection, the Court granted Respondents Motion and accepted its Prehearing Statement based on it being 1 calendar day late after finding good cause for the reasons cited in the motion, and finding no prejudice accruing to Complainant due to the early stage of proceedings. The Court cautioned Respondent to be mindful of established deadlines for future deadlines to ensure an efficient and fair process which does not prejudice Complainant. Respondent answered that such conduct would not be repeated. A written order would follow with the Court's ruling."

IV. FACTORS CONSIDERED IN THE COURT'S FINDINGS

OCAHO has recognized good cause to accept untimely prehearing statements where the circumstances demonstrate that the failure was not willful, that the party missing the deadline in question intended to continue actively participating in the proceedings, and the opposing party was not prejudiced by the delay. *See United States v. Ferrantino Fuel Corp.*, 13 OCAHO 1335, 2 (2019). In determining whether to accept an untimely prehearing statement the Court considers factors such as the danger of prejudice to the opposing party, the length of the delay, the potential impact on the proceedings, the reason for the delay, and whether the offending party acted in good faith. *See Ehere v. HawaiiUSA Federal Credit Union*, 17 OCAHO 1471, 2–3 (2023).

Here, the record establishes that Respondent's untimely filing of 1 calendar day shows a minimal length of delay, bearing minimal impact on proceedings given the early stages of litigation. Respondent's showing of contrition during the hearing, and actions evincing immediate steps to cure its deficiency, via his contemporaneous filing of the prehearing statement alongside the motion for leave, demonstrate good faith, with no prejudice accruing to Complainant.

In finding that Complainant was not prejudiced by Respondent's delay, the Court further considered the fact that the 1 calendar day delay occurred one week prior to holding the prehearing conference. In addition to the early stage of proceedings, the Court's finding of no prejudice accruing to Complainant was also founded on that fact that Complainant was not harmed from tactical delay, since he had access to Respondent's prehearing statement 7 calendar days prior to the hearing via its contemporaneous filing alongside the motion for leave to file.

V. COURT FINDINGS

The Court finds that Respondent has demonstrated good cause for his failure to file a timely prehearing statement based on Respondent's contrition, his taking immediate steps to remedy the delay, his actions evincing intention to pursue the case, coupled with no prejudice accruing to Complainant based on the length of delay, and a lack of harm due to contemporaneous filing of the prehearing statement accompanying the motion for leave.

Respondent's Motion for Leave to File Initial Prehearing Statement Out of Time is GRANTED and the contemporaneous filing of Respondent's Initial Prehearing Statement is accepted.

SO ORDERED.

Honorable Paul M. Marian
Administrative Law Judge