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

November 5, 2026

RAVI SHARMA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	
	)	OCAHO Case No. 2026B00017
CISCO SYSTEMS, INC.,	)	
	)	
Respondent.	)	
	)	

Appearances: Ravi Sharma, pro se Complainant
K. Edward Raleigh, Esq., Anna Perina, Esq., and Samantha Caesar, Esq., for Complainant

ORDER DENYING MOTION FOR ADDITIONAL DISCOVERY

I. PROCEDURAL HISTORY AND POSITIONS OF THE PARTIES

On September 29, 2026, Complainant filed a "Motion for Additional Discovery."[1] In his Motion, Complainant contends "there were at least 115 worker positions requested for H-1B LCA certification, which mentions the place of employment as Santa Clara County for the same position of Hardware Engineer to which Complainant had applied." Motion 1-2.

[1] In a prehearing conference the Court explained:

> Mindful of the narrow nature of the allegation (non-selection for a "Hardware Engineer – FPGA" job to which he applied on August 27, 2024 based on citizenship status), and the provision of information through Initial Disclosures, the Court limited discovery…
>
> If either side desires additional discovery (and can demonstrate good cause as to the necessity of that additional discovery), they may request that discovery through a written motion.

Sharma v. Cisco Systems, Inc., 22 OCAHO no. 1705a, 2 (2026).

Complainant argues:

> If Respondent is asserting that these LCAs are for Hardware Engineer positions across numerous requisitions unrelated to my application, Respondent has not produced any documents related to the job description of these numerous requisitions, if they ever existed, the resumes of the hired nonimmigrant candidates, the interview questions, answers by the nonimmigrant candidates, and interview feedback of these candidates for which Respondent had hired these many nonimmigrant candidates.

Motion 3.

On September 30, 2026 the Court held a prehearing conference. *Sharma v. Cisco Systems, Inc.*, 22 OCAHO no. 1705d (2026).

During that conference, the Court noted Respondent was still within the "response window"[2] and would be given an opportunity to respond in writing. During the conference, Respondent's counsel previewed some concerns with the additional requests. Those concerns centered on relevance, with Respondent noting it had already (in its view) met its discovery obligations given the narrow scope of the case (i.e. it has turned over all information surrounding the requisition-numbered vacancy at issue). This preview resulted in a brief discussion of relevancy in discovery.

Because the Court permitted a preview of Respondent's position, and provided some additional information on relevance in discovery, it informed the parties it would permit Complainant to provide a reply filing. To ensure parity, the Court informed the parties that Complainant would have 10 days[3] from the date a Response is filed to submit his Reply[4] (if he chooses to do so).

On October 9, 2026, Respondent filed its Response comprised of a motion and supporting evidence (affidavits from management employees with personal knowledge of recruiting and hiring processes and documents pertaining to the Requisition at issue in this case provided alongside Respondent's initial disclosures).

Respondent argues "the position had one opening, [Respondent] hired one person, the selected candidate was a lawful permanent resident. [Respondent] did not hire an H1-B worker for the position." Response 1. Respondent argues the discovery sought is irrelevant to the claim because this information sought pertains to "other applicants, job requisitions, hiring processes, and immigration filings." *Id.*

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[2] *See* 28 C.F.R. § 68.11(b) which states: "Within ten (10) days… after a written motion is served…, [a] party… may file a response in support of, or in opposition to, the motion…"

[3] This is the same number of days as is allotted a Response filing. 28 C.F.R. § 68.11(b).

[4] Because Respondent filed its Response on October 9, 2026, Complainant's Reply is due by October 19, 2026.

Respondent further argues:

> [Complainant] incorrectly assumes that because the LCAs list 'Hardware Engineer' as the job title, they may correspond to the Position [at issue here]… [A]n LCA identifies an occupational classification, job title, work location, wage information, and other information required for H-1B sponsorship, it is not filed for a particular internal requisition merely because the same job title appears on both.

Response 1-2.

Respondent also explains:

> The LCAs do not show that the Position remained open. None of the cited LCAs reference Requisition No. 1427192, the selected candidate, or the hiring decision challenged in this case. Nor do they establish that the original vacancy was reopened, that a later position involved the same duties, business need, hiring process, decision-makers, or applicant pool, or that later hiring activity constituted a continuation of the Position. A shared job title does not supply that missing connection. See *McClaine v. Boeing Co.*, 544 F. App'x 474, 477 (5th Cir. 2013) (per curiam) (recognizing Title VII imposes no duty on employers to consider applicants for positions similar to the position for which they applied)….
>
> The subsequent filing of LCAs bearing a similar job title does not establish that the original opening remained unfilled, was reopened, or continued under another requisition. Even assuming Cisco continued recruiting Hardware Engineers, that would not establish that the particular vacancy for which Complainant applied remained open…
>
> The LCAs are a regulatory precursor to the potential employment of H-1B workers in other Hardware Engineer roles, should Cisco ultimately have hired them. Standing alone, the LCAs do not establish that Cisco actually hired any H-1B workers, nor do they show that any H-1B worker was hired into the Position. Again, the hiring records for the Position show that Cisco hired one person for the Position, and that person was a lawful permanent resident.

Response 8-9.

On October 19, 2026, Complainant filed a Reply.

Complainant argues that Respondent had 115 openings for the desired position and therefore, there are 115 "unique Requisition Numbers" for these openings. *See* Reply at 1 ("The Total Worker Positions Requested for Certification in the [LCAs]…is 25 + 25 + 25 + 15 + 10 +15 = 115, which…means that Cisco created 115 unique Requisition Numbers for these 115 multiple openings for the same job title of Hardware Engineer with the job description as advertised in the Hardware Engineer-FPGA posting.").

Complainant asserts that its additional discovery request is narrowly tailored to LCAs that match the desired position title. Complainant further points that a "requisition number" is not a required field on an LCA or H-1B visa petition and instead only requires a job title. *Id.* at 3 ("The requisition number is an internal company's number, and the candidates apply to the job description advertised, not to the requisition number."). Because of this, Complainant seeks additional discovery to inspect the records concerning the LCAs and H-1B petitions of the nonimmigrant visa workers hired for the position with the job title of "Hardware Engineer." *Id.*

II. LAW & ANALYSIS

In the prehearing order instructing the parties on the parameters of motion practice and requesting additional discovery, the Court explained: "If either side desires additional discovery (and can demonstrate ***good cause*** as to the necessity of that additional discovery)." *Sharma v. Cisco Systems, Inc.*, 22 OCAHO no. 1705a, 2 (2026) (emphasis added). While good cause is a standard routinely analyzed in the context of extension requests,[5] at its core, it is an articulated "reasonable basis" upon which a request is predicated. *US Tech Workers Et Al. v. G2*, 19 OCAHO no. 1569, 2 (2024); *see also Lowden v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490, 2 (2023).

As was explained in the September 30, 2026 prehearing conference, demonstrating potential relevance (or lack thereof) of the information sought (in a discovery context) would be a cornerstone of establishing good cause for additional discovery. As the Court explained in one of the cases it previously highlighted[6] for the parties:

> Litigants "may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding" unless the presiding Administrative Law Judge (ALJ) limits discovery by order. 28 C.F.R. 68.18(b). "Relevance 'broadly encompass[es] any matter that bears on, or that could reasonably lead to other matter that could bear on, an issue that is or may be in the case.'" *A.S. v. Amazon Webservices Inc.*, 14 OCAHO no. 1381j, 4-5 (2022) (internal citations omitted).

United States v. Terrapower, LLC, 19 OCAHO no. 1548f, 4 (2025).

Here, Complainant has not met his burden to connect the LCA's to the position identified in the Complaint. There is one discrete requisition at issue, and the LCA's do not relate to that discrete requisition, according to the evidence attached to Respondent's motion. While there is a universal "title" of Hardware Engineer identified, the allegation at play here is narrowly focused on whether the Complainant was discriminated against when he was non-selected for ***the*** position to which he

[5] *See e.g. United States v. Space Expl. Techs.*, 18 OCAHO no. 1499, 5 (2023).

[6] To assist the parties in working through discovery related issues, the Court flagged several cases in its June 2026 Order Summarizing the Second Prehearing Conference. "The Court referenced discovery-related decisions, *United States v. Facebook, Inc.*, 14 OCAHO no. 1386d (2021), *United States v. Terrapower*, LLC, 19 OCAHO no. 1548f (2025), and *United States v. Terrapower*, LLC, 19 OCAHO no. 1548h (2026)." *Sharma v. Cisco Systems, Inc.*, 22 OCAHO no. 1705a 2 (2026).

applied. As Respondent notes in its filing: "Although relevance in discovery is construed broadly, the "scope of discovery is broad, [but] it is not unlimited." Response 5-6 (citing *Dalila Kamal-Griffin v. Cahill Gorgdon & Reindel*, 3 OCAHO 460, 650 (1992)). So, while there is wide latitude in discovery, Complainant has not demonstrated how LCAs pertaining to individuals who may or may not have been hired for different positions could bear on his non-selection to the requisition at issue.

With discovery now complete, parties are encouraged to meet and confer over any remaining discovery disputes.

Motion(s) to compel must be filed by December 4, 2026 to be considered timely.

If no motion(s) to compel are filed, summary decision motion(s) are due by January 15, 2027.

If motion(s) to compel are filed, parties can anticipate a revised deadline for summary decision motion(s).

SO ORDERED.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge