

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

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| NITIN DEGAONKAR, |) | |
| |) | |
| Complainant, |) | |
| |) | 8 U.S.C. § 1324b Proceeding |
| v. |) | |
| |) | OCAHO Case No. 2021B00030 |
| INFOSYS LIMITED, |) | |
| |) | |
| Respondent. |) | |

ORDER ON COMPLAINANT’S RESPONSE TO RESPONDENT’S
REPLY IN SUPPORT OF ITS MOTION TO DISMISS

On May 3, 2021, Complainant, Nitin Degaonkar, filed a complaint, pro se, with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent, Infosys Limited, discriminated and retaliated against him, in violation of the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, Title 8, United States Code, Section 1324b.

On June 24, 2021, Complainant filed Complainant’s Response to Respondent’s Reply in Support of Its Motion to Dismiss. The Court construes Complainant’s filing as a sur-reply to Respondent’s reply, the latter which was the subject of the Court’s Order dated July 9, 2021. In filing this sur-reply, as Respondent did in filing its reply on June 30, 2021, Complainant failed to follow OCAHO’s Rules of Practice and Procedure for Administrative Hearings located at Title 28, Code of Federal Regulations, Section 68, which govern these proceedings.

Pursuant to Title 28, Code of Regulations, Section 68.11(b), “[u]nless the Administrative Law Judge provides otherwise, no reply to a response, counter-response to a reply, or any further responsive document shall be filed.” In this case, Complainant did not seek leave of Court for its sur-reply, and thus filed it in derogation of OCAHO’s rules. See *Ogunrinu v. Law Resources*, 13 OCAHO no. 1332, 2 (2019) (citing *United States v. Pegasus Rest., Inc.*, 10 OCAHO no. 1143, 1-2 (2012)).¹

¹ 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

The Court will consider neither Respondent's reply nor Complainant's sur-reply. To the extent that either party thinks additional briefing is necessary on Respondent's motion to dismiss, they shall seek leave of this Court, in accord with OCAHO's rules.

IT IS SO ORDERED that Complainant's Response to Respondent's Reply in Support of Its Motion to Dismiss will not be considered by the Court.

ENTERED:

Carol A. Bell
Acting Chief Administrative Law Judge

DATE: July 16, 2021

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 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," or in the LexisNexis database "OCAHO," or at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.