

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

April 18, 2022

|                    |   |                             |
|--------------------|---|-----------------------------|
| ROBERT PAUL HEATH, | ) |                             |
| Complainant,       | ) |                             |
|                    | ) | 8 U.S.C. § 1324b Proceeding |
| v.                 | ) |                             |
|                    | ) | OCAHO Case No. 2021B00058   |
| TRINGAPPS, INC.,   | ) |                             |
| Respondent.        | ) |                             |
| _____              | ) |                             |

Appearances: Robert Heath, pro se Complainant  
Patrick Papalia, Esq., and Tanneika Minott, Esq., for Respondent

ORDER ISSUING STAY OF PROCEEDINGS

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, Robert Heath, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on September 20, 2021. Complainant alleges that Respondent, Tringapps, Inc., discriminated against him based on citizenship status and national origin, and engaged in unfair documentary practices, in violation of § 1324b. On January 28, 2022, Respondent filed an answer.

On February 3, 2022, the Court issued an Order Discharging Order to Show Cause and for Prehearing Statements. On March 10, 2022, Complainant filed his prehearing statement. On April 8, 2022, Respondent filed its prehearing statement.

On April 8, 2022, Complainant called the Court. Complainant informed an OCAHO staff member that he has experienced an emergency. It is unclear whether Complainant gave notice to all other parties in this matter as required by 28 C.F.R. § 68.36.<sup>1</sup> Given the circumstances and out of an abundance of caution, the Court is providing notice to the parties of the communication.<sup>2</sup> The Court provides Respondent fourteen (14) days, from the date of this Order, to submit a response, if any, it deems appropriate. *See Tingling v. City of Richmond*, 13 OCAHO no. 1324b, 3 (2021).

<sup>1</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

<sup>2</sup> The Court understands Complainant's phone call as communication of a scheduling issue. *See* 28 C.F.R. § 68.36(a). To the extent that Complainant's phone call could be considered an ex parte communication, this Order satisfies the ALJ's obligation to disclose it to the parties and provide an opportunity for response. *See Tingling v. City of Richmond*, 13 OCAHO no. 1324b, 2–3 (2021); *see also* § 68.36(a); 5 U.S.C. § 557(d)(1).

On April 14, 2022, the Court received an electronic letter from Respondent's counsel, which Respondent simultaneously served on all parties. Respondent's letter states that it has conferred with Complainant, and has "learned that due to his [emergency], he is currently not in a position to schedule a hearing [sic] in this matter." Respondent's letter represents that the parties jointly request an extension to provide proposed dates for a prehearing conference.

The OCAHO Rules vest the Administrative Law Judge (ALJ) with all appropriate powers necessary to regulate the proceeding. *See Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1091, 5 (citing 28 C.F.R. § 68.28)).<sup>3</sup> The power to stay a proceeding is incidental to a court's inherent power to "control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (citations omitted); *see also Monda v. Staryhab, Inc.*, 8 OCAHO no. 1002, 86, 91 (1998) (citations omitted) ("A stay of proceedings should not be granted absent a clear bar to moving ahead."). In the exercise of its judgment, the Court may issue a stay of proceedings sua sponte. *See, e.g., A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381o, 2–3 (2022); *Jablonski v. Robert Half Legal*, 12 OCAHO no. 1272, 3 (2016).

The Court determines that a sixty (60) day stay of proceedings is appropriate given the circumstances and the parties' joint request. Proceedings are stayed for sixty days from the date of this Order.

No later than sixty (60) days from the date of this Order, the parties shall provide a joint status report that includes three agreed upon potential prehearing conference dates.

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<sup>3</sup> 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 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 on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

SO ORDERED.

Dated April 18, 2022.

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Jean C. King  
Chief Administrative Law Judge