

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

May 5, 2022

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324A Proceeding
	)	OCAHO Case No. 2022A00033
	)	
COMMANDER PRODUCE, LLC,	)	
Respondent.	)	
_____	)	

ORDER DIRECTING COMPLAINANT EXECUTE  
SERVICE OF PROCESS

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. The U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 9, 2022, alleging that Respondent, Commander Produce, LLC, violated § 1324a.

On March 18, 2022, this office sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), a copy of the complaint, the Notice of Intent to Fine (NIF), and Respondent’s request for a hearing, via certified U.S. mail. OCAHO sent these documents to the addresses listed on the Notice of Intent to Fine and Respondent’s Articles of Organization filed with the State of Arizona in 2016. The U.S. Postal Service website indicates that the documents were not served on Respondent as they were “Delivered, To Original Sender” and “Refused[.]”

28 C.F.R. § 68.3(c) permits the Court to direct a party to execute service of process when it “encounters difficulty with perfecting service[.]” Pursuant to § 68.3(c), the Court ORDERS Complainant to personally serve Respondent the complaint, NOCA, NIF, and request for hearing. See *United States v. Rios-Villatoro*, 14 OCAHO no. 1364, 1 (2020).<sup>1</sup> Complainant is

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<sup>1</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

further ORDERED to confirm Respondent's current address. Upon service, Complainant shall promptly file a submission verifying Respondent's current address and a proof of service indicating personal service of the documents upon Respondent.

SO ORDERED.

Dated and entered on May 5, 2022.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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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>.