

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

May 19, 2022

ZAJI OBATALA ZAJRADHARA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2021B00061
	)	
ALJERIC GENERAL SERVICES, LLC, a.k.a.	)	
ALJRIC GENERAL SERVICES, LLC,	)	
Respondent.	)	
_____	)	

Appearances: Zaji Obatala Zajradhara, pro se Complainant  
Colin Thompson, Esq., for Respondent

NOTICE AND ORDER TO SHOW CAUSE

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, 8 U.S.C. § 1324b. On September 29, 2021, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, Aljeric General Services, LLC, failed to hire him on account of his citizenship and national origin status. On December 1, 2021, Respondent filed an answer.

On January 14, 2022, the Court issued an Order for Prehearing Statements, directing both parties to each file a prehearing statement with the Court within thirty days of the Order. Thus, the prehearing statements for both parties were due on February 14, 2022. On February 24, 2022, the Court received an Unopposed Request to Extend Time to File Prehearing Statements and Exchange Disclosures from Respondent. The Court granted the request to extend the deadline to February 28, 2022.

On February 28, 2022, this office received correspondence via email from Respondent titled Prehearing Statement. By letter on March 1, this office rejected the correspondence because, at that time, this case was not enrolled in the electronic filing program, and all filings had to be submitted by mail. Respondent has not resubmitted the prehearing statement. On March 24,

2022, Complainant filed his prehearing statement, along with a motion for discovery and Notice of Fraud.<sup>1</sup> The Complainant did not explain why the prehearing statement was filed late.

OCAHO precedent holds that the Court may order a party to show good cause for its failure to file a timely answer or to respond to an order requesting submission of prehearing statements. *See, e.g., United States v. Popo's Bar and Rest.*, 15 OCAHO no. 1398, 1 (2021); *United States v. Ferrantino Fuel Corp.*, 13 OCAHO no. 1335, 1 (2019). As such, the Court now orders Complainant to file a response showing good cause for his failure to timely file a prehearing statement.

Further, the Court now orders Respondent to file a prehearing statement simultaneously with the filing of its response showing good cause. The Court then will determine if either party possessed the requisite good cause for their untimely prehearing statements, and will decide whether to allow the late filings.

The Court puts the parties on notice of the potential consequences should the parties fail to respond to this Notice and Order to Show Cause Regarding Prehearing Statement. Under OCAHO's Rules of Practice and Procedure for Administrative Hearings, the Court may dismiss "a complaint or a request for hearing" upon its abandonment by the party who filed it. 28 C.F.R. § 68.37(b). A party shall be deemed to have abandoned its complaint or a request for a hearing if it "fails to respond to orders issued by the Administrative Law Judge." 28 C.F.R. § 68.37(b)(1); *see also United States v. Sal's Lounge*, 15 OCAHO no. 1394b (2022); *United States v. AMA Repiping, LLC*, 15 OCAHO no. 1391, 2 (2021); *United States v. Hosung Cleaning Corp.*, 4 OCAHO no. 681, 776, 777-78 (1994). Further, Federal Rule of Civil Procedure 55, a permissible guidance in OCAHO proceedings, *see* 28 C.F.R. § 68.1, instructs that a Court shall issue a default if a party against whom a judgment for relief is sought has failed to "otherwise defend." Fed. R. Civ. P. 55.

IT IS SO ORDERED that, within twenty days of the issuance of this Order, Complainant, Zaji Obatala Zajradhara, shall file with the Court a response in which he shows good cause for filing an untimely prehearing statement, in accordance with this Court's Order Granting Extension and directing the parties to file their prehearing statements by February 28, 2022.

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<sup>1</sup> As noted in the Notice of Case Assignment, a party may seek discovery after an answer is filed, and does not need to seek leave of the Court. The Court will address the Notice in a separate Order.

IT IS FURTHER ORDERED that, within twenty days of the issuance of this Order, Respondent, Algeric General Services, LLC, shall file with the Court a response in which it shows good cause for its failure to file a prehearing statement, and a prehearing statement that comports with 28 C.F.R. § 68.12.

SO ORDERED.

Dated and entered on May 19, 2022.

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Honorable Jean A. King  
Chief Administrative Law Judge