

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

June 14, 2022

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324c Proceeding
)	OCAHO Case No. 2020C00011
)	
SAMUEL TOMINIYI FASAKIN,)	
Respondent.)	
_____)	

Appearances: Daniel R. Wilmoth, Esq. and Samuel Yim, Esq. for Complainant
Mark Goldstein, Esq. and Jelena Gilliam, Esq. for Respondent

ORDER DENYING MOTION TO COMPEL

I. PROCEDURAL HISTORY

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324c. Complainant, the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on November 4, 2019, alleging that Respondent, Samuel Tominiyi Fasakin, violated § 1324c(a)(2).

On May 10, 2021, the Court issued a Final Decision and Order (Final Order) following a hearing on the merits.

On June 8, 2021, the Chief Administrative Hearing Officer (CAHO) issued an Order by the Chief Administrative Hearing Officer Vacating the Administrative Law Judge’s Final Decision and Order and Remanding for Further Proceedings (Order on Remand). *United States v. Fasakin*, 14 OCAHO no. 1375b, 1 (2021).¹ Following this Order on Remand, the Court initiated a series of prehearing conferences with the parties.

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 specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages,

On May 16, 2022, Respondent filed Respondent's Motion to Compel. Complainant's response was due May 26, 2022. *See* 28 C.F.R. § 68.11(b). To date, the Court has not received a response; therefore, the motion is ripe for adjudication.

Respondent requests the Court compel Complainant: "to understand that Attorney Adebowale's participation in this case is voluntary and to cease harassing and threatening Respondent's witness" and "to proceed with questioning Attorney Adebowale in the manner previously agreed upon, with Complainant and Respondent's counsel present. Mot. Compel 3. Additionally, Respondent seeks a prehearing conference. *Id.*

Since the remand of the case, the Court has held six prehearing conferences on various issues. The undersigned finds that imposing a meet and confer prerequisite to filing a motion would facilitate efficiency and judicial economy. Therefore, "[b]efore seeking a hearing on any motion, it shall be incumbent on the party desiring the hearing on the motion to meet and confer with the opposing party in a good faith effort to narrow the areas of disagreement." *Sperandio v. United Parcel Service, Inc.*, 15 OCAHO no. 1400b, 1 (2022) (citation omitted). Failure to meet and confer in good faith prior to the filing of a motion may warrant denial of the relief requested. *See id.* at 2 (denying motion for failure to meet and confer).

The Court DENIES Respondent's Motion to Compel and ORDERS the parties to meet and confer on the issues raised in the motion by June 28, 2022. Respondent may file a motion seeking judicial intervention on any unresolved matters related to this Motion to Compel, but must do so by July 5, 2022.

SO ORDERED.

Dated and entered on June 14, 2022.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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>.