

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

July 13, 2022

ROBERT PAUL HEATH,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	
)	OCAHO Case No. 2021B00060
I-SERVICES, INC.,)	
Respondent.)	
)	

Appearances: Robert Heath, pro se Complainant
Murali Ghanta, on behalf of I-Services, Inc., pro se Respondent

ORDER FOR STATUS REPORT

This case arises under the employment discrimination provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b. Complainant, Robert Heath, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on September 22, 2021. Complainant alleges that Respondent, I-Services, Inc., discriminated against him on account of his citizenship status and national origin, and engaged in unfair documentary practices, in violation of § 1324b.

On February 14, 2022, Respondent filed an answer and a response to the Court's December 3, 2021, Order to Show Cause. On February 22, 2022, the Court denied Complainant's Motion for Default Judgment, filed on February 16, 2022, accepted Respondent's answer, and discharged the order to show cause. On February 22, 2022, the Court issued an Order for Prehearing Statements. On March 25, 2022, Complainant filed his prehearing statement.

On May 9, 2022, the Court issued an Order Issuing Stay of Proceedings. After disclosing Complainant's communication about a health emergency, the Administrative Law Judge (ALJ) determined a sua sponte stay of proceedings for sixty days to be appropriate given the circumstances. *See Heath v. I-Services, Inc.*, 15 OCAHO no. 1413a, 2–3 (2022) (citations omitted).¹ The ALJ ordered Murali Ghanta to file a notice of appearance on behalf of Respondent,

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,

and for Respondent to file its prehearing statement at the conclusion of the stay period, or sixty days. *Id.* at 1–3. The ALJ further ordered the parties to meet and confer, and provide the Court written notice of potential prehearing conference dates. *Id.* at 3. The ALJ permitted Respondent fourteen days “to provide any response it deem[ed] appropriate.” *Id.* at 1–2 (citation omitted).

Pursuant to the May 9, 2022, Order, Respondent was to file a prehearing statement by July 8, 2022. To date, the Court has not received this prehearing statement or further filings from the parties.

In light of the Complainant’s communication, the Court **ORDERS** the parties to file a status report within twenty-one (21) days of the date of this Order. The status report shall be joint and further describe the parties’ attempts to ‘meet and confer’ regarding prehearing conference dates. If Complainant does not intend to move forward with this litigation, the joint status report shall include a statement to this effect. If the parties are unable to meet and confer, each party shall file a separate status report detailing its efforts to meet and confer. The Court notes that a complaint may be deemed abandoned and subject to dismissal if “[a] party or his or her representative fails to respond to orders issued by the Administrative Law Judge[.]” 28 C.F.R. § 68.37(b)(1); *see also Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388g, 3 (2022) (citations omitted) (collecting OCAHO cases where, inter alia, the complaint was deemed abandoned given a party’s failure to respond to ALJ orders). 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(a); *cf.* § 68.9(c) (stating that a default decision may be entered against any party who fails to appear at a hearing without good cause). Moreover, failure to comply with Court orders frustrates sound case management. *See United States v. El Dorado Furniture Mfg., Inc.*, 3 OCAHO no. 417, 208, 210 (1992). Thus, failure to file a status report may result in a finding that Complainant abandoned his complaint or a default order against Respondent.

SO ORDERED.

Date: July 13, 2022

Jean C. King
Chief 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>.