

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

January 18, 2023

ZAJI OBATALA ZAJRADHARA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2022B00036
	)	
E-SUPPLY ENTERPRISES,	)	
Respondent.	)	
_____	)	

Appearances: Zaji Obatala Zajradhara, pro se Complainant  
Elizabeth Torres, pro se, for Respondent

ORDER ON COMPLAINANT’S DISCOVERY MOTION.

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On March 25, 2022, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent, E-Supply Enterprises, violated § 1324b.<sup>1</sup>

On December 14, 2022, Complainant electronically filed a “Laymans’ Response To: Order On Motions And Updated Case Schedule: Rule 0 & Rule 37: Failure To Make Disclosures Or To Co-Operate In Discovery 28 CFR 68.23 / Rule(s) 30 B.6, & Rule 31 A-4” (Complainant’s Filing).<sup>2</sup> Complainant’s Filing includes a “Motion for Failure to Again Provide Discovery / Response”

<sup>1</sup> The Court’s November 10, 2022, Order provides a detailed procedural history for this case. Additionally, the Court issued an January 4, 2023, Disclosure of Ex Parte Communication.

<sup>2</sup> OCAHO Case No. 2022B00036 is not enrolled in OCAHO’s voluntary electronic filing program; accordingly, the Court exercised discretion to accept the filing electronically in consideration of Complainant’s personal circumstances. The submission did not indicate that Respondent received electronic service of the filing. While the certificate of service showed service on Respondent at a Saipan, MP address, the Court, out of an abundance of caution, mailed Respondent a copy of the filing on December 14, 2022.

(Discovery Motion), along with a “Motion to Dismiss / Jurisdiction / Response.”<sup>3</sup> C’s Filing 1–2. In the Discovery Motion, Complainant states that he received an envelope from Respondent pertaining to requested discovery. *Id.* Complainant represents that the envelope included documents not responsive to the requested discovery. *See id.* Complainant then requests an “initial round of document[s] for review via Order of the Court,” followed by a list of documents related to CNMI Department of Labor Job Vacancy Announcement (JVAs).<sup>4</sup> *Id.* (seeking email data and “all related electronic and or paper documents” for JVA 21-06-91973, documents in connection to U.S. Department of Labor (DOL) Form ETA-9142-C, and JVA documents from E-Supply for the period of January 2020 to December 2022).

The Court finds that Complainant’s Discovery Motion does not present a discovery dispute in such a way that the Court can discern what to compel. Specifically, Complainant’s Discovery Motion does not meet the elements required for a motion to compel per OCAHO Rule 68.23.<sup>5</sup> While referencing requested discovery and a list of documents for review, Complainant does not identify exactly what discovery requests he served on Respondent. 28 C.F.R. § 68.23(b)(1). Similarly, while Complainant alludes to Respondent’s discovery responses as deficient, *see* C’s Filing at 1–2, he does not provide those responses (either as documents or within the text of his motion). *See* 28 C.F.R. § 68.23(b)(4). Accordingly, Complainant’s Discovery Motion is DENIED.

Further, assuming, *arguendo*, that the list Complainant stated he is seeking is the same discovery that he requested of Respondent, the information sought falls outside the limited jurisdictional discovery permitted by the November 10, 2022, Order. *See Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438b, 4–7 (2022)<sup>6</sup> (allowing five discovery requests only as to the number of

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<sup>3</sup> In the email transmitting the filing, Complainant stated that “this is my official response to the Court’s Order on Motions and Updated Case Schedule[.]” The Court therefore considers the “Motion to Dismiss / Jurisdiction / Response” within Complainant’s Filing as supplementing his Opposition to the Motion to Dismiss (due by January 19, 2023).

<sup>4</sup> Complainant also references an October 4, 2022 Motion to Compel. However, the Court rejected this filing on October 13, 2022.

<sup>5</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

<sup>6</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

employees employed by Respondent in 2020 and 2021). Complainant does not explain why the JVA or the ETA-9142-C information is relevant to the number of employees employed by Respondent in 2020 and 2021. *See also* 28 C.F.R. § 68.23(b)(3) (requiring “arguments in support” for a motion to compel).

The window for limited jurisdictional discovery in *Zajradhara v. E-Supply Enterprises* (OCAHO Case No. 2022B00036) is now closed. Accordingly, the Court will not further consider motions from the parties seeking discovery-related relief.

The Court reminds the parties that, as Complainant supplemented his Opposition to the Motion to Dismiss, Respondent may file a reply to that opposition by February 2, 2023. After that date, the Court will address jurisdiction and the motion to dismiss.

SO ORDERED.

Dated and entered on January 18, 2023.

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Honorable Jean C. King  
Chief Administrative Law Judge

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database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.