

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	
)	OCAHO Case No. 2022A00022
KLJ LEASING, LLC,)	
Respondent.)	
)	

Appearances: José Solis, Esq., for Complainant
Julie Pace, Esq., and Heidi Nunn-Gilman, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO
RESET DISPOSITIVE MOTIONS DEADLINE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), on February 2, 2022, alleging multiple violations of § 1324a. On March 1, 2022, Respondent filed its answer.¹

On June 2, 2022, the Court issued an Order that, inter alia, memorialized the scheduling order set at the May 19, 2022 prehearing conference. The scheduling order included a dispositive motions deadline of February 2, 2023.

The Court is in receipt of a “Joint Motion to Reset Dispositive Motion Due Date,” dated January 25, 2023. Counsel seek to amend the dispositive motions deadline to February 9, 2023, “because attorney for Complainant has not been able to complete the motion due to short manning of the office and needs more time.”

“OCAHO rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021)

¹ On July 28, 2022, the Court issued an Order Granting Motion for Leave to Amend Complaint. United States v. KLJ Leasing, LLC, 16 OCAHO no. 1446, 1 (2022). On August 17, 2022, Respondent filed its amended answer.

(citations omitted);² *see also* Fed. R. Civ. P. 6(b)(1)(A) (stating good cause as standard for when a party requests extension before the original time expires). Good cause requires “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance within the time specified in the rules.” *Id.* (citations omitted). Generally, “a showing of good cause requires a showing of diligence in attempting to meet the Court’s deadline[.]” *Id.*

The Court finds that there is good cause for the extension. The parties demonstrate their diligence in meeting the Court’s schedule by filing the motion in advance of the deadline. Further, this case is complex, and counsel fairly represents that staffing challenges prevent it from meeting the court’s deadline. Finally, Complainant represents that this is a joint motion, accordingly there is no prejudice to Respondent in it being granted.

The Court therefore GRANTS the “Joint Motion to Reset Dispositive Motion Due Date.” Dispositive motions are now due by no later than February 9, 2023. The deadlines for oppositions and replies in support of dispositive motions are also extended by seven days.

SO ORDERED.

Dated and entered on January 31, 2023.

Honorable John A. Henderson
Administrative Law Judge

² 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 database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.