

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

February 23, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00015
)	
WALMART INC. (BETHLEHEM),)	
Respondent.)	
_____)	

Appearances: Sirin Ozen Hallberg, Esq., for Complainant
Dan Brown, Esq. and K. Edward Raleigh, Esq., for Respondent

ORDER ON COMPLAINANT’S EMERGENCY MOTION
FOR EXTENSION OF TIME

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on December 13, 2022, alleging Respondent, Walmart Inc. (Bethlehem), violated 8 U.S.C. § 1324a(a)(1)(B). On February 17, 2023, Respondent filed an Answer and a Motion to Dismiss in this matter, as well as in the nineteen related cases against different Walmart, Inc. locations pending before this Court.¹

On February 22, 2023, Complainant filed an Emergency Motion for Extension of Time to Reply to Respondent’s Motion to Dismiss (Emergency Motion). Complainant asserts that due to the President’s Day Holiday, as well as the number of pending motions, it may not be feasible to meet the ten-day deadline to respond to Respondent’s Motion to Dismiss. Emergency Mot. 3 (citing 28 C.F.R. § 68.11(b)).² Accordingly, Complainant requests an extension to respond to Respondent’s

¹ Complainant filed twenty complaints against different Walmart, Inc. locations on December 13, 2022. *See* OCAHO Case Nos. 2023A00015–2023A00034.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

Motion to Dismiss until March 24, 2023. *Id.* On the same day, Respondent filed a Response to Complainant's Emergency Motion for Extension of Time, indicating that it did not oppose the Emergency Motion.

"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) (citations omitted).³ 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 with the time specified in the rule." *Id.* (citations omitted).

The Court finds that Complainant has demonstrated good faith and a reasonable basis for noncompliance warranting an extension of time to file its response to Respondent's Motion to Dismiss. Complainant promptly requested an extension of time before the deadline to respond had expired, and proffered that the delay is due to the holiday weekend as well as the number of pending motions.

Accordingly, the Court will GRANT Complainant an extension of time to file its response to Respondent's Motion to Dismiss. Complainant may file its response no later than March 24, 2023.

SO ORDERED.

Dated and entered on February 23, 2023.

Honorable Jean C. King
Chief Administrative Law Judge

³ 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>.