

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

March 8, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00005
)	
MICHAEL’S ASIAN KITCHEN, INC.)	
D/B/A RED RICE BOWL,)	
Respondent.)	
_____)	

ORDER OF DISMISSAL

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On November 15, 2022, Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, Michael’s Asian Kitchen, Inc. d/b/a Red Rice Bowl, violated § 1324a.

On March 7, 2023, the parties filed a jointly signed Notice of Settlement Agreement and Joint Motion to Dismiss, with a settlement agreement attached.¹ “Pursuant to Rule 68.14(a)(2) . . . [the parties] hereby give notice to this Court that the parties have reached a full settlement of this case and are in agreement to dismiss this action.”² The parties request a dismissal without prejudice.

Per 28 C.F.R. § 68.14(a)(2), when the parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement agreement

¹ Complainant also submitted proof that it personally served Respondent with the Complaint and accompanying materials on January 27, 2023, in accordance with the Court’s January 12, 2023, Order Directing Complainant to Execute Service of Process.

² Parties may seek dismissal based on a joint request to dismiss pursuant to 28 C.F.R. § 68.14(a)(2) *or* based on consent findings, 28 C.F.R. §§ 68.14(a)(1), (2). Although the filing contains language relating to consent findings, the Court interprets the parties’ filing as seeking dismissal under 68.14(a)(2).

and agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.”

The Court finds that the parties’ Notice of Settlement and Joint Motion to Dismiss complies with the requirements of 28 C.F.R. § 68.14(a)(2).

Because the parties have jointly requested dismissal and complied with the regulatory requirements for dismissal, the Notice of Settlement and Joint Motion to Dismiss is GRANTED and the case is hereby DISMISSED without prejudice.

SO ORDERED.

Dated and entered on March 8, 2023.

Honorable Jean C. King
Chief Administrative Law Judge