

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

March 21, 2023

HIM YEUNG,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00010
)	
WASHINGTON STATE DEPARTMENT)	
OF LICENSING,)	
Respondent.)	
_____)	

ORDER TO SHOW CAUSE FOLLOWING ORDER OF INQUIRY

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On November 22, 2022, Complainant, Him Yeung, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, the Washington State Department of Licensing, discriminated against him on account of his citizenship status in violation of § 1324b(a)(1).

After difficulty perfecting service of the Complaint using the address for Respondent provided in the Complaint, the Court issued an Order of Inquiry directing Complainant to provide a functional mailing address for Respondent pursuant to 28 C.F.R. § 68.3(c).¹ *See Yeung v. Wash. State Dep't of Licensing*, 17 OCAHO no. 1473, 1–2 (2023).² The Court ordered Complainant to respond by

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

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

February 28, 2023. *Id.* at 2. The Court cautioned that “OCAHO case law demonstrates that in instances when a complaint cannot be effectively served, it is dismissed without prejudice,” and Complainant should “understand that this Complaint may be dismissed if it cannot be effectively served.” *Id.* (quoting *Heath v. VBeyond Corp.*, 14 OCAHO no. 1368a, 3–4 (2020)) (internal quotations omitted).

To date, Complainant has not filed a response to the Court’s Order of Inquiry providing a mailing address for Respondent. As such, the Complaint currently cannot be effectively served, and may be dismissed without prejudice.³

Complainant is now ORDERED to show cause as to why he failed to respond to the Court’s February 7, 2023 Order of Inquiry. *See, e.g., United States v. Ferrantino Fuel Corp.*, 13 OCAHO no. 1335, 2 (2019) (finding that Complainant demonstrated good cause for its failure to timely file a prehearing statement, as it was intending to pursue the case, did not willfully fail to comply with a Court order, and respondent was not prejudiced by the delay). In his submission, Complainant must also comply with the requirements of the February 7, 2023 Order of Inquiry (i.e. Complainant must provide a mailing address for service). This submission is due April 3, 2023.

Complainant should consider himself on notice that failure to demonstrate good cause and failure to timely provide an address for proper service of the Complaint may result in a dismissal of this matter.

SO ORDERED.

Dated and entered on March 21, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

³ Dismissal of the Complaint “without prejudice” would “permit Complainant ‘to reinstitute the matter at any time by filing a new complaint.’” *Zajradhara v. CL Corp.*, 16 OCAHO no. 1429a, 3 (2022) (quoting *Sahara Wireless Int’l, Inc.*, 11 OCAHO no. 1262, 2 (2015)).