

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

May 27, 2021

ANA MARIA RAVINES DE SCHUR,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2020B00093
	)	
EASTER SEALS-GOODWILL NORTHERN	)	
ROCKY MOUNTAIN, INC.,	)	
Respondent.	)	
_____	)	

ORDER REVOKING E-FILING PRIVILEGES

I. PROCEDURAL HISTORY

This case arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, Ana Maria Ravines de Schur, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on September 18, 2020, alleging that Respondent, Easter Seals-Goodwill Northern Rocky Mountain, Inc., discriminated against her based on her citizenship status and national origin, and retaliated against her in violation of § 1324b.

On February 10, 2021, the parties were sent an invitation to participate in OCAHO's voluntary electronic filing (e-filing) pilot program, instructions for e-filing, and an e-filing registration and certification form. The instructions dictate that to e-file a document, a party must attach a portable document format (PDF), which shall constitute the "filing." OCAHO Instructions for Filing by Email 2; *e.g.*, U.S. Dep't of Just., OCAHO Practice Manual Ch. 3.7 (2021); *see also* 28 C.F.R. § 68.6(a) (requiring certificate of service for all filings).

On March 3, 2021, the Court issued an Order on Electronic Filing granting the parties permission to e-file.

To date, the Court has received numerous e-mails from Complainant that did not contain a PDF attachment of a filing and/or a certificate of service.¹ As such, the e-mails were rejected and not

¹ Complainant sent e-mails, which were ultimately rejected, on March 6, 2021; April 5, 2021; April 7, 2021; April 9, 2021; April 13, 2021; and April 17, 2021.

considered by the Court. OCAHO staff sent three separate letters, which were dated March 8, 2021, April 9, 2021, and April 20, 2021, notifying the parties of the rejections and reminding the parties of the instructions for e-filing.

On March 8, 2021, Court staff sent a letter to the parties specifying that e-mails were rejected because they lacked a PDF attachment and a certificate of service. Moreover, they were reminded that the e-mail address used to e-file documents should not be used to communicate informally with the Court and the parties should not courtesy copy the Court on communications between the parties. The parties were warned that abuse of the e-mail address may result in suspension or revocation of their e-filing privileges.

On April 9, 2021, Court staff sent a letter to Complainant reminding her that all e-filings must contain a PDF attachment and a certificate of service and that non-compliance with the e-filing requirements may result in suspension or revocation of their e-filing privileges. Court staff explained that the e-mails were rejected, and if the parties wished to request relief from the Court, they should file a motion for the Court to consider.

On April 14, 2021, the Court issued a Notice and Order Complainant Shall Cease Ex Parte Communications with the Court and Shall Comply with Procedural Filing Requirements (Notice and Order). The Court outlined the requirements to e-file documents after receiving non-compliant e-mails. Notice and Order 2–4. Additionally, the Court disclosed e-mails that Complainant sent to the Court without courtesy copying Respondent and provided Respondent with an opportunity to respond. *Id.* The Court warned “that failure to comply with the Court’s Orders may lead to dismissal of her case.” *Id.* at 4 (citations omitted).

On April 20, 2021, Court staff sent Complainant a letter informing her that e-mails were rejected because they lacked a PDF attachment and a certificate of service. The e-mails were part of a chain in which the Court was copied on, but not Respondent. A third party replied-all to the e-mail and Complainant also replied-all to that e-mail. The Court, but not Respondent, was copied on those communications. Court staff urged Complainant to review the Court’s April 14, 2021 order specifying the e-filing requirements and the prohibition on ex parte communications.

On May 18, 2021, Complainant sent three e-mails to the Court and Respondent.

III. LAW AND ANALYSIS

OCAHO’s voluntary e-filing pilot program is intended “to attempt to make submission of case documents more convenient for parties and to reduce the time and expense presently incurred with paper filings.” 79 Fed. Reg. 31143 (May 30, 2014). E-filing is a privilege not an entitlement. *See* U.S. Dep’t of Just., OCAHO Practice Manual Ch. 3.7 (stating that enrollment in the e-filing program “is limited to those cases in which all parties to the case agree to participate

and certify that they and/or their representatives . . . agree to follow the procedures and instructions for the pilot program.”).

Because Complainant’s May 18, 2021 e-mails contained neither a PDF attachment nor a certificate of service, they are rejected and will not be considered. Complainant has been instructed and corrected multiple times for her improper use of the e-filing system. Notice is not at issue. Specific to the e-filing program, Complainant signed the E-Filing Program Registration Form and Certification that states she will comply with the e-filing instructions.

The Court expects every party, even those appearing pro se, to comply with rules and orders. *See* 28 C.F.R. § 68.1. Because Complainant has demonstrated an inability or unwillingness to comply with the terms of the e-filing program, the Court hereby REVOKES the e-filing status for this case and ORDERS all parties to resume filing procedures consistent with 28 C.F.R. § 68.6(a).

Thus, to file a document, a party must deliver or mail two copies of the document to the Court. § 68.6(a). Service of all filings to the other party must be completed by mail or physical delivery as well.² *Id.* The parties are to cease using the Court’s e-mail address previously provided for e-filing. Any future attempts to e-file matters with the Court, without prior authorization, will be rejected and not considered.

SO ORDERED.

Dated and entered on May 27, 2021.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² The parties are not precluded from communicating with one another, without the Court’s involvement, via e-mail.