

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

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2022A00030
	)	
SATGURU ENTERPRISES, INC.,	)	
D/B/A 7-ELEVEN STORE #29718,	)	
D/B/A 7-ELEVEN STORE #15558,	)	
D/B/A 7-ELEVEN STORE #32414,	)	
Respondent.	)	

Appearances: Theresa Bross, Esq., for Complainant
Shiraz Khan, Esq., for Respondent¹

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE ANSWER

This case arises under the employment eligibility verification provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On March 2, 2022, Complainant, the U.S. Department of Homeland Security filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Satguru Enterprises, Inc. d/b/a 7-Eleven Store #29718, d/b/a 7-Eleven Store #15558, d/b/a 7-Eleven Store #32414 (Satguru Enterprises). Complainant alleges that Respondent failed to prepare or present I-9 forms, failed to ensure proper completion of I-9 forms, and knowingly hired an individual unauthorized for employment in the United States, in violation of § 1324a.

On March 28, 2022, this office sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment, a copy of the complaint, the Notices of Intent to Fine (NIFs), and Respondent's request for a hearing, via U.S. certified mail. The NOCA directed that an answer was to be filed within thirty days of receipt of the complaint, that failure to answer could lead to default, and that proceedings would be governed by Department of Justice Regulations. The U.S. Postal Service indicates that service was completed on April 1, 2022, making Respondent's answer due no later than May 2, 2022.

¹ The Court is in receipt of a U.S. Department of Homeland Security Form G-28, Notice of Entrance of Appearance as Attorney, signed by Shiraz Khan, Esq. and Sandeep Sachdev, the owner of Respondent Satguru Enterprises. The OCAHO Rules, found at 28 C.F.R. pt. 68 which govern this proceeding, require an attorney to enter to file a notice of appearance. 28 C.F.R. § 68.33(f). OCAHO does not utilize DHS Form G-28. Nonetheless, the Court will construe the form in this case to be a notice of appearance, as it substantially complies with the requirements of § 68.33(f).

On April 29, 2022, the Court received Respondent's "Unopposed Motion for Extension of Time to Answer Complaint" via facsimile. On May 2, 2022, the Court received the original of Respondent's extension motion. In its motion, Respondent requests extending the deadline to file its answer until June 6, 2022. Respondent argues that good cause exists to grant the motion because Respondent did not retain its current counsel until April 19, 2022, and counsel does not have sufficient time to review relevant documents. Respondent represents that Complainant does not oppose the 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);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 Respondent has demonstrated good cause in requesting an extension. Respondent retained its current counsel eighteen days into a thirty-day filing window, thus leaving counsel with less than two weeks to prepare the answer. Respondent's counsel faxed and mailed its extension motion before the original deadline. This litigation is still in the early stages of proceedings; a five week extension is unlikely to result in prejudice to Complainant.

The Court therefore GRANTS Complainant's "Unopposed Motion for Extension of Time to File Answer." Respondent may file its answer no later than June 6, 2022.

SO ORDERED.

Dated and entered on May 18, 2022.

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>.