

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

June 21, 2022

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324c Proceeding
)	OCAHO Case No. 2022C00041
)	
RAMIRO SANCHEZ-OCHOA, ¹)	
Respondent.)	
_____)	

Appearances: Joey Caccarozzo, Esq., for Complainant
Erendira Castillo, Esq., for Respondent

ORDER GRANTING RESPONDENT’S MOTION TO EXTEND TIME TO
FILE ANSWER AND FOR PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

This case arises out of the document fraud provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324c. On May 4, 2022, 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) against Respondent, Ramiro Sanchez-Ochoa. This office sent Respondent a Notice of Case Assignment for Complaint Alleging Document Fraud (NOCA) and the complaint on May 16, 2022, via certified U.S. mail. The U.S. Postal Service website indicates Respondent received the documents on May 25, 2022. Thus, Respondent’s answer was due by June 24, 2022. *See* 28 C.F.R. § 68.9.² On June 15, 2022, Respondent’s counsel filed a Notice of Appearance and Motion to Extend Time to File Answer (Unopposed).

¹ In the answer and notice of appearance, Respondent’s attorney represents that Respondent’s name is “Ramiro Sanchez-Ochoa,” and not “Raminro Sanchez-Ochoa,” the name in the OCAHO case caption and page 1 of the complaint. Upon further review, the ALJ hereby AMENDS the case caption to indicate Respondent’s appropriate name, “Ramiro Sanchez-Ochoa.”

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

II. RESPONDENT’S MOTION TO EXTEND TIME TO FILE ANSWER

Respondent, represented by counsel, requests a ninety day extension of time to file an answer. *See* Mot. Extend Time 1. Respondent’s counsel states that she is representing Respondent pro bono, with limited ability to consult with Ramiro Sanchez-Ochoa, and that she is seeking more experienced counsel to assist her in OCAHO proceedings. *Id.* at 1–2. Moreover, Respondent’s counsel asserts that she will be abroad for much of July 2022, and that she has an ethical obligation to expedite detained defendant cases before her departure. *Id.* Respondent also argues that Complainant “has no objection and does not oppose the requested extension of time to file a responsive pleading/answer.” *Id.* at 1.

III. DISCUSSION

“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 *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 with the time specified in the rule.” *Id.* (citations omitted). The Court finds that Respondent has demonstrated good cause for its delay in filing an answer. Based on the foregoing, the Court GRANTS Respondent’s unopposed Motion to Extend Time to File Answer.

IV. PREHEARING CONFERENCE

The Court will set a telephonic prehearing conference to discuss the forum generally and to set a case schedule. Within ten (10) days of the date of this order, the parties are to consult and agree upon availability for a telephonic prehearing conference **the week of August 8, 2022**. The parties are to then file a joint submission that proposes a minimum of three proposed agreed dates and times for the conference. Respondent’s answer will be due fourteen (14) days after the conference.

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>.

SO ORDERED.

Dated and entered on June 21, 2022.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge