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

July 13, 2022

ROBERT PAUL HEATH, Complainant, v. SPRINGSHINE CONSULTING AND ANONYMOUS EMPLOYER, Respondent.	)	8 U.S.C. § 1324b Proceeding OCAHO Case No. 2022B00001

Appearances: Robert Heath, pro se Complainant
Stephen Madoni, Esq., and Christina Bateman, Esq., for Respondent

ORDER TO SHOW CAUSE FOR STATUS REPORT

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, Robert Heath, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on October 11, 2021. Complainant alleges that Respondent, Springshine Consulting and Anonymous Employer (Springshine), discriminated against him based on his national origin and citizenship status, and engaged in unfair immigration-related documentary practices, in violation of § 1324b.

On December 6, 2021, Respondent filed its answer. On February 16, 2022, Complainant filed his prehearing statement. On March 11, 2022, Respondent filed its prehearing statement. On March 24, 2022, the Court issued an Order Setting Initial Prehearing Conference, for a prehearing conference on April 13, 2022.

On April 12, 2022, the Court issued an Order Canceling Prehearing Conference. After disclosing Complainant's communication about a health emergency, the Administrative Law Judge (ALJ) determined that Complainant was likely unable to attend the scheduled prehearing conference. *Heath v. Springshine Consulting*, 16 OCAHO no. 1421, 1–2 (2022).[1] Accordingly, the ALJ

[1] 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

exercised her discretion to cancel the April 13, 2022 prehearing conference. *See id.* at 2. The ALJ ordered Complainant to file a status report, to address the parties' agreed upon availability for a future prehearing conference, within sixty days. *Id.* The ALJ permitted Respondent fourteen days "to provide any response it deem[ed] appropriate." *Id.* (citation omitted). On April 14, 2022, Respondent filed an "Invited Response," which advised Complainant to contact Respondent's counsel on potential prehearing conference dates.

Under the OCAHO rules, a complaint may be dismissed for abandonment if "[a] party or his or her representative fails to respond to orders issued by the Administrative Law Judge[.]" 28 C.F.R. § 68.37(b)(1);[2] *see also Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388g, 3 (2022) (citations omitted) (collecting OCAHO cases where, inter alia, the complaint was deemed abandoned given a party's failure to respond to ALJ orders).

Pursuant to the April 12, 2022, Order, Complainant was to provide a status report for OCAHO Case Number 2022B00001 by June 13, 2022. To date, the Court has not received Complainant's status report or further filings from Respondent.

Therefore, the Court **ORDERS** Complainant to file the status report on prehearing conference availability within twenty-one (21) days of the date of this Order. Failure to file a status report may result in the complaint being deemed abandoned per the OCAHO rules and subject to dismissal. If Complainant does not intend to move forward with this litigation, Complainant shall submit a filing that states that he does not intend to continue his case.

The Court **FURTHER ORDERS** Respondent to submit a status report regarding its attempts to contact Complainant and 'meet and confer' regarding the initial prehearing conference within twenty-one (21) days of the date of this Order.

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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.

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

All filings shall comport with the OCAHO rules on service, found at 28 C.F.R. § 68.6(a), and the OCAHO electronic filing pilot program instructions previously provided to the parties.[3]

SO ORDERED.

Dated and entered on July 13, 2022.

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Honorable Jean C. King
Chief Administrative Law Judge

[3] Further information on the program can be found at https://www.justice.gov/eoir/ocaho-filing.