

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

August 18, 2022

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2022A00042
	)	
PARDO’S FRIED CHICKEN INC.,	)	
D/B/A CHURCH’S CHICKEN,	)	
Respondent.	)	
_____	)	

Appearances: Martin Celis, Esq., for Complainant  
                  Maria A. Oviedo, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO DISMISS

This case arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a. On May 11, 2022, Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) filed a complaint with the Office of the Chief Administrative Hearing Officer. Complainant alleges that Respondent, Pardo’s Fried Chicken Inc. d/b/a Church’s Chicken, engaged in multiple violations of § 1324a.

On July 26, 2022, the Court issued an Order to Show Cause – Answer. *United States v. Pardo’s Fried Chicken Inc.*, 16 OCAHO no. 1445, 1–3 (2022).<sup>1</sup> The Court ordered Respondent to submit

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<sup>1</sup> 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

a filing demonstrating good cause for its failure to timely file an answer, and to file an answer that comports with 28 C.F.R. § 68.9(c).<sup>2</sup>

On August 15, 2022, the parties filed a “Joint Notice of Settlement and Request for Dismissal.” The parties informed the Court “ [they] reached a full and final settlement in this case and have agreed to dismissal of the action.” Mot. Dismiss. The parties requested dismissal pursuant to § 68.14(a)(2) without prejudice.<sup>3</sup> *Id.* The parties did not provide a copy of their executed settlement agreement. The Court did not request it.

The Court determined the parties complied with § 68.14(a)(2) by providing notice of settlement via the joint motion. While the Court did not require filing of the settlement agreement in this case, the Court notes it has discretion to review settlement agreements entered into by litigants before OCAHO. *See id.*; *see also Jackai v. Frito-Lay, Inc.*, 1 OCAHO no. 188, 1232, 1232–33 (1990) (noting that the ALJ has “some discretion in approving a dismissal” pursuant to settlement).

The parties have jointly requested dismissal without prejudice and the Court finds they have complied with the regulatory requirements upon which such a request is predicated. The Joint Request for Dismissal is GRANTED and the case is hereby DISMISSED without prejudice.

SO ORDERED.

Dated and entered on August 18, 2022.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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

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

<sup>3</sup> Where parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” § 68.14(a)(2)