

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

November 30, 2022

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022A00049
)	
STEIDLE LAWN & LANDSCAPE, LLC,)	
Respondent.)	
_____)	

Appearances: Matthew Brunkhorst, Esq., for Complainant
Eric J. Wulff, Esq., for Respondent

ORDER TO SHOW CAUSE

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. The U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE or the government) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on June 8, 2022, alleging that Respondent, Steidle Lawn & Landscape, LLC, failed to present Forms I-9 for thirty-three individuals, in violation of 8 U.S.C. § 1324a(a)(1)(B).

In its October 19, 2022 Order Discharging Order to Show Cause and for Prehearing Statements, the Court directed that Complainant’s prehearing statement was due on November 8, 2022, and Respondent’s prehearing statement was due on November 21, 2022. On November 8, 2022, the Court received Complainant’s prehearing statement. To date, the Court has not received Respondent’s prehearing statement.

OCAHO precedent holds that the Court may order a party to show good cause for its failure to file a timely answer or to respond to an order requesting submission of prehearing statements. *See, e.g., United States v. Popo’s Bar and Rest.*, 15 OCAHO no. 1398, 1 (2021);¹ *United States v. Ferrantino Fuel Corp.*, 13 OCAHO no. 1335, 1 (2019).

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 volume where the decision begins; the pinpoint citations which follow are thus to the pages,

As such, the Court orders Respondent to file its prehearing statement, as well as a response showing good cause for its failure to timely file a prehearing statement, within twenty days of this Order to Show Cause. The Court will then determine if Respondent possessed the requisite good cause for its untimely prehearing statement, and will decide whether to allow the late filing.

The Court puts Respondent on notice of the potential consequences should it fail to respond to this Notice and Order to Show Cause. Under OCAHO's Rules of Practice and Procedure for Administrative Hearings, the Court may dismiss "a complaint or a request for hearing" upon its abandonment by the party who filed it. 28 C.F.R. § 68.37(b). A party shall be deemed to have abandoned its complaint or a request for a hearing if it "fails to respond to orders issued by the Administrative Law Judge." 28 C.F.R. § 68.37(b)(1); *see also United States v. Sal's Lounge*, 15 OCAHO no. 1394b, 3 (2022); *United States v. AMA Repiping, LLC*, 15 OCAHO no. 1391, 2 (2021); *United States v. Hosung Cleaning Corp.*, 4 OCAHO no. 681, 776, 777-78 (1994). Further, Federal Rule of Civil Procedure 55, a permissible guidance in OCAHO proceedings, *see* 28 C.F.R. § 68.1, instructs that a Court shall issue a default if a party against whom a judgment for relief is sought has failed to "otherwise defend." Fed. R. Civ. P. 55.²

IT IS SO ORDERED that, within twenty (20) days of the issuance of this Order, Respondent Steidle Lawn & Landscape, LLC shall file with the Court a prehearing statement as well as a response in which it shows good cause for filing an untimely prehearing statement, in accordance with this Court's October 19, 2022 Order Discharging Order to Show Cause and for Prehearing Statements.

SO ORDERED.

Dated and entered on November 30, 2022.

Honorable Jean C. King
Chief Administrative Law Judge

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

² Respondent also did not timely file its answer. It later did so in response to the Court's August 25, 2022 Order to Show Cause, and provided an explanation for its failure to timely file in response to the Court's September 30, 2022 Order.