

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

December 28, 2022

In re Investigation of:	)	
	)	
GEORGIA INSTITUTE OF TECHNOLOGY	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Subpoena No.
	)	2021S00046
	)	
	)	

Appearances:

Pablo Godoy, Esq., for U.S. Department of Justice
Stacey Young, Esq., for U.S. Department of Justice
Adria Perez, Esq., for Georgia Institute of Technology
Doug Gilfillan, Esq., for Georgia Institute of Technology
William Wheeler, pro se

NOTICE

This Notice serves to close out the matter of a letter received by this office, authored by William Wheeler, on September 22, 2021. In the letter, Mr. Wheeler objected to the release of his personal information as part of a response by the Georgia Institute of Technology (Georgia Tech) to a subpoena signed by an administrative law judge. The subpoena, requested by the Immigrant and Employee Rights Section (IER) of the U.S. Department of Justice, was issued in furtherance of an ongoing investigation into potential citizenship status discrimination in hiring, recruiting, and/or referral for a fee in violation of 8 U.S.C. § 1324b. No complaint has been filed in this matter.

Upon receipt of Mr. Wheeler's letter, this Court notified Georgia Tech and IER about the letter and sought briefing as its contents. Based on the responses provided by Georgia Tech and IER, the undersigned finds there is no need to take further action.

Georgia Tech produced the subpoenaed information before it was made aware of Mr. Wheeler's letter. Georgia Tech Resp. 3 (citing Smith Decl. ¶¶ 10-12). Georgia Tech could not confirm that Mr. Wheeler was affected by the subpoena, but did note that it produced limited information about a person named M. Wheeler; specifically, it provided the name and M. Wheeler's major. *Id.* (citing Smith Decl. ¶¶ 12, 14). After this Court notified the parties about the letter, on October 4, 2021, Georgia Tech provided IER a new response to the subpoena, excluding any information about M. Wheeler. IER Resp. 3. IER "also took all reasonable steps to delete the information

[regarding M. Wheeler] from all reasonably accessible locations in its computer systems.” *Id.* (citing Godoy Decl. ¶ 4).

In light of these actions, any concerns expressed in Mr. Wheeler’s letter have been addressed, and there is no further action to be taken.¹

Dated and entered on December 28, 2022.

Honorable Jean C. King
Chief Administrative Law Judge

¹ To the extent the administrative law judge interpreted the letter as a petition to modify or revoke the subpoena, the parties took all appropriate action and the matter is now moot. In any event, given that Mr. Wheeler was not served with the subpoena and was not a party before this tribunal, he likely does not have standing to challenge the subpoena. *See In re Investigation of Valley Crest Tree Co., Inc.*, 3 OCAHO no. 579, 1779-80 (1993).