

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

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2022A00053
	)	
BLACK BELT SECURITY &	)	
INVESTIGATIONS, LLC,	)	
Respondent.	)	
	)	

---

Appearances: Stephanie Robins, Esq., for Complainant  
Eldridge Hawkins, Sr., Esq., and Eldridge Hawkins, II, MBA, JD, for Respondent

ORDER ISSUING STAY OF PROCEEDINGS

On August 18, 2022, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed its Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that Respondent, Black Belt Security & Investigations, LLC (BBSI) violated 8 U.S.C. § 1324a(a)(1)(B). On November 23, 2022, the Court granted Complainant's motion for leave to amend the Complaint, and accepted the Amended Complaint. On December 3, 2022, Respondent filed its Amended Answer.

On December 7, 2022, the Court issued an Order for Prehearing Statements. The Court directed Complainant to file a prehearing statement within 30 days of the Order, and Respondent to file a prehearing statement within 60 days of the Order. On January 9, 2023, Complainant filed its Prehearing Statement.

On February 8, 2023, the Court received, via facsimile, Respondent's Motion Request to Extend Time for Respondent's Response for at Least Six Months (Stay Motion).<sup>1</sup> Respondent's counsel states that BBSI's principal/owner is experiencing an ongoing medical emergency that requires extensive recovery. *See* Stay Mot. Accordingly, Respondent seeks a 6-month stay of

---

<sup>1</sup> This submission procedurally failed to comply with OCAHO's rules on certification of service, and service by facsimile. *See* 28 C.F.R. §§ 68.6(a), (c). However, given the extenuating circumstances of the motion and its contents suggesting that Complainant was aware of the request and granted it, the purpose of the certification of service was met. Accordingly, the Court exercises discretion to accept the February 8, 2023 motion. To the extent the parties disagree about service, the parties may file a motion for reconsideration within 30 days of the date of this Order.

proceedings. *See id.* In support of its motion, Respondent attached a letter from the principal/owner's medical provider, a proposed consent order jointly signed by Complainant's counsel, and an email from Complainant's counsel confirming that she signed the joint proposed consent order.

OCAHO's rules<sup>2</sup> vest the administrative law judge (ALJ) with all appropriate powers necessary to regulate the proceeding, including the issuance of a stay. *See Hsieh v. PMC – Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003) (citing 28 C.F.R. § 68.28).<sup>3</sup> The issuance of a stay “calls for the exercise of judgment, which must weigh competing interests and maintains an even balance,” and “should not be granted absent a clear bar to moving ahead.” *See Heath v. ConsultAdd*, 15 OCAHO no. 1395b, 2 (2022) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), and then quoting *Monda v. Staryhab, Inc.*, 8 OCAHO no. 1002, 86, 91 (1998)); *see also Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021) (citations omitted) (noting that the standard routinely applied for granting an extension of time is good cause).

Here, Respondent has proffered evidence to support that BBSI's principal/owner is experiencing an ongoing medical emergency, and that Complainant does not oppose the requested 6-month stay of proceedings. The Court determines that a stay of proceedings is appropriate given the circumstances.

The Court hereby STAYS proceedings in this matter through August 8, 2023. The Court VACATES the deadline for Respondent's Prehearing Statement, as set in the Court's December 7, 2022 Order for Prehearing Statements.

On or before August 8, 2023, the Court ORDERS the parties to file a joint status report that advises on moving forward with this case. Following receipt of the status report, the Court will reset the case schedule and inform the parties as such.

---

<sup>2</sup> 28 C.F.R. pt. 68 (2023).

<sup>3</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 database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

ENTERED:

---

Honorable John A. Henderson  
Administrative Law Judge

DATE: March 22, 2023