

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

July 10, 2023

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

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

ORDER ISSUING STAY OF PROCEEDINGS

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On June 14, 2023, the Court issued a Notice and Order. *Heath v. Springshine Consulting*, 16 OCAHO no. 1421b, 1 (2023).¹ The Court took official notice of Complainant's death and the identity of his personal representative. *Id.* at 2 (citing in part 28 C.F.R. § 68.41²). The Court also found that Complainant signed a valid settlement agreement, which included express terms on the release of his claims in this case. *See id.* at 3–5 (citations omitted). The Court then advised:

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, 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 (2023).

Under the circumstances, the Court finds that dismissal under 28 C.F.R. § 68.14(a)(2) is the appropriate disposition (citation omitted). . . . Still the Court is mindful that a dismissal pursuant to § 68.14(a)(2) is a final case disposition. Accordingly, the Court provides notice that this case appears dismissible based on a notice of settlement, pursuant to § 68.14(a)(2).

Id. at 5. The Court then permitted Complainant’s executor fourteen days to advise or comment on the settlement, with an opportunity for Respondent to reply if a submission was provided. *Id.* The Court did not receive a filing from Complainant’s executor by that deadline (June 28, 2023).

Because the Court finds itself in a position wherein it is unable to execute a final case disposition, it now issues a stay of these proceedings.³ *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381h, 2 n.4 (2021); *see, e.g., Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388g, 2 (2022); *Rodriguez Garcia v. Farm Stores*, 17 OCAHO no. 1449, 2–3 (2022); *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438f, 8–9 (2023). *See also* Department of Justice Unified Agenda, RIN 1125-AB28, available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202304&RIN=1125-AB28> (last accessed June 27, 2023).

During the stay of proceedings for *Heath v. Springshine* (OCAHO Case No. 2022B00001), the Court will not consider or adjudicate submissions filed by the parties. The Court will timely inform the parties in writing when the stay is lifted. When the stay is lifted, the Court will execute the final case disposition.

SO ORDERED.

Dated and entered on July 10, 2023

Honorable Jean C. King
Chief Administrative Law Judge

³ A stay of proceedings is generally defined as “a ruling by a court to stop or suspend a proceeding temporarily or indefinitely. A court may later lift the stay and continue the proceeding.” *Heath v. I-Servs., Inc.*, 15 OCAHO no. 1413a, 2 n.4 (2022) (citations omitted).