

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: Janelle Cleary, Esq., for Complainant¹
Eldridge Hawkins, Sr., Esq., and Eldridge Hawkins, II, MBA, JD, for Respondent

ORDER EXTENDING STAY OF PROCEEDINGS AND CANCELLING CONFERENCE

On March 22, 2023, the Court issued a stay of proceedings in this case. *See United States v. Black Belt Sec. & Investigations*, 17 OCAHO no. 1456b, 1–2 (2023).² The Court determined a stay to be appropriate given the circumstances—specifically, an unopposed motion wherein Respondent proffered that BBSI’s principal/owner was experiencing a medical emergency. *Id.* The Court ordered the parties to file a joint status report before the stay expired on August 8, 2023. *Id.* at 2.

On July 19, 2023, the Court scheduled a status conference in this matter to discuss moving forward with this case.

On August 8, 2023, the stay of proceedings expired. That same day, the Court received the parties’ Joint Status Report. The parties state that they have “agreed to hold this case in abeyance until December 2023,” and move the Court to “grant this request.”

¹ On July 19, 2023, Complainant filed a Motion to Substitute Counsel. Complainant sought to substitute Janelle Cleary, Esq. for Stephanie Robins, Esq. On August 11, 2023, the Court received a notice of appearance from Ms. Cleary. The Court GRANTS Complainant’s Motion to Substitute Counsel. Ms. Cleary is now the attorney of record for Complainant in this matter.

² 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>.

The Court construes the parties' Joint Status Report as including a motion to extend the stay of proceedings through December 2023.

"OCAHO Rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause." Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021) (citations omitted); *see also* Fed. R. Civ. P. 6(b)(1)(A) (stating good cause as standard for when a party requests an extension before the original time expires). Moreover, a stay "calls for the exercise of judgment, which must weigh competing interests and maintains an even balance," Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), and there should be "a clear bar to moving ahead," Monda v. Staryhab, Inc., 8 OCAHO no. 1002, 86, 91 (1998).

The Court finds there is sufficient good cause to extend the stay. In its February 8, 2023 motion, Respondent provided evidence to support the BBSI owner/principal's medical emergency requiring a significant period for recovery. The parties also jointly filed their status report, wherein they requested an extension, prior to the Court's deadline. *See Tingling*, 13 OCAHO no. 1324c, at 2 (citations omitted) (noting that good cause generally "requires a showing of diligence in attempting to meet the Court's deadline[.]").

Accordingly, the Court EXTENDS the stay of proceedings through December 15, 2023, and CANCELS the status conference scheduled for August 22, 2023.

On or before December 15, 2023, the parties shall file a joint status report that addresses the BBSI principal/owner's ability to participate in this litigation, and any bars to moving ahead.

The Court will hold a prehearing conference in this matter on **January 16, 2024 at 10:00 a.m. Eastern time**, to set case deadlines and discovery limitations. The Court will contact the parties separately with the call-in information.

SO ORDERED.

Dated and entered on August 15, 2023.

Honorable John A. Henderson
Administrative Law Judge