

6 OCAHO 921

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

March 12, 1997

UNITED STATES OF AMERICA, )  
Complainant, )  
)  
v. ) 8 U.S.C. §1324c Proceeding  
) Case No. 96C00053  
EDUARDO SOTELO, )  
A/K/A EDUARDO SOTELO- )  
MONTES, )  
Respondent. )  
\_\_\_\_\_ )

**ORDER OF DISMISSAL—SETTLED**

On May 17, 1996, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action by having filed a Complaint with the Office of the Chief Administrative Hearing Officer, alleging that the respondent, Eduardo Sotelo, committed document fraud in violation of section 274C(a)(2) of the Immigration and Nationality Act, 8 U.S.C. §1324c(a)(2).

On February 18, 1997, the parties jointly filed a Motion to Dismiss, together with a fully executed four (4) page Settlement Agreement, in which they advised that they had reached a compromise settlement of all matters in controversy.

Under §68.14(a) of the OCAHO Rules of Practice and Procedure, where the parties have entered into a proposed settlement agreement and have notified the administrative law judge, a final dismissal of the action is subject to approval of the terms of the settlement agreement by the administrative law judge.

6 OCAHO 921

Upon a careful and thorough review of the Settlement Agreement, it is found that the terms set forth therein are fair and reasonable and constitute an appropriate settlement pursuant to §68.14(a).

Accordingly, it is found that:

1. Respondent has withdrawn his request for hearing on the merits; and
2. That respondent will pay a civil money penalty in the total amount of \$450.00 in the manner set forth in the Settlement Agreement; and
3. That it is appropriate to grant the parties' joint Motion to Dismiss based upon the parties' notification made pursuant to §68.14(a)(2); and 4. That complainant's May 17, 1996 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

**JOSEPH E. MCGUIRE**  
Administrative Law Judge