

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
)	Case No. 92A00268
ROSARIO STRANO D/B/A)	
STRANO FARMS,)	
Respondent.)	
)	
UNITED STATES OF AMERICA)	
Complainant,)	
)	
v.)	8 U.S.C. §1324a Proceeding
)	Case No. 92A00269
HOMESTEAD TOMATO PACKING)	
COMPANY, INC.)	
Respondent.)	
_____)	

ORDER
(March 31, 1993)

These cases have not been consolidated for hearing or other disposition. Recognizing, however, their common attributes, this order issues in both dockets as a matter of economy and convenience.

There has been an extensive exchange of pleadings which address whether respondents, without further participation by the judge, are to be accorded the right to amend their answers up to the time of the judge's final decisions. This order remits the parties in both cases to the rule of practice and procedure which controls amendments to pleadings. 28 C.F.R. §68.9(e) [1992]. Subsection (e) confers broad discretion on the judge to allow appropriate amendments but only when "determination of a controversy on the merits will be facilitated thereby," and "upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties."

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Nothing submitted in the pleadings persuades me to delegate to any one or more of the parties my authority and obligation to determine whether and when to permit amendment to answers or other pleadings. I reject also any suggestion that the parties can negotiate away the judge's powers in this respect.

Upon consideration of the filings to date, the motions for leave to amend answers prospectively are denied. This order disposes of all pleadings filed to date which address this question, whether filed by the proponent or the Immigration and Naturalization Service. Further requests to the same effect will not be considered.

SO ORDERED.

Dated and entered this 31st day of March, 1993.

MARVIN H. MORSE
Administrative Law Judge