

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

RAMNIK M. TRIVEDI,)
Complainant,)
)
v.) 8 U.S.C. § 1324b Proceeding
) CASE NO. 92B00205
NORTHROP CORPORATION)
AND)
DEPARTMENT OF DEFENSE,)
Respondents.)
_____)

ORDER DENYING COMPLAINANT'S MOTION TO REOPEN
CASE AND PERMIT THE FILING OF A SUPPLEMENTAL
POST-HEARING BRIEF

On January 19, 1993, I issued an order granting Complainant an opportunity to file a brief in response to motions for summary decision filed by Respondents in this case.

On December 7, 1993, after considering briefs filed by all parties, I issued a decision granting Respondents' motions for summary decision and dismissing the case.

On December 10, 1993, I issued an order pursuant to 28 C.F.R. § 68.52(c)(4), indicating that certain corrections in my initial decision

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needed to be made, and that I would issue an amended decision. My order did not request additional briefing by any of the parties.

On January 25, 1994, I issued a final and amended decision granting Respondents' motions for summary decision, or dismissal. At the conclusion of the decision, I gave notice to Complainant of his appeal rights as provided for under 8 U.S.C. § 1324b(i) and 28 C.F.R. § 68.53(b). This statute provides that the Complainant may appeal my decision within sixty (60) days after entry of the order. Subsequent to my signing and mailing the amended decision to respective parties and to the Chief Administrative Hearing Officer, this office received from Complainant an unsolicited thirteen page brief arguing that Complainant was entitled to a judgment as a matter of law.

In view of the fact that Complainant's brief was filed after my amended decision was issued, and Complainant did not make a motion requesting to file a supplemental brief until the date my amended decision was issued, and further, because Complainant has had ample opportunity to submit a brief on all issues of law and fact, Complainant's motion and request for me to consider his latest brief will be DENIED.

SO ORDERED this 26th day of January, 1994 at San Diego, California.

ROBERT B. SCHNEIDER
Administrative Law Judge