

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

LEONID NAGINSKY,)
Complainant,)
)
v.) 8 U.S.C. § 1324b Proceeding
) Case No. 93B00087
DEPARTMENT OF DEFENSE and)
EG&G DYNATREND, INC.,)
Respondents.)
_____)

ORDER
(October 3, 1995)

Complainant has filed copies of discovery requests enclosed with transmittal letters dated September 15, and 19, 1995 addressed to EG&G Dynatrend, Inc. (EG&G) and, similarly, dated September 18 and 19, 1995 addressed to the Department of Defense. In each case the transmittal letter refers to OCAHO Case Docket No. 93B00087. By letter dated September 25, 1995, counsel for EG&G forwards a copy of a letter of the same date to Complainant, both of which refer to the inappropriateness of filing with me copies of any communication concerning a pending matter in the state court.

This Order advises the parties that at this juncture I am totally disinterested in what may transpire in the state court proceeding. Moreover, unless a party seeks specific assistance of the bench with respect to the case before me, I do not wish to see ongoing discovery. To avoid misunderstanding, it should be absolutely clear that the parties are not to provide copies to the Judge of either discovery requests or responses unless and until an application for relief is filed as provided for in the Rules of Practice and Procedure of this Office, 28 C.F.R. §§ 68.18 and 68.23(b).

Complainant does not appear to have filed with me any discovery request which implicates the state court matter. With respect to the pending OCAHO docket, since this case was twice announced to be

ready for hearing, I would have supposed that the time for discovery long ago expired. Recognizing, however, that Complainant was formerly represented but is now proceeding pro se, it is understandable that he has initiated the discovery now pending. Except for the possibility of concluding discovery already in progress, I will expect all such efforts to have been completed by the time of the prehearing conference scheduled for 10:00 a.m. on November 8, 1995.

SO ORDERED.

Dated and entered this 3d day of October, 1995.

MARVIN H. MORSE
Administrative Law Judge