

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

June 20, 2024

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2021B00020
)	
LBC MABUHAY (SAIPAN) INC.,)	
Respondent.)	
_____)	

Appearances: Zaji Obatala Zajradhara, pro se, for Complainant
Colin Thompson, Esq., for Respondent

ORDER OF DISMISSAL – FINAL ORDER

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b.

On February 19, 2021, Complainant Zaji Obatala Zajradhara filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, LBC Mabuhay (Saipan) Inc. Complainant alleges citizenship and national origin discrimination. Compl. 6.¹

On September 24, 2021, the Court issued an Order to Show Cause Regarding Jurisdiction, which required Complainant show cause “demonstrating the Court has jurisdiction over the actions allegedly taken by Respondent alleged in the Complaint.” Order Show Cause Jurisdiction 2.²

¹ Pinpoint citations to the complaint are to the internal pagination of the PDF file.

² “[T]he Court lacks subject matter jurisdiction over a national origin discrimination claim if the employer employs less than four or more than fourteen employees.” Order Show Cause Jurisdiction 2 (citing *United States v. Facebook, Inc.*, 14 OCAHO no. 1386b, 6–7 (2021). Similarly, the Court lacks jurisdiction over citizenship discrimination claims if the employer employs less than four employees. *Id.*; see also U.S.C. §§ 1324b(a)(1)(A), 1324b(a)(2)(A).

On April 25, 2022, the Court discharged the Order to Show Cause Regarding Jurisdiction because Complainant asserted Respondent had the requisite number of employees. *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423, 3 (2022).³ The Court then explained the complaint, in its present state, was deficient because it lacked that information. *Id.* at 4; Compl. 4. Accordingly, the Court granted Complainant leave to amend his complaint to include jurisdictional facts. *Id.* Critically, the Court warned that “[i]f Complainant fails to amend his complaint within the allotted time [by June 13, 2022], his complaint may be dismissed for failure to plead jurisdiction as required by [28 C.F.R.] § 68.7(b)(1).” *Id.* Complainant did not file an amended complaint by the June 13, 2022 deadline; to date⁴ Complainant has not amend his Complaint.

In its January 3, 2023 Order, the Court issued a stay after determining the jurisdictionally deficient Complaint should be dismissed (a decision the Court could not execute at the time).⁵

“On October 12, 2023, the Department of Justice published an interim final rule providing for review by the Attorney General of OCAHO Administrative Law Judge (ALJ) final orders in cases arising under 8 U.S.C. § 1324b.” *Zajradhara v. HDH Co., Ltd.*, 16 OCAHO no. 1417d, 2 (2023) (citing Office of the Chief Administrative Hearing Officer, Review Procedures, 88 Fed. Reg.

A Complaint must contain information that establishes the Court’s jurisdiction. *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423a, 1 (2022); *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423b, 1 (2022).

³ 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>.

⁴ Indeed, the Court issued an additional order prompting Complainant to amend his jurisdictionally deficient Complaint; however, he did not do so (even after receiving an extension). *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423a, 1-2 (2022); *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no. 1423b, 2-3 (2022).

⁵ See *Zajradhara v. LBC Mabuhay (Saipan) Inc.*, 16 OCAHO no.1423c, 3 (2023) (citing *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381o, 2–3 (2022); and then citing *Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388g, 2 (2022); and then citing *Rodriguez Garcia v. Farm Stores*, 17 OCAHO no. 1449, 2–3 (2022)).

70586 (Oct. 12, 2023) (codified at 28 C.F.R. pt. 68)). The regulation resolved the issue that led to this stay. *See id.*; *Heath v. SpringShine Consulting*, 16 OCAHO no. 1421d, 2 (2023); *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438h, 2 (2023).

Accordingly, the Court now lifts the stay of proceedings.

With the stay lifted, the Court now executes the decision referenced in the January 2023 Order. The Complaint is DISMISSED WITHOUT PREJUDICE.

This is a Final Order.

SO ORDERED.

Dated and entered on June 20, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Attorney General. Provisions governing the Attorney General's review of this order are set forth at 28 C.F.R. pt. 68. Within sixty days of the entry of an Administrative Law Judge's final order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

Any person aggrieved by the final order has sixty days from the date of entry of the final order to petition for review in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business. *See* 8 U.S.C. § 1324b(i)(1); 28 C.F.R. § 68.57. A petition for review must conform to the requirements of Rule 15 of the Federal Rules of Appellate Procedure.