

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

June 20, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00074
)	
MATTER,)	
Respondent.)	
_____)	

Appearances: John M. Miano, JD, for Complainant
Ryan H. Vann, Esq. and Carly E. Gibbons, Esq. for Respondent

ORDER STAYING PROCEEDINGS

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, et al., filed a complaint against Respondent, Matter, on March 19, 2024, alleging citizenship discrimination in hiring. Following an extension of time to do so, *see US Tech Workers v. Matter*, 19 OCAHO no. 1567 (2024),¹ Respondent filed its answer to the Complaint on May 24, 2024, accompanied by a Motion to Dismiss. Meanwhile, on May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint, to which Respondent filed an opposition on May 24, 2024.

Given the pending Motion to Dismiss as well as the Motion to Consolidate, the Court will now sua sponte issue a stay of proceedings in this matter pending adjudication of the motions. *See*

¹ Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, where the decision has not yet been 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 through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

Gulco v. Fraunhofer USA, 19 OCAHO no. 1560, 1–2 (2024). Per OCAHO’s Rules of Practice and Procedure for Administrative Hearing, an ALJ is permitted to exercise “all appropriate powers necessary to conduct fair and impartial hearings” 28 C.F.R. § 68.28(a).² This includes the authority to “regulate” and, thus, stay proceedings. *United States v. Black Belt Sec. & Investigations*, 17 OCAHO no. 1456b, 2 (2023) (citing *Hsieh v. PMC-Sierra, Inc.*, 9 OCAHO no. 1091, 5 (2003)); *see also Heath v. ConsultAdd*, 15 OCAHO no. 1395b, 2 (2022) (basing the Court’s authority to issue a stay on its “inherent power to ‘control the disposition of the cases on its docket with economy of time and effort’” (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936))).

OCAHO ALJs have found judicial economy, fairness, lack of prejudice, and potentially dispositive case developments to justify a stay of proceedings. *United States v. Ron’s Temp. Help Servs., Inc.*, 18 OCAHO no. 1496, 2 (2023) (judicial economy and fairness); *US Tech Workers v. Fifth Third Bank*, 19 OCAHO no. 1550, 3 (2024) (lack of prejudice); *Talebinejad v. Mass. Inst. Tech.*, 17 OCAHO no. 1464c, 3 (2023) (stay of proceedings due to potentially case-dispositive pending motion to dismiss).

The Court finds a stay of proceedings is appropriate in this circumstance. A stay will serve the parties’ interests in preserving time and resources as the Court considers the pending motions. Respondent’s Motion to Dismiss seeks full dismissal and, if meritorious, would be case dispositive. *See Fifth Third Bank*, 19 OCAHO no. 1550, at 3; *Zajradhara v. Hantang Ent. Corp.*, 19 OCAHO no. 1557, 2 (2024); *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438b, 3, 5 (2022). Further, the Motion to Consolidate, if granted, would likely have an impact on how discovery is conducted. As such, in lieu of scheduling a prehearing conference, the Court will stay proceedings, including discovery. If the Court denies the motions, the Court will notify the parties of the date and time for an initial prehearing conference.

SO ORDERED.

Dated and entered on June 20, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).