

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

July 17, 2024

EHBERT NAHUM TALICE,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2024B00091
	)	
CENTRIA AUTISM,	)	
Respondent.	)	
_____	)	

Appearances: Ehberty Nahum Talice, pro se Complainant  
Michael P. Nowland, Esq., for Respondent

ORDER ACCEPTING COMPLAINANT’S LETTER AS FILING & PROVIDING NOTICE  
AND AN OPPORTUNITY TO BE HEARD TO RESPONDENT

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On March 19, 2024, Complainant, Ehberty Nahum Talice, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Centria Autism. Complainant alleges Respondent discriminated against him based on national origin and citizenship status and engaged in unfair documentary practices.

On May 15, 2024, Respondent filed an Answer to Complaint.

On June 17, 2024, the Court issued an Order to Show Cause and Rescheduling Prehearing Conference permitting Complainant an opportunity to submit a filing explaining why his national origin discrimination claim should not be dismissed for lack of subject matter jurisdiction. In anticipation of resolving this issue before holding an initial prehearing conference, the Court then rescheduled that prehearing conference to a later date.

On June 18, 2024, Complainant attempted to electronically file a submission titled “Responding to Form EOIR-58 Response to Respondent’s Reply to Complaint.” The filing was rejected and not considered for reasons previously provided to Complainant (no proof of service on Respondent, no permission to e-file, among other issues). In rejecting the filing, the Court explained to Complainant how to remedy the deficiencies.

On June 25, 2024, Complainant attempted to file by mail a document titled “New Evidence.” The filing was rejected and not considered for reasons previously provided to Complainant (no proof of service on Respondent, no case caption, among other issues). In rejecting the filing, the Court explained to Complainant how to remedy the deficiencies, and the Court provided additional contact information so Complainant could get clarification in advance of attempting future filings.

On July 5, 2024, Complainant filed a letter which gives rise to this Order. This letter also does not meet the requirements; however, the undersigned has made a discretionary determination to accept this non-compliant filing. The Court considered Complainant’s pro se status and the possibility the previously twice-rejected filings were both in response to the Court’s Order to Show Cause.

Because the Complainant’s filing contains no proof it was ever served on Respondent, the Court shall attach it to this Order to ensure Respondent has access to all matters considered by the Court. Respondent shall have until August 8, 2024 to provide matters in response to this submission.

Further, Complainant must not confuse this one-time courtesy as an entitlement. It is not for the Court to cure defective pleadings, and should Complainant continue to submit deficient filings he must understand that those filings may be rejected and ultimately not considered by the Court. Once more, the Court instructs Complainant of the following:

1. Each submission to the Court must contain a case caption indicating the statutory provision under which the case is instituted, the title of the case, the OCAHO case number, and a title for the filing. OCAHO Practice Manual Ch. 3.3(a);<sup>1</sup> 28 C.F.R. § 68.7(a).<sup>2</sup> You may use the caption at the top of this order as an example.
2. Each filing must contain a signed certificate of service, in which you indicate the manner (i.e. by mail, etc.) and date of service of the filing on IER and opposing counsel. OCAHO Practice Manual Ch. 3.2(c); 28 C.F.R. § 68.6(a). The Court has attached to this order a sample Certificate of Service you may use as an example.

The chambers line is available for any additional questions related to filing procedures: ###-###-####.

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<sup>1</sup> OCAHO’s Practice Manual is available online at <https://www.justice.gov/eoir/reference-materials/ocaho>.

<sup>2</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023), *available online at* <https://www.govinfo.gov/content/pkg/CFR-2023-title28-vol2/pdf/CFR-2023-title28-vol2-part68.pdf>.

SO ORDERED.

Dated and entered on July 17, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge