

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

_____	)	
UNITED STATES OF AMERICA,	)	
Complainant,	)	8 U.S.C. § 1324c Proceeding
	)	
v.	)	
	)	OCAHO Case No. 96C00027
PEDRO DOMINGUEZ,	)	
Respondent.	)	Judge Robert L. Barton, Jr.
_____	)	

**ADDENDUM TO ORDER SETTING BRIEFING SCHEDULE**  
*(February 19, 1998)*

Previously, in an Order issued on November 17, 1997, I required Complainant to file, not later than November 24, 1997, a memorandum identifying specifically each of the factors that it contends the Court should consider in assessing a penalty in this case. I further provided in the November 17 Order that, as to any factor that is not included in its penalty memorandum, Complainant may not be permitted to offer evidence and may be estopped from seeking to rely on any such factor at the hearing or in its post hearing submission. Therefore, in accordance with that Order, Complainant will not be permitted in its post hearing brief to rely on any factors in support of its penalty recommendation other than those listed in its Memorandum Listing Penalty Factors dated November 24, 1997.

Since Respondent was not required to file a similar memorandum prior to the hearing, Respondent is ordered to list, in its post hearing brief, which must be filed not later than March 19, 1998, each of the factors Respondent contends I should consider in assessing a penalty in this case. To the extent if fails to list a factor, that factor will be considered to have been waived.

\_\_\_\_\_  
**ROBERT L. BARTON, JR.**  
**ADMINISTRATIVE LAW JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of February, 1998, I have served the foregoing Addendum to Order Setting Briefing Schedule on the following persons, by first class mail (unless otherwise indicated), at the addresses shown:

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