

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00062
)	
UPRIGHT INSTALLATION SERVICES, CORP.,)	
Respondent.)	
)	

Appearances: Janelle Cleary, Esq., for Complainant
David Cassidy, Esq., for Respondent

ORDER OF DISMISSAL

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 16, 2023. Complainant alleges that Respondent, Upright Installation Services, Corp., violated 8 U.S.C. § 1324a(a)(1)(B).

On October 23, 2023, Complainant filed a Notice of Settlement and Joint Motion to Dismiss. Through this filing, the parties inform the Court that they have reached a full settlement and agree to dismissal of this action with prejudice, pursuant to 28 C.F.R. § 68.14(a)(2).¹ Joint Mot. Dismiss 2. A copy of the settlement agreement is attached to the Joint Motion.

28 C.F.R. § 68.14(a)(2) provides that where parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” After reviewing the Joint Motion to Dismiss and the settlement agreement, the Court

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

finds that dismissal based on notice of settlement is appropriate. Accordingly, the Joint Motion to Dismiss is GRANTED and this matter is DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated and entered on November 21, 2023.

Honorable John A Henderson
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1) (2012).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such 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.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.