

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

Marcelino Rivera, Complainant v. Trees Now, Inc., Respondent; 8  
U.S.C. § 1324b Proceeding; Case No. 90200074.

Manuel Garcia, Complainant v. Watertown Nurseries, Respondent; 8  
U.S.C. § 1324b Proceeding; Case No. 90200076.

ORDER DISMISSING THE COMPLAINTS WITH PREJUDICE  
(September 11, 1990)

The procedural history of these two cases is described in my order issued August 7, 1990, entitled in each instance ``Order To Show Cause Why Complaint Should Not Be Dismissed And, Alternatively, Why Judgment By Default Should Not Issue.'' Responses were due by the parties not later than August 27, with replies in opposition, if any, due by September 10, 1990.

No filings were timely received. By letter-pleading dated September 5, 1990, filed September 10, 1990, the representative of complainants advises of their desire to withdraw the complaints in both cases. Complainants recite that they ``withdraw to pursue their remedies in federal or state courts in these matters.''

As the result of the withdrawal sought here, complainants are in the same posture as were those in two other cases filed concurrently with these by the same representative, Camden Regional Legal Services, Inc., Diaz v. Halka Nurseries, OCAHO Case No. 90200075 (May 10, 1990) (Prehearing Conference Report and Order of Dismissal), and Ramos v. W.V. Griffin Nurseries, Inc., OCAHO Case No. 90200073 (May 10, 1990) (Prehearing Conference Report and Order of Dismissal). In Diaz and Ramos I granted requests for withdrawal of the complaints by complainants' counsel upon acquiescence by respondents. The two instant cases differ from Diaz and Ramos in that here, respondents have utterly failed to participate.

In view of complainants' stated intent to withdraw the complaints, failure to satisfy the Show Cause orders becomes moot. No reason to the contrary appearing, it is appropriate and just to all parties to grant the relief sought with prejudice.

These cases are each dismissed with prejudice. The hearing previously scheduled is canceled.

**SO ORDERED.**

Dated this 11th day of September, 1990.

MARVIN H. MORSE  
Administrative Law Judge