

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

United States of America, Complainant v. Bayley's Quality Seafoods, Inc., Respondent; 8 U.S.C. § 1324a Proceeding; Case No. 90100080.

**DECISION AND ORDER GRANTING COMPLAINANT'S MOTION TO DISMISS IN PART**

(October 15, 1990)

On September 17, 1990 I rendered a Decision and Order Granting Complainant's Motion for Summary Decision in Part in which Respondent, Bayley's Quality Seafoods, Inc., (Decision and Order) was found liable for sixty-three (63) of sixty-four (64) paperwork violations. Complainant or INS requested the statutory minimum civil money penalty of \$100.00 per violation. Accordingly, Respondent was ordered to pay the statutory minimum amount of \$100.00 per violation for a total of \$6,300.00.

Because there appeared to be a genuine issue of material fact with respect to E. Clark, the individual named in paragraph 3, Count I, line 9 of the Complaint, summary decision as to that one remaining charge was denied. Complainant was ordered to respond within fourteen (14) days from the date of the September 17th Decision and Order and to advise the bench whether it wished to pursue an evidentiary hearing or to dismiss the one remaining charge.

Complainant's Motion to Dismiss in Part (Motion), dated October 1, 1990, was filed with the judge on October 9, 1990. The Motion requests dismissal of the one remaining paperwork violation charge, 8 U.S.C. § 1324a(a)(1)(B), as it applies to E. Clark, in order to ``. . . avoid the time and expense of conducting an evidentiary hearing as regards this one subject.'' Motion para. 2.

The provisions of the Decision and Order dated September 17, 1990 implicate only the sixty-three (63) charges there disposed of, and are in no way involved in this decision and order which disposes solely of the remaining charge with respect to the named individual, E. Clark.

**IT IS HEREBY ORDERED:**

1. That Complainant's Motion to Dismiss In Part is granted.
2. That the hearing previously scheduled is cancelled.
3. That all motions and requests for relief not previously disposed of are denied.
4. That by virtue of the Decision and Order of September 17, 1990, there remained before the judge only the one charge involving the named individual, E. Clark. The decision and order issued today disposes of the sole remaining issue. Accordingly, this is the final action of the judge in accordance with 28 C.F.R. § 68.51(a) with respect to the one remaining paperwork charge involving the named individual, E. Clark. As provided at 28 C.F.R. § 68.51(a), this action shall become the final order of the Attorney General unless, within thirty (30) days from the date of this Order, the Chief Administrative Hearing Officer, upon request for review, shall have modified or vacated it. See also 8 U.S.C. § 1324a(e)(7), 28 C.F.R. § 68.51(a)(2). Judicial review is controlled by 8 U.S.C. § 1324a(e)(8); 28 C.F.R. § 68.51(a)(2).

**SO ORDERED.**

Dated this 15th day of October, 1990.

MARVIN H. MORSE  
Administrative Law Judge