

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. 1324b Proceeding
) CASE NO. 90200307
HARRIS RANCH BEEF COMPANY,)
Respondent.)
_____)

ORDER DENYING COMPLAINANT'S MOTION
FOR ORDER CLARIFYING PROCEDURES

On May 17, 1991, Complainant filed its Motion For Order Clarifying Procedures, requesting the Administrative Law Judge to issue an order clarifying the applicability of 28 C.F.R. section 68.7(c)(2) to time computations for responsive pleadings when responding to a pleading that was served by private overnight courier service (Federal Express).

Complainant apparently bases its motion on Respondent's filing of its opposition to Complainant's Motion for More Definite Statement and to Strike Affirmative Defenses, which was served by Federal Express, thirteen (13) days after the written motion was served. However, having carefully reviewed Complainant's Motion, it is my view that, rather than requesting me to resolve a pending discovery dispute, Complainant is requesting me to issue an advisory opinion regarding the applicability and scope of 28 C.F.R. section 68.7(c)(2), in hopes that future disputes about the timely filing of pleadings will be averted. Therefore, I find that no good cause is shown for granting Complainant's motion. ACCORDINGLY, Complainant's Motion For Order Clarifying Procedures is denied.

SO ORDERED, this 23rd day of May, 1991, at San Diego, California.

ROBERT B. SCHNEIDER
Administrative Law Judge