

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
) Case No. 91100220
WILLIAM D. BOATRIGHT,)
an individual,)
Respondent.)
_____)

ORDER TO SHOW CAUSE

(May 10, 1994)

The events which took place during the seventh prehearing conference on March 24, 1994 are confirmed by the Seventh Prehearing Conference Report and Order, issued March 28, 1994. Subsequently, Complainant, by counsel, informed my office, as confirmed by letters dated April 5, 1994 to each of the Respondents, William D. Boatright (WDB), and Janie Boatright (JB) (by counsel), that Complainant had reached settlement with each Respondent subject only to execution of appropriate documents as tendered to each of them by the letters of April 5, 1994. Complainant provided the letters to the bench as enclosures to an April 6, 1994 status report, copies of which were provided to Respondents.

By transmittal dated May 6, 1994, Complainant submitted a settlement agreement and proposed decision and order with respect to JB. On May 9, 1994, I adopted the decision and order as tendered. JB having admitted liability and one violation of the prohibition against unauthorized employment, and having undertaken to cease and desist from further violations of §1324a, this proceeding is dismissed as to JB.

WDB apparently has failed to follow through with what I have been assured by Complainant in the referenced communications was WDB's undertaking to execute the settlement agreement to reflect the understanding already reached by Complainant and WDB. Once the

Judge is assured that settlement has been achieved, it is unacceptable for the case to languish on the docket. Accordingly, this Order directs WDB to show cause, if any he has, why judgment should not be entered against him for the penalty sought and the full relief demanded by the complaint. Unless WDB files such showing of good cause acceptable to me not later than May 27, 1994, I shall consider entering a final decision and order which imposes the civil money penalty and grants the full relief demanded in the complaint.

It is necessary and appropriate to issue this order to show cause in order to assure that this case reaches a conclusion. This is not the first time in this proceeding that I have been advised that settlement was accomplished, only to find that it was not forthcoming. Where, as here, the judge is advised that the parties have solemnly undertaken to have reached an agreed disposition of the dispute, efficient management of judicial resources cannot permit the case to continue indefinitely, or to compel a trial where none is necessary. Accordingly, WDB will be expected to comply with this order by showing cause, if any he has, why judgment should not be entered against him. Alternatively, WDB may discharge his obligations by executing the agreement which I am advised he has already consented to, in which case he will be expected to return it, duly executed, to Complainant for filing with me by May 27, 1994.

WDB is cautioned that it is necessary for him to respond to this Order either by showing cause as required above or by promptly executing the pending settlement agreement. Failure to respond at all may result in entry of a judgment against WDB as by default of his obligation to respond to an order of the Judge.

Unless the case is disposed of pursuant to procedures required by this Order, the eighth telephonic prehearing conference, previously scheduled, will be held on Tuesday, June 7, 1994, at 11:00 a.m., EDT.

SO ORDERED.

Dated and entered this 10th day of May, 1994.

MARVIN H. MORSE
Administrative Law Judge