

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

PITERSON MAXIS REGIS,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00037
)	
VENTURE LOGISTICS, LLC, D/B/A)	
VENTURE TRANSPORT.)	
Respondent.)	
)	

Appearances: Piterson Maxis Regis, pro se Complainant
Amy L. Peck, Esq., Sarah J. Millsap, Esq., and David A. Calles Smith, Esq., for Respondent

ORDER ISSUING STAY OF PROCEEDINGS

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On February 1, 2024, Complainant Piterson Maxis Regis filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), asserting that Respondent Venture Logistics, LLC discriminated against him by failing to hire him due to his citizenship status in violation of 8 U.S.C. § 1324b(a)(1)(B). Complainant also alleges that Respondent requested more or different documents than required for the employment eligibility verification process in violation of 8 U.S.C. § 1324b(a)(6).

On April 24, 2024, Respondent filed its Motion to Strike Complainant’s Response and Respondent’s Motion to Stay, requesting a stay of proceedings for 45 days for settlement negotiations. Mot. Stay 1.

II. STAY OF PROCEEDINGS

Under OCAHO’s Rules of Practice and Procedure, “the Administrative Law Judge shall have all appropriate powers necessary to conduct fair and impartial hearings.” 28 C.F.R. § 68.28(a). This includes the power to issue stays. United States v. Black Belt Sec. &

Investigations, 17 OCAHO no. 1456b, 2 (2023) (citing Hsieh v. PMC – Sierra, Inc., 9 OCAHO no. 1091, 5 (2023)).¹ The issuance of a stay “calls for the exercise of judgment, which must weigh competing interests and maintains an even balance,” and “should not be granted absent a clear bar to moving ahead.” See Heath v. ConsultAdd, 15 OCAHO no. 1395b, 2 (2022) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), and then quoting Monda v. Staryhab, Inc., 8 OCAHO no. 1002, 86, 91 (1998)); see also Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021) (citations omitted) (noting that the standard routinely applied for granting an extension of time is good cause).

The Court finds a stay of proceedings appropriate under the circumstances. Respondent represents that “[Respondent] and Complainant are engage in negotiations through [the Immigrant and Employee Rights (IER) section of the Department of Justice’s Civil Rights Division] to settle all claims brough by Complainant.” Mot. Stay 1. Based on Respondent’s motion, it appears that IER is assisting with the settlement process. Given the “parties’ avowed interest in exploring settlement, and ‘OCAHO policy favoring settlement of civil cases over litigation,’” the Court finds good cause to support a stay of the proceedings. United States v. Ron's Temp. Help Servs., Inc., 18 OCAHO no. 1496, 2 (2023) (quoting United States v. Koy Chinese & Sushi Res., 16 OCAHO no. 1416e, 9 (2023) (CAHO Order).

The Court therefore GRANTS Respondent’s Motion to Stay and STAYS this case for 45 days from the date of this order.

SO ORDERED

Dated and entered May 1, 2024.

John A. Henderson
Administrative Law Judge

¹ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.