

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

JOSE RAMON TORO,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2023B00039
)	
BIOREFERENCE LABORATORIES,)	
Respondent.)	
)	

Appearances: Jose Ramon Toro, pro se Complainant
Sylvia Bokyung St. Clair, Esq., for Respondent

ORDER REQUIRING FILING OF SETTLEMENT AGREEMENT

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On January 31, 2023, Complainant Jose Ramon Toro filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) asserting claims of discrimination, retaliation, and unfair documentary practices arising under 8 U.S.C. § 1324b against Respondent BioReference Health, LLC. On March 15, 2023, Respondent filed an Answer and a Motion to Dismiss the Complaint.

On December 8, 2023, Respondent filed a Notice of Settlement and Joint Motion to Dismiss with Prejudice and Without Costs. The parties write that they have “reached a full settlement agreement” and agree to dismissal of this action. The parties further request that the Court find that they have met the requirements of 28 C.F.R. § 68.14(a)(2), and that the Court dismiss the case in its entirety with prejudice and without costs to any party. The parties did not attach a copy of their settlement agreement.

Where parties have entered into a settlement agreement, they shall notify the Administrative Law Judge (ALJ) that “the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge, who may require the filing of the settlement agreement.” 28 C.F.R. § 68.14(a)(2); *see also* United States v. Torres Mexican Food, Inc., 4 OCAHO no. 596, 88, 89 (1994) (noting that 28 C.F.R. § 68.14(a)(2) does not require ALJ review of a settlement agreement but does not prohibit such review either).

Complainant is a pro se litigant, and due to the pendency of Respondent's Motion to Dismiss, the Court has not yet held an initial prehearing conference with the parties. Given these circumstances, the Court exercises its discretion pursuant to 28 C.F.R. § 68.14(a)(2) and directs the parties to submit to the Court a copy of their settlement agreement for the Court's review. *Cf. United States v. El Camino*, 18 OCAHO no. 1479d, 2 (2023) (declining to require the filing of a settlement agreement where the parties were both represented, had actively participated in the case, and the Court had previously issued a decision on liability). The parties are directed to submit this filing by three weeks from the issuance of this order.

SO ORDERED.

Dated and entered on December 26, 2023.

Honorable John A Henderson
Administrative Law Judge