

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

November 24, 2021

A.S.,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2020B00073
	)	
AMAZON WEB SERVICES, INC.,	)	
Respondent.	)	
_____	)	

Appearances: A.S., pro se, for Complainant  
Leon Rodriguez, Esq. and Dawn Lurie, Esq., for Respondent

ORDER CANCELLING PREHEARING CONFERENCE  
AND DENYING MOTION FOR SCREEN SHARING

I. BACKGROUND

On September 30, 2021, the Court issued an Order on Respondent’s Motion to Compel in which it required Complainant produce discoverable information by October 30, 2021. *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381j, 8 (2021).<sup>1</sup>

On October 4, 2021, Complainant filed Complainant’s Motion to Extend the Deadline for Discoverable Material.

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<sup>1</sup> 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 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 “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

On October 20, 2021, Complainant filed a Consent Motion for Status Conference seeking a prehearing conference with the Court. According to Complainant, Respondent did not object to a prehearing conference. Consent Mot., Ex. A. The proposed matter to be discussed in the prehearing conference was the October 30, 2021 deadline to produce discoverable information pursuant to the Court's Order on Respondent's Motion to Compel. *See* Consent Mot. 1–2.

On October 26, 2021, the Court issued an Order Granting Consent Motion for Status Conference scheduling the prehearing conference for November 1, 2021.

In the interim, on October 22, 2021, the Court granted, in part, Complainant's Motion to Extend the Deadline for Discoverable Material, providing him an additional sixty-nine days to comply with the Order on Respondent's Motion to Compel. *See A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381k, 1, 5 (2021).

The Court attempted to hold the prehearing conference as scheduled on November 1, 2021; however, a Hindi interpreter was not available.<sup>2</sup> As such, the Court issued an Order Rescheduling Prehearing Conference on November 10, 2021 in which it rescheduled the prehearing conference to November 29, 2021. Order Rescheduling Prehearing Conference 2.

In addition, the Court also ordered both parties to submit filings of the proposed matters to discuss at the prehearing conference by November 22, 2021, as the originally proposed matter was resolved by the October 22, 2021 order. *Id.* Additionally, the Court counseled the parties that “parties shall bear in mind that this prehearing conference shall not be used to discuss the substance of the case or to revisit previous rulings made by the Court.” *Id.*

The Court did not receive any filings on or before November 22, 2021.

On November 23, 2021, Complainant filed Complainant's Motion for Screen Sharing During 29<sup>th</sup> November 2021 Status Conference Call (Motion for Screen Sharing).

## II. COMPLAINANT'S MOTION FOR SCREEN SHARING

Despite the untimeliness of Complainant's Motion for Screen Sharing, the Court will consider the filing as it may illuminate for the Court and the Respondent, the proposed subject of the prehearing conference. *See See Zajradhara v. Donghui Kengxindun Corp.*, 14 OCAHO no. 1382, 3 (2020); *see also Villegas-Valenzuela v. INS*, 103 F.3d 805, 811 n.5 (9th Cir. 1996).

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<sup>2</sup> On July 7, 2021, the Court issued an order granting Complainant's Motion for Interpreter. The Court provides a Hindi interpreter at no cost to the Complainant at hearings and conferences with the Court. *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381g, 2 (2021).

Complainant explains that he “received production data from Respondent and Judge’s order on 22<sup>nd</sup> November 2021 which require Complainant to share his screen during 29<sup>th</sup> November 2021 status conference call.” Mot. Screen Sharing 1.

Ultimately, this motion is unresponsive to the Court’s November 10, 2021 Order Rescheduling Prehearing Conference because it does not detail the proposed topic of the prehearing conference.

### III. LEGAL STANDARDS

28 C.F.R. § 68.13(a)(1) provides the undersigned discretion to hold “a prehearing conference at any reasonable time prior to the hearing . . . when the Administrative Law Judge finds that the proceeding would be expedited by such a conference.”

### IV. ANALYSIS

The Court remains unaware of the proposed subject matter(s) for a prehearing conference. Complainant initially requested the prehearing conference to discuss Complainant’s impending October 30, 2021 deadline to produce discoverable information and the Court addressed that deadline in its October 22, 2021 order. Thus, the original topic of the prehearing conference was rendered moot. As a matter of efficiency, the undersigned maintained the prehearing conference; however because it was initially at the parties’ request, the parties were ordered to provide filings stating the topic(s) for the prehearing conference. To date, the Court has not received any responsive filings.

Holding a prehearing conference for no discernable reason would not expedite the proceedings, and is thus contrary to 28 C.F.R. § 68.13(a)(1). As such, the Court exercises its “discretion to hold prehearing conferences” and **CANCELS** the prehearing conference scheduled for November 29, 2021. *See A.S. v. Amazon Web Services, Inc.*, 14 OCAHO no. 1381d, 3 n.5 (citing 28 C.F.R. § 68.13(a)(1)).

The parties are not precluded from filing a motion requesting a prehearing conference provided such a filing contains proposed (and appropriate) matters to discuss at the prehearing conference.

Because the prehearing conference is cancelled, Complainant’s Motion for Screen Sharing During 29<sup>th</sup> November 2021 Status Conference Call is DENIED as MOOT. Complainant is not precluded from renewing his request if appropriate; however, the Court cautions Complainant to bear in mind the requirements of the Administrative Procedure Act, which applies to the instant proceeding pursuant to 28 C.F.R. § 68.1.

V. CONCLUSION

The prehearing conference scheduled for November 29, 2021 is CANCELLED. Complainant's Motion for Screen Sharing is DENIED as MOOT.

SO ORDERED.

Dated and entered on November 24, 2021.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge