

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

March 15, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00006
)	
RED APPLE ENTERPRISE, INC.)	
D/B/A KOBE STEAKHOUSE,)	
Respondent.)	
_____)	

Appearances: Karen Smith, Esq., for Complainant
Baoguo Lin, for Respondent

ORDER OF DISMISSAL

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on November 15, 2022. Complainant alleges that Respondent, Red Apple Enterprise, Inc., d/b/a Kobe Steakhouse, violated § 1324a(a)(1)(B).

On March 13, 2023, the parties filed a jointly signed Notice of Settlement and Joint Motion to Dismiss, with a settlement agreement attached, writing that “[p]ursuant to Rule 68.14(a)(2) . . . [the parties] hereby give notice to this Court that the parties have reached a full settlement of this case and are in agreement to dismiss this action.”¹ The parties request a dismissal without prejudice.

Per 28 C.F.R. § 68.14(a)(2), when the parties have entered into a settlement agreement, they shall “[n]otify the Administrative Law Judge that the parties have reached a full settlement agreement and 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.”

¹ Parties may seek dismissal based on a joint request to dismiss pursuant to 28 C.F.R. § 68.14(a)(2) or based on consent findings, 28 C.F.R. §§ 68.14(a)(1), (2). Although the filing contains language relating to consent findings, the Court interprets the parties’ filing as seeking dismissal under § 68.14(a)(2).

The Court finds that the parties' Notice of Settlement and Joint Motion to Dismiss complies with the requirements of 28 C.F.R. § 68.14(a)(2).

Because the parties have jointly requested dismissal and complied with the regulatory requirements for dismissal, the Notice of Settlement and Joint Motion to Dismiss is GRANTED and the case is hereby DISMISSED without prejudice.

SO ORDERED.

Dated and entered on March 15, 2023.

Honorable Jean C. King
Chief Administrative Law Judge