

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

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00001
)	
GLEN ECHO PHARMACY, INC.,)	
Respondent.)	
)	

Appearances: Jennifer L. Hastings, Esq., for Complainant
James J. Schaller, Esq., for Respondent

ORDER GRANTING JOINT MOTION TO DISMISS

This case arises under arises under the employer sanction provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On October 2, 2023, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent Glen Echo Pharmacy, Inc. Respondent filed its Answer on April 4, 2024.

On March 17, 2025, the parties filed a Joint Motion to Dismiss, stating that they “have arrived at a resolution to fully and finally settle this case and have executed a Settlement Agreement” Joint Mot. Dismiss 1. The parties request dismissal pursuant to 28 C.F.R. § 68.14(a)(2) but do not indicate whether they seek dismissal with or without prejudice.

When parties have entered into a settlement agreement, they “shall . . . [n]otify the Administrative Law Judge 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).¹

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO’s webpage on the United States Department of Justice’s website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

The Court finds that the parties' Joint Motion to Dismiss complies with the requirements of 28 C.F.R. § 68.14(a)(2). The Court declines to require the filing of the settlement agreement as both parties are represented and have been actively engaged in the case.

The Court must, however, determine whether to grant dismissal with or without prejudice. "The courts have previously held that when the parties fail to indicate whether they seek dismissal with or without prejudice, the matter is left to the sound discretion of the trial court." United States v. Chinese Back Rub, 17 OCAHO no. 1452, 2 (2022) (citing Tingling v. City of Richmond, VA, 13 OCAHO no. 1324e, 2 (2021)).² "In evaluating the nature of the dismissal, the courts have sought guidance from the motion itself and from circumstantial evidence, including the parties' conduct while in the forum, and any other statements or conduct indicative of their preference." Id.

Both the parties' Joint Motion to Dismiss and their prior engagement in this forum indicate that dismissal with prejudice is appropriate. Although the Joint Motion does not indicate a preference on dismissal, it does indicate the parties "have arrived at a resolution to fully and finally settle this case" and have indicated their intention to settle this case from early in its history. Joint Mot. Dismiss 1. Most of the filings and Court orders in this case have been directed towards enabling settlement negotiations. *See, e.g.,* United States v. Glen Echo Pharmacy, Inc., 18 OCAHO no. 1520b (2024) (rescheduling a prehearing conference due to the parties' ongoing settlement discussions); United States v. Glen Echo Pharmacy, Inc., 18 OCAHO no. 1520c (2024) (staying case to allow the parties to continue their settlement discussions).

Considering the Joint Motion to Dismiss and the parties' prior statements and conduct in the forum, the Court concludes that dismissal with prejudice is appropriate. The Court will therefore order dismissal with prejudice.

Because the parties have jointly requested dismissal and have complied with the regulatory requirements for dismissal pursuant to 28 C.F.R. § 68.14(a)(2), the Court GRANTS the Joint Motion to Dismiss and DISMISSES WITH PREJUDICE.

² 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>.

SO ORDERED.

Dated and entered on March 26, 2025.

Honorable John A Henderson
Administrative Law Judge

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Chief Administrative Hearing Officer (CAHO) or the Attorney General.

Provisions governing administrative reviews by the CAHO are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Note in particular that a request for administrative review must be filed with the CAHO within ten (10) days of the date of this order, pursuant to 28 C.F.R. § 68.54(a)(1).

Provisions governing the Attorney General's review of this order, or any CAHO order modifying or vacating this order, are set forth at 8 U.S.C. § 1324a(e)(7) and 28 C.F.R. pt. 68. Within thirty (30) days of the entry of a final order by the CAHO, or within sixty (60) days of the entry of an Administrative Law Judge's final order if the CAHO does not modify or vacate such order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

A petition to review the final agency order may be filed in the United States Court of Appeals for the appropriate circuit within forty-five (45) days after the date of the final agency order pursuant to 8 U.S.C. § 1324a(e)(8) and 28 C.F.R. § 68.56.