

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Abdirahman H. v. Luis R. Borges, et al.

Abdirahman H. · No. 25-cv-4613 (ECT/LIB) · Decided April 2, 2026

SUMMARY

The United States District Court for the District of Minnesota granted the respondents’ motion to dismiss a petition seeking an order requiring USCIS to conduct a naturalization interview. The court held that the petitioner’s failure to respond to the motion constituted a waiver and dismissed the action without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Eric C. Tostrud
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	April 2, 2026
DOCKET	25-cv-4613 (ECT/LIB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for mandamus seeking an order requiring federal immigration officials to conduct a naturalization interview; respondents moved to dismiss, and petitioner failed to respond.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Abdirahman H. v. Luis R. Borges, Joseph B. Edlow, Markwayne Mullin, Todd Blanche

TOPICS

- naturalization
- mandamus immigration
- motions to dismiss
- immigration
- civil procedure

PRACTICE AREAS

- immigration
- administrative law
- civil procedure

QUESTIONS PRESENTED

- Whether petitioner's failure to respond to respondents' motion to dismiss constituted a waiver warranting dismissal.

2. Whether the action should be dismissed without prejudice after petitioner failed to respond to the motion to dismiss.

HOLDINGS

1. A petitioner's failure to respond to a motion constitutes a waiver.
2. Respondents' motion to dismiss should be granted and the action dismissed without prejudice.

KEY QUOTATIONS

“A petitioner’s failure to respond to a motion constitutes a waiver.” (at 2)

FACTUAL BACKGROUND

Abdirahman H. is a lawful permanent resident who submitted an application for naturalization on June 6, 2023. USCIS scheduled his naturalization interview for November 16, 2023, but canceled it and did not reschedule. He later sought mandamus relief requiring the defendants to conduct the interview.

PROCEDURAL HISTORY

Abdirahman filed an application for naturalization on June 6, 2023. After a scheduled November 16, 2023 interview was canceled and not rescheduled, he filed this action on December 12, 2025. Respondents moved to dismiss on February 20, 2026, but Abdirahman did not respond within the twenty-one-day deadline or thereafter. The court granted the motion and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Hansen v. Westly, No. 24-cv-2653 (ECT/JFD), 2024 WL 4851300, at *2 (D. Minn. Nov. 21, 2024)
- Daniel v. Honeywell Int’l Inc., No. 22-cv-3184 (ECT/DLM), 2023 WL 6392404, at *2 (D. Minn. Oct. 2, 2023), aff’d, No. 23-3476, 2024 WL 3634227 (8th Cir. Aug. 2, 2024)
- Hernandez-Diaz v. Equifax Info. Servs., No. 22-cv-2302 (JRT/JFD), 2023 WL 2025123, at *2 (D. Minn. Feb. 15, 2023)
- Cox v. Harpsted, No. 22-cv-0478 (PJS/DJF), 2022 WL 16541087, at *1 (D. Minn. Oct. 28, 2022)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Abdirahman H., File No. 25-cv-4613 (ECT/LIB) Petitioner, v. OPINION AND ORDER Luis R. Borges, Acting Field Office Director, U.S. Citizenship and Immigration Services, Minneapolis, Minnesota; Joseph B. Edlow, Director, U.S. Citizenship and Immigration Services, Washington, D.C.; Markwayne Mullin, Secretary, Department of Homeland Security, Washington, D.C.; and Todd Blanche, Acting Attorney General, U.S. Department of Justice,¹ Respondents.

Marc Prokosch, Prokosch Law LLC, Roseville, MN, for Petitioner Abdirahman H. Justin Merak Page, United States Attorney's Office, Minneapolis, MN, for Respondents Luis R. Borges, Joseph B. Edlow, Markwayne Mullin, and Todd Blanche. Petitioner Abdirahman H. is a legal permanent resident of the United States.

On June 6, 2023, Abdirahman submitted an application for naturalization. A naturalization interview was scheduled for November 16, 2023, but that interview was canceled. The interview was not rescheduled, and on December 12, 2025, Abdirahman filed suit seeking an order requiring Defendants to conduct Abdirahman's naturalization interview. 1 Pursuant to Fed.

R. Civ. P. 25(d), Markwayne Mullin is substituted for Kristi Noem, and Todd Blanche is substituted for Pamela Bondi. Neither Kristi Noem nor Pamela Bondi are sued in their individual capacities. On February 20, 2026, Defendants filed a motion to dismiss the action. ECF No. 4.

Under the Local Rules, Abdirahman had twenty-one days to respond to the motion. D. Minn. LR 7.1(c)(2). Abdirahman did not respond by that deadline and has not responded since. See Docket. A petitioner's failure to respond to a motion constitutes a waiver. See, e.g., *Hansen v. Westly*, No. 24-cv-2653 (ECT/JFD), 2024 WL 4851300, at *2 (D. Minn. Nov. 21, 2024) (stating plaintiff's "failure to respond to [defendants'] motion constitutes a waiver, and the motion would be granted on just this basis"); *Daniel v. Honeywell Int'l Inc.*, No. 22-cv- 3184 (ECT/DLM), 2023 WL 6392404, at *2 (D.

Minn. Oct. 2, 2023) (noting that a failure to respond to a motion "constitutes a waiver"), *aff'd*, No. 23-3476, 2024 WL 3634227 (8th Cir. Aug. 2, 2024); *Hernandez-Diaz v. Equifax Info. Servs.*, No. 22-cv-2302 (JRT/JFD), 2023 WL 2025123, at *2 (D. Minn. Feb. 15, 2023) ("As a preliminary matter, the Court interprets a failure to respond to a motion to dismiss as a waiver and voluntary dismissal of those claims."); *Cox v. Harpsted*, No. 22-cv-0478 (PJS/DJF), 2022 WL 16541087, at *1 (D.

Minn. Oct. 28, 2022) (accepting R. & R. and agreeing that the plaintiff's "failure to respond to defendants' motion to dismiss amounts to waiver"). For this reason, Defendants' motion to dismiss will be granted, and this action will be dismissed. ORDER Based on the foregoing, and on all the files, records, and proceedings herein, IT IS ORDERED THAT: 1. Defendants' Motion to Dismiss [ECF No. 4] is GRANTED.

2. This action is DISMISSED WITHOUT PREJUDICE. LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: April 2, 2026 s/ Eric C. Tostrud Eric C. Tostrud United States District Court