

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

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