

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Lin Sun v. Emilia Bardini

Lin Sun · No. 5:25-cv-00050-SSS-SPx · Decided May 29, 2025

SUMMARY

The United States District Court for the Central District of California dismissed the action as moot without prejudice. The court discharged the order to show cause and vacated the scheduled May 30, 2025 hearing because the plaintiff's asylum interview had been scheduled and the plaintiff had not responded to defense counsel's contact attempts or the order to show cause.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 29, 2025
DOCKET	5:25-cv-00050-SSS-SPx
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice after the defendant notified the court that the plaintiff's requested asylum interview had been scheduled and the plaintiff failed to respond to defense counsel's contact attempts or to the order to show cause.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- mandamus immigration
- immigration
- civil procedure

PRACTICE AREAS

- immigration law
- civil procedure

QUESTIONS PRESENTED

- Whether the action should be dismissed as moot after the asylum interview requested by the plaintiff was scheduled.

HOLDINGS

1. Because the plaintiff’s requested asylum interview had been scheduled and the plaintiff did not respond to the notice of mootness or the order to show cause, the action was moot and was dismissed without prejudice.

KEY QUOTATIONS

“the Court hereby *DISMISSES* this action as moot without prejudice.”

FACTUAL BACKGROUND

The action sought an asylum interview. The interview was scheduled after the action was filed, prompting the defendant to notify the court that the case was moot. The plaintiff did not respond to defense counsel's contact attempts or to the court's order to show cause.

PROCEDURAL HISTORY

The court issued an order to show cause on April 24, 2025, after the defendant filed a notice of mootness stating that the plaintiff's asylum interview had been scheduled. After reviewing the notice, the defendant's response, and the plaintiff's failure to respond, the court dismissed the action as moot without prejudice, discharged the order to show cause, and vacated the May 30, 2025 hearing.

DISPOSITION

dismissed

CASES CITED

- Tan v. Radel, No. CV 24-2209, 2024 WL 3091962, at *1 (C.D. Cal. June 20, 2024)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES— GENERAL Case No. 5:25-cv-00050-SSS-SPx Date May 29, 2025 Title Lin Sun v. Emilia Bardini Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE Irene Vazquez Not Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: (IN CHAMBERS) ORDER DISMISSING ACTION, DISCHARGING ORDER TO SHOW CAUSE, AND VACATING MAY 30, 2025 HEARING [DKT.

14] On April 24, 2025, the Court issued an Order to Show Cause because Defendant’s filed a notice of mootness, indicating that Plaintiff’s asylum interview had been scheduled and the action, which only requested an interview, was now moot. [Dkt. 14].

The Court has reviewed the Notice of Mootness and Defendant’s Response to the Court’s Order to Show Cause. [Dkt. 15]. In light of the details provided in the Notice and Response; specifically,

that Plaintiff has not responded to defense counsel's contact attempts, and Plaintiff's current failure to respond to this OSC, the Court hereby DISMISSES this action as moot without prejudice.

Tan v. Radel, No. CV 24-2209, 2024 WL 3091962, at *1 (C.D. Cal. June 20, 2024). IT IS SO ORDERED.