

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI

Harshkumar Patel v. United States Citizenship and Immigration
Services

Case No. 1:25-CV-00114-ACL (E.D. Mo. Jan. 20, 2026) · No. 1:25-CV-00114-ACL · Decided January 20, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri considered USCIS’s motion to dismiss an APA action concerning delays in adjudicating a U visa petition, employment authorization application, bona fide determination, and waiting-list determination. The court held that jurisdictional issue preclusion barred the bona fide-determination claim based on a prior District of Nebraska action, but that the waiting-list claims were ripe, redressable, and not barred by 8 U.S.C. § 1252(a)(2)(B)(ii). The motion to dismiss was granted in part as to Claim 1 and denied as to Claims 2 and 3, with the court cautioning against ghostwritten future filings.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri
WRITING FOR THE COURT	Abbie Crites-Leoni
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	January 20, 2026
DOCKET	1:25-CV-00114-ACL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an Administrative Procedure Act action seeking to compel USCIS to adjudicate his U visa-related applications. USCIS moved to dismiss under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction. The court granted the motion as to the unreasonable-delay claim concerning a bona fide determination and denied it as to the claims concerning waiting-list determinations.
STANDARD OF REVIEW	The plaintiff bears the burden of establishing subject-matter jurisdiction when jurisdiction is challenged under Rule 12(b)(1). The court treated the jurisdictional challenge as a threshold question and assessed statutory jurisdiction, issue preclusion, ripeness, and Article III standing.

PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive only
PARTIES	Harshkumar Patel v. United States Citizenship and Immigration Services

TOPICS

u visa administrative procedure act agency adjudication subject matter jurisdiction standing

PRACTICE AREAS

immigration law administrative law civil procedure federal jurisdiction remedies

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(a)(2)(B)(ii) deprived the court of jurisdiction over Patel's APA claim seeking to compel a bona fide determination.
2. Whether jurisdictional issue preclusion barred Patel's bona fide-determination claim based on the prior District of Nebraska dismissal.
3. Whether jurisdictional issue preclusion barred Patel's claims alleging unlawful withholding or unreasonable delay of waiting-list determinations.
4. Whether Patel's waiting-list-determination claims were unripe because a bona fide determination had not yet occurred.
5. Whether Patel had Article III standing and a redressable injury with respect to the waiting-list-determination claims.
6. Whether the use of a purchased form complaint warranted sanctions for unauthorized practice of law or ghostwriting.

HOLDINGS

1. The court lacked subject-matter jurisdiction over Patel's APA claim seeking to compel USCIS to make a bona fide determination because the discretionary employment-authorization program under 8 U.S.C. § 1184(p)(6) falls within the jurisdictional bar of 8 U.S.C. § 1252(a)(2)(B)(ii).
2. Jurisdictional issue preclusion barred Patel's bona fide-determination claim because the same party previously litigated the same APA jurisdictional issue, which was actually and finally decided and was essential to the prior dismissal.
3. The court had subject-matter jurisdiction over Patel's claims alleging unlawful withholding and unreasonable delay of waiting-list determinations because placement of eligible U visa petitioners on the waiting list and written notice of placement are mandatory, not discretionary, actions.
4. Patel's waiting-list-determination claims were ripe even though USCIS had not yet made a bona fide determination.

5. Patel adequately alleged Article III standing for his waiting-list-determination claims because USCIS's alleged delay caused a particularized injury—the loss of an opportunity to obtain interim waiting-list benefits—that could be redressed by an order requiring a waiting-list determination within a reasonable time.
6. The court declined to impose sanctions based on Patel's use of a purchased form complaint because the record showed only that he purchased a prewritten form and filled in the blanks himself, although the court cautioned that future ghostwritten filings could result in sanctions.

KEY QUOTATIONS

“All eligible petitioners who, due solely to the cap, are not granted U-1 nonimmigrant status must be placed on a waiting list and receive written notice of such placement.” (Discussion, A.2. WLD Claims)

“In sum, this Court has both subject-matter jurisdiction and Article III standing over Plaintiff’s WLD claims.” (Discussion, A.2. WLD Claims)

FACTUAL BACKGROUND

Patel, an Indian citizen and national residing in Missouri, alleged that he was the victim of an armed robbery on January 17, 2024. On October 24, 2024, he filed an I-918 petition for U nonimmigrant status and a Form I-765 application for employment authorization. He alleged that USCIS had taken no action, leaving him without a bona fide determination, employment authorization, deferred action, or a waiting-list decision.

PROCEDURAL HISTORY

Patel filed an earlier action in the District of Nebraska concerning the same I-918 petition, I-765 application, and alleged delay in obtaining a bona fide determination. That court dismissed the earlier action for lack of subject-matter jurisdiction under 8 U.S.C. § 1252(a)(2)(B)(ii). In this action, USCIS asserted jurisdictional preclusion, statutory jurisdictional limitations, ripeness, redressability, and unauthorized-practice concerns. The court applied issue preclusion to the bona fide-determination claim but concluded that the waiting-list-determination claims were not precluded and were ripe and redressable.

DISPOSITION

other

CASES CITED

- *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94-95 (1998)
- *Hilger v. United States*, 87 F.4th 897, 899 (8th Cir. 2023)
- *Herden v. United States*, 726 F.3d 1042, 1046 (8th Cir. 2013) (en banc)
- *Thigulla v. Jaddou*, 94 F.4th 770, 774-76 (8th Cir. 2024)
- *Ayala v. Noem*, 781 F. Supp. 3d 1187, 1197, 1199 (D.N.M. 2025)
- *Tokas v. U.S. Citizenship & Immigr. Servs.*, 2025 WL 3501066, at *1 (E.D. Mo. Dec. 6, 2025)

- *Patel v. Dir., U.S. Citizenship & Immigr. Servs.*, 8:25CV59, 2025 WL 1655294, at *1-4 (D. Neb. June 11, 2025)
- *Sandy Lake Band of Mississippi Chippewa v. United States*, 714 F.3d 1098, 1102-03 (8th Cir. 2013)
- *American Surety Co. v. Baldwin*, 287 U.S. 156, 166 (1932)
- *Taylor v. Sturgell*, 553 U.S. 880, 892 (2008)
- *Robinette v. Jones*, 476 F.3d 585, 589 (8th Cir. 2007)
- *Turner v. U.S. Department of Justice*, 815 F.3d 1108, 1112-13 (8th Cir. 2016)
- *School of the Ozarks, Inc. v. Biden*, 41 F.4th 992, 998 (8th Cir. 2022)
- *Noorani v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. 8:25-cv-221, 2025 WL 3282296, at *2-03 (D. Neb. Nov. 25, 2025)
- *Prajapati v. Dir. of U.S. Citizenship & Immigr. Servs.*, No. 4:25-cv-00258, 2026 WL 36451, at *6 (W.D. Mo. Jan. 6, 2026)
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)
- *Animal Legal Defense Fund v. Reynolds*, 89 F.4th 1071, 1078 (8th Cir. 2024)
- *Lopez v. Jaddou*, No. 4:24-CV-2128, 2025 WL 3251626, at *7 (S.D. Tex. Nov. 21, 2025)
- *De Sousa v. Dir. of U.S. Citizenship & Immigr. Servs.*, 720 F. Supp. 3d 794, 802-03 (N.D. Cal. 2024)
- *Reyes Olmos v. U.S. Citizenship & Immigration Services*, 785 F. Supp. 3d 459, 471-72 (D. Neb. 2025)
- *Hernandez v. Jaddou*, No. 4:24-CV-00453, 2025 WL 819657, at *3 (S.D. Tex. Mar. 6, 2025)
- *Medlock v. LegalZoom.com, Inc.*