

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

Ken Ejimofor Ezeah v. Tracy Renaud and Jennifer B. Higgins

Ezeah · No. 2:25-cv-105 · Decided December 8, 2025

SUMMARY

The United States District Court for the District of Vermont dismissed without prejudice a mandamus action seeking adjudication of pending VAWA and U-visa petitions. Because USCIS had denied the petitions and the plaintiff's requests for reconsideration were pending, the court concluded that no present relief remained available under the mandamus or Administrative Procedure Act theories. The court granted defendants' motion to dismiss and noted that a new action could be filed if reconsideration were granted and an unreasonable delay subsequently occurred.

CASE DETAILS

COURT	United States District Court for the District of Vermont
WRITING FOR THE COURT	Geoffrey W. Crawford
JURISDICTION	United States District Court for the District of Vermont
DECIDED	December 8, 2025
DOCKET	2:25-cv-105
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a mandamus action seeking an order requiring USCIS to adjudicate pending VAWA and U-visa petitions. After USCIS denied both petitions and plaintiff sought administrative reconsideration, defendants moved to dismiss.
STANDARD OF REVIEW	The court considered whether dismissal was warranted because the plaintiff lacked a continuing basis for judicial relief after USCIS adjudicated the petitions.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive authority only.
PARTIES	Ken Ejimofor Ezeah v. Tracy Renaud, Jennifer B. Higgins

TOPICS

mandamus immigration

administrative procedure act

judicial review of agency action

u visa

violence against women act

PRACTICE AREAS

immigration

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the plaintiff's mandamus action seeking adjudication of delayed immigration petitions became moot or otherwise nonjusticiable after USCIS denied the petitions.
2. Whether the possibility that USCIS might grant reconsideration and cause a new period of delay preserved a present claim for relief under the Administrative Procedure Act.

HOLDINGS

1. The mandamus action could not proceed because USCIS had acted on the VAWA and U-visa petitions, leaving no present judicial relief requiring the agency to adjudicate them.
2. The possibility that USCIS might reopen a petition and later delay acting did not provide a present basis for relief; if reconsideration is granted and a new period of unreasonable delay occurs, plaintiff may file a new APA complaint.

KEY QUOTATIONS

"Relief under the APA is procedural in nature and in cases like this one addresses claims of delay and failure to act."

*"[C]ourts routinely find mandamus actions moot when the government denies the application that the petitioner sought to be adjudicated." (at *3)*

FACTUAL BACKGROUND

Ezeah sought adjudication of a VAWA self-petition and a U-visa petition, alleging that USCIS had delayed acting on them. USCIS denied both petitions in August 2025. Ezeah then sought administrative reconsideration through USCIS, and those requests were pending when the court considered defendants' motion to dismiss.

PROCEDURAL HISTORY

In January 2025, Ezeah filed a mandamus complaint alleging delay in the adjudication of his VAWA and U-visa petitions. USCIS denied both petitions in August 2025, and Ezeah pursued administrative reconsideration, which remained pending. The district court granted defendants' motion to dismiss without prejudice because the agency had acted and no judicial relief remained available on the mandamus claim.

DISPOSITION

dismissed

CASES CITED

- *Chen v. United States Citizenship & Immigration Services*, No. 23-CV-8188, 2024 WL 5182154, at *3 (E.D.N.Y. Dec. 20, 2024)
- *Yang v. Mayorkas*, No. 23-CV-7756, 2024 WL 4574143, at *2 (E.D.N.Y. Oct. 23, 2024)

OPINION

UNITED STATES DISTRICT COURT mied FOR THE 2005 0EC-S □□□□ 24 DISTRICT OF VERMONT CLERK KEN EJIMOFOR EZEAH,) B Ve) DEPUTY CLERK Plaintiff,)) Vv.) Case No. 2:25-cv-105) TRACY RENAUD, Vermont Service Center) Director, U.S. Citizenship and Immigration _) Services, and JENNIFER B. HIGGINS,) Director, U.S. Citizenship and Immigration _) Services,)) Defendants.) ORDER OF DISMISSAL (Doc.

14) In January 2025, plaintiff Ken Ejimofor Ezeah filed this mandamus action seeking an order requiring the Government defendants to adjudicate his pending immigration petitions. He complained that U.S. Citizenship and Immigration Services (USCIS) had delayed in issuing a final ruling on his self-petition under the Violence Against Women Act (VAWA), Pub. L. No. 103-322, 108 Stat. 1903 (1994), As amended, VAWA provides expedited approval for abused non-citizen spouses.

See 8 U.S.C. § 1154. Mr. Ezeah also applied for temporary relief under the “U-visa” procedures available to qualifying crime victims. (See Doc. 1.) In August 2025, USCIS denied both the VAWA and U-visa petitions. (See Docs. 14-1, 14-2.) Plaintiff has filed for administrative reconsideration of these rulings through the USCIS review process. His requests for reconsideration are currently pending.

Defendants seek dismissal on standing grounds because there is no relief that the court can issue to Plaintiff. Plaintiff responds that if USCIS grants reconsideration and reopens either the VAWA or the U-visa cases, he will still be facing delay for which the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706, provides a remedy.

The court agrees with the Government. Relief under the APA is procedural in nature and in cases like this one addresses claims of delay and failure to act. The Government has acted in this case and the plaintiff has sought additional relief under the reconsideration procedure. There is no basis today for an order from the court instructing USCIS to “hurry up and act.” The agency has addressed—and continues to address—the plaintiffs claims under the immigration law.

See *Chen v. United States Citizenship & Immigr. Servs.*, No. 23-CV-8188, 2024 WL 5182154, at *3 (E.D.N.Y. Dec. 20, 2024) (“[C]ourts routinely find mandamus actions moot when the government denies the application that the petitioner sought to be adjudicated.” (alteration in original; quoting *Yang v. Mayorkas*, No. 23-CV-7756, 2024 WL 4574143, at *2 (E.D.N.Y. Oct.

23, 2024))). The dismissal is WITHOUT PREJUDICE. In the event reconsideration is granted and Plaintiff alleges a new period of unreasonable delay, he can file a new complaint under the APA.

Conclusion The court GRANTS the motion to dismiss (Doc. 14). Dismissal is without prejudice. Dated at Burlington, in the District of Vermont, this Racor Geoffrey W. Crawford, Judge United States District Court

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