

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jammu v. Bardini

Jammu · No. 2:24-cv-02063 CSK · Decided July 8, 2025

SUMMARY

The United States District Court for the Eastern District of California granted federal officials’ motion to dismiss or, alternatively, for summary judgment in an action seeking to compel adjudication of an asylum application. Applying the TRAC factors, the court concluded that the delay was not unreasonable under the Administrative Procedure Act and entered judgment for the defendants.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 8, 2025
DOCKET	2:24-cv-02063 CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought a writ of mandamus and relief under section 706(1) of the Administrative Procedure Act to compel officials to schedule an asylum interview and adjudicate an asylum application. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), or alternatively for summary judgment under Rule 56. Plaintiffs filed no opposition. The court granted summary judgment for defendants and ordered judgment entered in their favor.
STANDARD OF REVIEW	On summary judgment, the court determines whether there is a genuine dispute as to any material fact and whether the moving party is entitled to judgment as a matter of law, viewing the evidence and reasonable inferences in the light most favorable to the nonmovant. For an APA section 706(1) unreasonable-delay claim, the court evaluates whether the agency had a clear, certain, and mandatory duty and whether the delay was unreasonable, applying the six TRAC factors.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Balwinder Jammu, Manjinder Kaur, Abhiraj Jammu v. Emilia Bardini, Ur M. Jaddou, Alejandro Mayorkas, Merrick Garland

TOPICS

mandamus immigration

asylum

administrative procedure act

judicial review of agency action

summary judgment

PRACTICE AREAS

immigration

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether plaintiffs could obtain relief under section 706(1) of the Administrative Procedure Act by showing that USCIS unreasonably delayed scheduling and adjudicating the asylum application.
2. Whether the Mandamus Act claim could proceed where an adequate remedy was available under the Administrative Procedure Act.
3. Whether defendants were entitled to summary judgment because the delay was reasonable under the six TRAC factors.

HOLDINGS

1. The delay was not unreasonable under the six TRAC factors. USCIS's last-in-first-out scheduling system constituted a rule of reason; the statutory-timing factor was neutral; the factors concerning human health and welfare and competing agency priorities favored defendants; and the impropriety factor was neutral. Defendants were therefore entitled to summary judgment on the APA claim.
2. Because an adequate remedy existed under the APA, the court elected to analyze the APA claim only; the Mandamus Act claim failed if the APA claim failed.

KEY QUOTATIONS

“In determining whether an agency action was unreasonably delayed, courts consider the six “TRAC” factors:” (at 8)

“Weighing the TRAC factors overall, Defendants’ delay in adjudicating Plaintiff Jammu’s asylum application is not unreasonable.” (at 10)

FACTUAL BACKGROUND

Balwinder Jammu, a noncitizen who entered the United States in February 2022, filed an affirmative asylum application with the San Francisco Asylum Office on or about June 23, 2022. Manjinder Kaur and Abhiraj Jammu were included as derivative applicants. When plaintiffs filed suit in July 2024, USCIS had not scheduled an asylum-office interview or adjudicated the application; the application remained pending for more than two years. Jammu had employment authorization while the application was pending, and the court found that

USCIS's last-in-first-out scheduling system explained the delay and that plaintiffs had not shown cognizable prejudice or impropriety.

PROCEDURAL HISTORY

Plaintiffs filed the complaint on July 29, 2024, alleging unreasonable delay in the processing of Balwinder Jammu's affirmative asylum application. Defendants moved to dismiss or, alternatively, for summary judgment on the grounds that plaintiffs lacked a clear right to relief and that the delay was not unreasonable. The court evaluated the motion on the merits despite plaintiffs' failure to oppose it, granted summary judgment, directed entry of judgment for defendants, and closed the case.

DISPOSITION

other

CASES CITED

- *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984)
- *Love v. United States*, 915 F.2d 1242, 1245 (9th Cir. 1990)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001)
- *City of Pomona v. SQM North America Corp.*, 750 F.3d 1036, 1049 (9th Cir. 2014)
- *In re Oracle Corp. Sec. Litig.*, 627 F.3d 376, 387 (9th Cir. 2010)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)
- *Vaz v. Neal*, 33 F.4th 1131, 1135-36, 1138-39 (9th Cir. 2022)
- *Plaskett v. Wormuth*, 18 F.4th 1072, 1082 (9th Cir. 2021)
- *Or. Nat. Res. Council v. Harrell*, 52 F.3d 1499, 1508 (9th Cir. 1995)
- *Fallini v. Hodel*, 783 F.2d 1343, 1345 (9th Cir. 1986)
- *Indep. Mining Co. v. Babbitt*, 105 F.3d 502, 507 (9th Cir. 1997)
- *Khan v. Johnson*, 65 F. Supp. 3d 918, 926 (C.D. Cal. 2014)
- *Vietnam Veterans of Am. v. Cent. Intel. Agency*, 811 F.3d 1068, 1075-76 (9th Cir. 2016)
- *Telecomms. Research & Action Ctr. v. FCC*, 750 F.2d 70, 79-80 (D.C. Cir. 1984)
- *In re Nat. Res. Def. Council, Inc.*, 956 F.3d 1134, 1138-39 (9th Cir. 2020)
- *In re A Cmty. Voice*, 878 F.3d 779, 786 (9th Cir. 2017)
- *Jamalina v. Rubio*, 2025 WL 744861, at *5-6 (E.D. Cal. Mar. 7, 2025)
- *Poursohi v. Blinken*, 2021 WL 5331446, at *4, *11 (N.D. Cal. Nov. 16, 2021)
- *Sarlak v. Pompeo*, 2020 WL 3082018, at *6 (D.D.C. June 10, 2020)
- *Teymouri v. USCIS*, 2022 WL 18717560, at *4 (C.D. Cal. Jan. 31, 2022)
- *Varol v. Radel*, 420 F. Supp. 3d 1089, 1095, 1097 (S.D. Cal. Oct. 22, 2019)

- Varzaghani v. Mayorkas, 2024 WL 2952141, at *4 (C.D. Cal. June 5, 2024)
- Singh v. Bardini, 2023 WL 4669864, at *2-3 (E.D. Cal. July 20, 2023)
- Denisov v. Mayorkas, 2024 WL 3522047, at *6-7 (N.D. Cal. July 23, 2024)
- Dawod v. Garland, 2023 WL 8605320, at *10 (C.D. Cal. Aug. 10, 2023)
- Jain v. Renaud, 2021 WL 2458356, at *6 (N.D. Cal. June 16, 2021)

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