

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Soltani v. Blinken

Soltani · No. 2:24-cv-03067 CSK · Decided May 15, 2025

OPINION

Soltani v. Blinken

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ARA SOLTANI, et al., No. 2:24-cv-03067 CSK 12 Plaintiffs,

13 v. ORDER GRANTING MOTION FOR

SUMMARY JUDGMENT

14 ANTHONY J. BLINKEN, et al., 15 Defendants. 16 17 Plaintiff Ara Soltani and her parents,
Plaintiffs Behrouz Soltani and Arezou 18 Sarhangzadeh Afshar, proceed on a petition for writ of
mandamus and complaint for 19 injunctive relief.¹ (ECF No. 1.) Defendants Anthony Blinken and
Robert Jachim, federal 20 officials sued in their official capacity, seek to dismiss the complaint
under Rule 12(b)(6) 21 of the Federal Rules of Civil Procedure. (ECF No. 9.) In the alternative,
Defendants seek 22 summary judgment under Rule 56 of the Federal Rules of Civil Procedure.
(Id.) A 23 hearing on Defendants’ motion was held on April 1, 2025, with Alexander Loznak 24
appearing on behalf of plaintiffs and Elliot Wong appearing on behalf of Defendants. 25 (ECF No.
17.) Plaintiff Ara Solanti was also present. After the hearing, the motion was 26 27 1 Pursuant to
the parties’ consent and the court’s order of November 26, 2024, this matter is before the
undersigned for all purposes including trial and entry of judgment. 28 (ECF Nos. 6, 7 & 8.) 1
submitted. For the reasons set forth below, Defendants’ alternate motion for summary 2 judgment
is granted.

3 I. BACKGROUND

4 Foreign nationals may petition for immigrant visas based on a familial relationship 5 with a U.S.
citizen or lawful permanent resident. See 8 U.S.C. §§ 1151(b)(2)(A)(i), 6 1153(a)(1)-(4), 1201(a)
(1)(A); 22 C.F.R. §§ 42.21, 42.42. In accordance with the 7 Immigration and Nationality Act
(INA), consular officers have authority to issue immigrant 8 visas. 8 U.S.C. § 1201; 22 C.F.R. §
42.71. Before a consular officer can issue a visa, an 9 applicant must make a proper application, 8
U.S.C. § 1201(a)(1), “in such form and 10 manner” prescribed by the regulations, id. § 1202(a).
11 For a family-based immigrant visa, the sponsoring U.S. citizen or legal permanent 12 resident
must file a “Petition for Alien Relative (Form I-130)” with the United States 13 Citizenship and

Immigration Services (USCIS). 8 U.S.C. § 1154. After the USCIS 14 approves the I-130 form, it transfers the petition to the National Visa Center for 15 preprocessing if the noncitizen beneficiary of the visa petition is not located in the United 16 States, and the beneficiary may submit a DS-260 Online Immigrant Visa and Alien 17 Registration Application to begin the visa application process. 9 Foreign Affairs Manual 18 (FAM) § 504.1-2(a)(1). 19 Once the National Visa Center determines an applicant is documentarily complete 20 and a consular officer completes “necessary clearance procedures,” the applicant is 21 considered documentarily qualified “to apply formally for an immigrant visa[.]” 22 C.F.R. 22 § 40.1(h). This requires “personally appearing before a consular officer and verifying by 23 oath or affirmation the statements contained on ... Form DS-260[.]” Id. § 40.1(l). During 24 the interview, an applicant can formally apply for an immigrant visa by swearing to or 25 affirming the contents of the DS-260 and signing it before a consular officer. 22 C.F.R. 26 § 42.67(a). The INA provides “[a]ll immigrant visa applications shall be reviewed and 27 adjudicated by a consular officer.” 8 U.S.C. § 1202(b). Once an application is properly 28 completed and executed before a consular officer, the officer must either issue or refuse 1 to issue a visa. See 22 C.F.R. § 42.81(a). 2 According to the complaint, Plaintiff Ara Soltani (Soltani) is a U.S. Citizen. (Compl. 3 ¶ 74, ECF No. 1.) Her parents, Plaintiffs Behrouz Soltani and Arezou Sarhangzadeh 4 Afshar, are Canadian citizens. (Id. ¶¶ 75-76.) On July 10, 2022, Soltani filed two Form I- 5 130s for her parents, which the USCIS approved. (Id. ¶ 77.) On January 22, 2024, 6 Soltani’s parents were interviewed by the Consular Section of the U.S. Embassy in 7 Montreal, where they were given a non-final refusal letter under 8 U.S.C. § 1201(g), 8 § 221(g) of the INA. The letter requested additional documents. (Id. ¶¶ 80-81 & Exh. C.) 9 On February 16, 2024, they submitted all requested documents. (Id. ¶ 82.) At the time 10 the complaint was filed, Soltani’s parents had waited more than nine months since their 11 interview to receive a decision on their visa applications, with “no useful information” 12 forthcoming from the State Department. (Id. ¶¶ 85-88.) 13 Plaintiffs filed their complaint on November 6, 2024, seeking to compel 14 Defendants to adjudicate the Soltani parents’ immigrant visa applications. Plaintiffs 15 allege that, due to Defendants’ delay in adjudicating the applications, they have been 16 forced to live apart for years and fear they will be separated indefinitely. (Id. ¶¶ 91-92.) 17 The complaint asserts a cause of action for unreasonable delay under the Administrative 18 Procedure Act (APA), 5 U.S.C. § 706(1), and seeks relief under the Mandamus Act, 19 28 U.S.C. § 1361. 20 On January 7, 2025, Defendants filed the motion presently before the Court, 21 seeking dismissal of the complaint or, in the alternative, summary judgment on the 22 following grounds: (1) the doctrine of consular non-reviewability precludes Plaintiffs from 23 seeking judicial review; (2) Plaintiffs’ claims must fail because they cannot point to a 24 clear duty to act; and (3) there has been no unreasonable delay in reconsidering 25 whether the 221(g) visa refusals can be overcome. Plaintiffs filed an opposition to the 26 motion, which they later amended. (ECF Nos. 10, 11 & 12.) Defendants filed a reply to 27 the amended opposition and a hearing was held. (ECF Nos. 13 & 17.) 28 ///

1 II. LEGAL STANDARDS

2 A. Rule 12(b)(6) 3 Dismissal under Rule 12(b)(6) may be warranted for “the lack of a
cognizable 4 legal theory or the absence of sufficient facts alleged under a cognizable legal
theory.” 5 *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990). In evaluating 6
whether a complaint states a claim on which relief may be granted, the court accepts as 7 true the
allegations in the complaint and construes the allegations in the light most 8 favorable to the
plaintiff. *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984); *Love v. 9 United States*, 915 F.2d
1242, 1245 (9th Cir. 1989). 10 In ruling on a motion to dismiss brought under Rule 12(b)(6), the
court may 11 consider material properly submitted as part of the complaint and documents that are
not 12 physically attached to the complaint if their authenticity is not contested and the plaintiff’s
13 complaint necessarily relies on them. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 14 (9th
Cir. 2001). The court may also consider matters of public record. *Id.* 15 B. Summary Judgment 16
“A party is entitled to summary judgment if the ‘movant shows that there is no 17 genuine dispute
as to any material fact and the movant is entitled to judgment as a 18 matter of law.’” *City of*
Pomona v. SQM North America Corp., 750 F.3d 1036, 1049 (9th
19 Cir. 2014) (quoting Fed. R. Civ. P. 56(a)). “The moving party initially bears the burden of
20 proving the absence of a genuine issue of material fact.” *In re Oracle Corp. Sec. Litig.*, 21 627
F.3d 376, 387 (9th Cir. 2010) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 22 (1986)).
“Where the moving party meets that burden, the burden then shifts to the non- 23 moving party to
designate specific facts demonstrating the existence of genuine issues 24 for trial.” *Id.* “The court
must view the evidence in the light most favorable to the 25 nonmovant and draw all reasonable
inferences in the nonmovant’s favor.” *City of 26 Pomona*, 750 F.3d at 1049. “‘Where the record
taken as a whole could not lead a 27 rational trier of fact to find for the nonmoving party, there is
no genuine issue for trial.’” *Id.* 28 (quoting *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio*
Corp., 475 U.S. 574, 587 1 (1986)).

2 III. ANALYSIS

3 A. APA and Mandamus Act 4 The complaint asserts a cause of action for unreasonable delay
under Section 5 706(1) of the APA and also seeks relief under the Mandamus Act, 28 U.S.C. §
1361. 6 Under Section 706(1) of the APA, courts can “compel agency action unlawfully withheld
7 or unreasonably delayed.” 5 U.S.C. § 706(1). “[A] court may compel [delayed] agency 8 action
under the APA when the agency (1) has ‘a clear, certain, and mandatory duty’ 9 and (2) has
unreasonably delayed in performing such duty.” *Vaz v. Neal*, 33 F.4th 1131, 10 1136 (9th Cir.
2022) (citations omitted) (quoting *Plaskett v. Wormuth*, 18 F.4th 1072, 11 1082 (9th Cir. 2021)).
Under the Mandamus Act, to compel governmental action, a court 12 must find that “(1) the
plaintiff’s claim is clear and certain; (2) the duty is ‘ministerial and 13 so plainly prescribed as to
be free from doubt’; and (3) no other adequate remedy is 14 available.” *Or. Nat. Res. Council v.*
Harrell, 52 F.3d 1499, 1508 (9th Cir. 1995) (internal 15 quotation marks omitted) (quoting *Fallini*
v. Hodel, 783 F.2d 1343, 1345 (9th Cir. 1986)). 16 The Ninth Circuit has recognized that the relief

sought under the Mandamus Act 17 and under Section 706(1) of the APA is “essentially the same.” *Indep. Mining Co. v. 18 Babbitt*, 105 F.3d 502, 507 (9th Cir. 1997). Thus, “when a complaint seeks relief under 19 the Mandamus Act and the APA and there is an adequate remedy under the APA, [a 20 court] may elect to analyze the APA claim only.” *Vaz*, 33 F.4th at 1135. Because an 21 adequate remedy exists under the APA, the Court will analyze Plaintiffs’ claim of delay 22 under the APA only. See *id.* If Plaintiffs’ APA claim fails, their claim under the Mandamus 23 Act fails as well. See *Vaz*, 33 F.4th at 1138-39. 24 B. Doctrine of Consular Non-Reviewability 25 Defendants argue that the doctrine of consular non-reviewability precludes review 26 of the consular officer’s decision to deny the Soltani parents’ visa applications at their 27 January 2024 consular interview. Defendants assert that the consular officer’s decision 28 under § 221(g) was a final decision, even though the consular officer requested that the 1 Soltani parents submit additional papers, which they subsequently did. 2 Plaintiffs counter that, because the § 221(g) refusal was not a final adjudication of 3 their applications, the doctrine of consular non-reviewability does not apply. Plaintiffs 4 argue that a final adjudication of their applications has not been made, but rather, 5 delayed for an unreasonable length of time under the APA. They assert that they have 6 never been issued final refusals and that Defendants provide no evidence to the 7 contrary. 8 Under the doctrine of consular non-reviewability, “ordinarily, a consular official’s 9 decision to deny a visa to a foreigner is not subject to judicial review.” *Khachatryan v. 10 Blinken*, 4 F.4th 841, 851 (9th Cir. 2021) (quoting *Allen v. Milas*, 896 F.3d 1094, 1104-05 11 (9th Cir. 2018)). As recently set forth by the Supreme Court, “[f]or more than a century, 12 this Court has recognized that the admission and exclusion of foreign nationals is a 13 ‘fundamental sovereign attribute exercised by the Government’s political departments 14 largely immune from judicial control.’” *Department of State v. Munoz*, 602 U.S. 899, 907- 15 908 (2024) (quoting *Trump v. Hawaii*, 585 U.S. 667, 702 (2018)). When Congress 16 delegates to executive officials the discretionary authority to admit noncitizens, “the 17 action of an executive officer to admit or exclude an alien is final and conclusive.” *Id.* at 18 908 (internal quotations and citations omitted). “The Judicial Branch has no role to play 19 unless expressly authorized by law,” and, because the INA “does not authorize judicial 20 review of a consular officer’s denial of a visa, . . . as a rule, the federal courts cannot 21 review those decisions.” *Id.* (internal quotations and citation omitted). This principle is 22 known as the doctrine of consular non-reviewability. *Id.* 23 However, courts in this district and others have found that an administrative 24 processing denial under § 221g is not a final decision subject to the doctrine of consular 25 non-reviewability. See, e.g., *Jamalina v. Rubio*, 2025 WL 744861, at *4 (E.D. Cal. Mar. 7, 26 2025) (denial of plaintiffs’ visa application under INA § 221(g) is not a final decision) 27 (collecting cases); *Iqbal v. Blinken*, 2024 WL 3904959, at *7 (E.D. Cal. Aug. 22, 2024) 28 (“The court joins with the courts that have found the refusal of a visa application for 1 administrative processing does not constitute a final decision”); *Ali v. Ordeman, et al.*, 2 2024 WL 2274912, at *4 (E.D. Cal. May 17, 2024) (denial of plaintiff’s visa application 3 under INA § 221(g) is not a final decision) (collecting cases). 4

Defendants cite *Al Shaleli v. Blinken*, 2022 WL 4664245, at *3 (E.D. Cal. Sept. 30, 5 2022) for the proposition that visa denials are final even if plaintiffs are “afforded the 6 opportunity to try to overcome those denials” as under § 221(g). However, while the 7 court in *Al Shaleli* found that plaintiffs’ visa applications appeared to have been denied, 8 the denials were under different statutory provisions and circumstances than § 221(g), 9 distinguishing *Al Shaleli* from the above line of cases. 10 Here, accepting all allegations as true and drawing all inferences in the light most 11 favorable to Plaintiffs, the denial of the Soltani parents’ visa applications under INA 12 § 221(g) is not a final decision, and the doctrine of consular non-reviewability does not 13 apply. 14

C. Unreasonable Delay 15 The next contested issue is whether Defendants unreasonably delayed 16 adjudicating Plaintiffs’ applications.² Although the INA does not set a deadline for 17 consular officers to review and adjudicate visa applications, Defendants have a duty to 18 act within a reasonable time. See 5 U.S.C. § 555. “[T]he APA and related case law 19 provide ‘law to apply’ in determining whether defendants have failed to act within a 20 reasonable time.” *Khan v. Johnson*, 65 F. Supp. 3d 918, 926 (C.D. Cal. 2014). “[F]ederal 21 courts routinely assess the ‘reasonableness’ of the pace of agency action under the 22 APA.” *Id.* (citation omitted). 23 Under the APA, a reviewing court must “compel agency action ... unreasonably 24 delayed[.]” 5 U.S.C. § 706(1). However, “[a] court can compel agency action under this 25 section only if there is a specific, unequivocal command placed on the agency to take a 26 discrete agency action, and the agency has failed to take that action.” *Vietnam Veterans* 27

2 The Court does not reach whether Defendants owe Plaintiffs a non-discretionary duty, 28 as resolution of the issue of unreasonable delay resolves the motion. 1 of *Am. v. Cent. Intel. Agency*, 811 F.3d 1068, 1075 (9th Cir. 2016) (internal quotation 2 marks and citation omitted). “The agency action must be pursuant to a legal obligation 3 ‘so clearly set forth that it could traditionally have been enforced through a writ of 4 mandamus.’” *Id.* at 1075-76 (citation omitted). 5 In determining whether an agency action was unreasonably delayed, courts 6 consider the six “TRAC” factors: 7 (1) the time agencies take to make decisions must be governed by a rule of reason; (2) where Congress has 8 provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that 9 statutory scheme may supply content for this rule of reason; (3) delays that might be reasonable in the sphere of economic 10 regulation are less tolerable when human health and welfare are at stake; (4) the court should consider the effect of 11 expediting delayed action on agency activities of a higher or competing priority; (5) the court should also take into account 12 the nature and extent of the interests prejudiced by delay; and (6) the court need not find any impropriety lurking behind 13 agency lassitude in order to hold that agency action is unreasonably delayed. 14 In *re Nat. Res. Def. Council, Inc.*, 956 F.3d 1134, 1138-39 (9th Cir. 2020) (quoting 15 *Telecomms. Research and Action Ctr. (“TRAC”) v. FCC*, 750 F.2d 70, 79-80 (D.C. Cir. 16 1984)). 17 “Because of the fact-intensive nature of the reasonableness determination, courts 18 disagree on whether the TRAC

factors should be analyzed to resolve a motion to 19 dismiss.” Ali, 2024 WL 2274912, at *4 (internal quotation marks and citation omitted). 20 Here, Defendants’ alternate motion for summary judgment addresses the TRAC factors, 21 supported by a Statement of Undisputed Material Facts (DUF). (ECF No. 9-1.) In 22 opposition to the motion, Plaintiffs submit several documents as exhibits but do not 23 otherwise respond to the Statement of Undisputed Material Facts. While Plaintiffs have 24 not provided an affidavit or declaration under Federal Rule of Civil Procedure 56(d) and 25 argue that more discovery is needed, district courts in this circuit routinely decide 26 immigration cases on summary judgment on similar records. See, e.g., Ali, 2024 WL 27 2274912, at *5 (finding discovery not necessary or warranted on TRAC factor of 28 1 unreasonable delay); Alam v. Blinken, 2024 WL 4804557, at *6 (E.D. Cal. Nov. 15, 2 2024) (same, collecting cases). But see Iqbal v. Blinken, 2023 WL 7418353 (E.D. Cal.

3 Nov. 9, 2023) (finding TRAC “reasonableness inquiry is best resolved on a full factual 4 record”). 5 At the hearing, the parties agreed that the start date for period of alleged 6 unreasonable delay is the date of the consular interview, and Plaintiffs have not 7 specified what further discovery is material or needed. Thus, the Court has sufficient 8 factual information to determine whether the ongoing delay is unreasonable. 9 On January 22, 2024, Plaintiffs Behrouz Soltani and Arezou Sarhangzadeh 10 Afshar appeared for a consular interview at the U.S. Consulate General in Montreal and 11 executed applications for immigrant visas. (DUF 1.) On the same day, the consular 12 officer refused their applications under INA § 221(g), 8 U.S.C. § 1201(g), finding 13 additional security screening was required and asking Plaintiffs to provide certain 14 required documents. (DUF 2.) On January 26, 2024, the U.S. Consulate General in 15 Montreal received Plaintiffs’ responses to the supplemental questions. (DUF 3.) Plaintiffs 16 filed their complaint on November 6, 2024, more than nine months after their consular 17 interview, alleging unreasonable delay. (ECF No. 1.) At the April 1, 2025 hearing, the 18 parties indicated that no subsequent decision had issued on Plaintiffs’ applications. 19 Although not determinative, the first factor, “rule of reason,” is the most important. 20 In re A Cmty. Voice, 878 F.3d 779, 786 (9th Cir. 2017). Courts examine the length of 21 delay and reason for the delay to determine “whether there is any rhyme or reason for 22 the Government’s delay—in other words, whether the agency’s response time ... is 23 governed by an identifiable rationale.” Jamalina, 2025 WL 744861, at *5 (quoting 24 Poursohi v. Blinken, 2021 WL 5331446, at *4 (N.D. Cal. Nov. 16, 2021). Where 25 Congress has not supplied a period for agency action, courts look to case law in 26 assessing whether the agency’s action is unreasonably delayed. Id. (citing Sarlak v. 27 Pompeo, 2020 WL 3082018, at *6 (D.D.C. June 10, 2020) (“Absent a congressionally 28 supplied yardstick, courts typically turn to case law as a guide.”). The relevant period of 1 delay is measured “from the last government action,” in this case, the consular 2 interviews. Khushnood v. U.S. Citizenship and Immigration Serv., 2022 WL 407152, at 3 *4 (D.D.C. Feb. 10, 2022). 4 Plaintiffs contend that a delay of over nine months since their consular interviews 5 is unreasonable; at this point, more than a year has passed. Courts in this district and 6 other

California districts have found comparable delays reasonable. See, e.g., *Ali*, 2024 7 WL 2274912, at *6 (delay of “fourteen months and counting” after consular interview not 8 unreasonable) (collecting cases); *Infracost v. Blinken*, 732 F. Supp. 3d 1240, 1254 (S.D. 9 Cal. Apr. 30, 2024) (fourteen-month administrative processing delay insufficient to state 10 a plausible claim for relief; collecting cases); see also *Iqbal*, 2024 WL 3904959, at *10 11 (“in the immigration context, district courts have generally found delays of less than four 12 years are not unreasonable”; collecting cases). As to the reason for delay, Plaintiffs 13 submitted additional requested documents after their interview, and “a delay to process 14 additional information about an applicant is not facially unreasonable.” *Infracost*, 732 F.

15 Supp. at 1255. This factor weights in Defendants’ favor.

16 For the second TRAC factor, courts consider whether “Congress has provided a 17 timetable or other indication of the speed with which it expects the agency to proceed in 18 the enabling statute[.]” *In re Nat. Res. Def. Council, Inc.*, 956 F.3d at 1138. Plaintiffs 19 argue that a timetable exists, citing the policy language of 8 U.S.C. § 1571(b), which 20 provides: “It is the sense of Congress that the processing of an immigrant benefit 21 application should be completed not later than 180 days after the initial filing of the 22 application[.]” Courts have rejected this argument, however, finding that “the plain text of 23 § 1571 indicates that it applies to the processing of immigrant benefit applications by 24 USCIS, not consular officials at the State Department” and is therefore inapplicable to 25 family preference immigrant visas. *Poursohi*, 2021 WL 5331446, at *8 (quoting *El Centro 26 Reg’l Med. Ctr. v. Blinken*, 2021 WL 3141205, at *4 (S.D. Cal. July 23, 2021)). Moreover, 27 § 1571(b) is a Congressional policy statement and “non-binding legislative dicta.” *Id.* 28 (citing *Yang v. California Dept. of Soc. Servs.*, 183 F.3d 953, 958 (9th Cir. 1999)). 1 “Where Congress has not supplied a time period for agency action, courts look to 2 caselaw to determine whether the agency’s action is unreasonably delayed.” *Ali*, 2024 3 WL 2274912, at *6 (citation omitted). Like the first TRAC factor, this factor weights in 4 Defendants’ favor. 5 “The third and fifth factors overlap, requiring the court to consider whether human 6 health and welfare are at stake, and the nature and extent of the interests prejudiced by 7 the delay.” *Ali*, 2024 WL 2274912, at *6 (quoting *Poursohi*, 2021 WL 5331446, at *9). 8 Plaintiffs did not submit declarations or other evidence on these points, and the Court 9 finds these factors neutral. Moreover, as in *Ali*, even if Plaintiffs had submitted 10 declarations and the Court had weighed the third and fifth TRAC factors in their favor, 11 “that would not change the result in this case because the other factors would still 12 outweigh the third and fifth factors.” *Ali*, 2024 WL 2274912, at *6 n.1. 13 Under the fourth TRAC factor, the court considers the effect of expediting the 14 adjudication of Plaintiffs’ applications on other agency action of higher or competing 15 priority. *Jamalina*, 2025 WL 744861, at *6 (citation omitted). Effectively, Plaintiffs request 16 relief in the form of the State Department prioritizing their immigrant visa applications 17 over other applicants also awaiting final decisions. Most courts have declined to re- 18 allocate consular resources in this way. See, e.g., *Akrai v. U.S. Dept. of State*, 2023 WL 19 2424600, at

*4 (D.D.C. March 9, 2023) (“While the Court does not wish to minimize the 20 harm [of family separation], precedent in this circuit recognizes that expediting review 21 here would merely redirect resources from other cases”) (collecting cases); *Jain v. 22 Renaud*, 2021 WL 2458356, at *6 (N.D. Cal. June 16, 2021) (“Most courts have found 23 that the fourth TRAC factor weighs heavily in the agency’s favor when a judicial order 24 putting plaintiffs at the head of the line would simply move all others back one space and 25 produce no net gain.”). The fourth factor weighs in favor of Defendants. 26 Under the sixth TRAC factor, where a plaintiff has not made cognizable 27 allegations of impropriety, “courts in the Ninth Circuit have found this factor to either 28 weigh in the government’s favor or to be neutral.” *Jamalina*, 2025 WL 744861, at *6 1 || (quoting *Poursohi*, 2021 WL 5331446, at *11). While Plaintiffs assert that Defendants 2 | have not made good faith efforts to process their applications, the allegedly 3 || unreasonable delay is not tantamount to impropriety. See *Ali*, 2024 WL 2274912, at *7 4 | (“The court need not find impropriety lurking behind agency lassitude in order to hold 5 | that agency action is unreasonably delayed.”). Absent specific allegations of impropriety, 6 || the sixth factor is neutral. 7 Having considered the TRAC factors, the Court grants Defendants summary 8 || judgment because the nine-month delay at the time the complaint was filed (and 9 | currently, fifteen-month delay) is not unreasonable under applicable caselaw. As set 10 | forth above, the first, second, and fourth TRAC factors weigh in Defendants’ favor, while 11 | the third, fifth, and sixth factors are neutral. “[C]ourts routinely afford the most weight” to 12 | the first and fourth factors. *Poursohi*, 2021 WL 5331446, at *11. Therefore, Defendants 13 | are entitled to summary judgment on Plaintiff’s APA claim for unreasonable delay.

14 | IV. CONCLUSION

15 In conclusion, IT |S HEREBY ORDERED THAT: 16 1. Defendants’ Motion to Dismiss or, Alternatively, for Summary Judgment (ECF

17 No. 9) is GRANTED;

18 2. Judgment shall be entered for Defendants; and 19 3. The Clerk of Court shall close this case.

20 21 | Dated: May 14, 2025 Cc (i s ☐☐

22 CHI SOO KIM

93 UNITED STATES MAGISTRATE JUDGE

24 25 26 || solt3067.sj.6 27 28 12