

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Gholibeigian v. Rubio

No. 25-cv-07885-NC (N.D. Cal. Oct. 2, 2025) · No. 25-cv-07885-NC · Decided October 2, 2025

SUMMARY

The United States District Court for the Northern District of California grants Parvin Gholibeigian’s amended application to proceed in forma pauperis. The court screens her mandamus complaint concerning the adjudication of her husband’s immigration visa application, finds at least one cognizable claim, and orders issuance and service of the summons and complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Nathanael M. Cousins
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 2, 2025
DOCKET	25-cv-07885-NC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint seeking a writ of mandamus to compel adjudication of her husband's immigration visa application and applied to proceed in forma pauperis. After the Court required an amended IFP application, Plaintiff filed one, and the Court granted it and screened the complaint under 28 U.S.C. § 1915.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2), the Court must screen an IFP complaint and identify claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Parvin Gholibeigian v. Marco Rubio, et al.

TOPICS

- mandamus immigration
- immigration
- civil procedure
- pleadings
- service of process

PRACTICE AREAS

immigration

civil procedure

administrative law

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff qualified to proceed in forma pauperis based on her inability to pay the filing fee.
2. Whether the complaint satisfied the screening requirements of 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. Plaintiff's amended application to proceed in forma pauperis was granted because the Court was persuaded that she could not afford the case filing fee.
2. The complaint satisfied 28 U.S.C. § 1915 because it stated at least one cognizable claim on its face and was not otherwise frivolous, malicious, seeking monetary relief from an immune defendant, or subject to dismissal under § 1915(e)(2)(B).

KEY QUOTATIONS

“Because the complaint states at least one cognizable claim on its face, and is not otherwise frivolous, malicious, or seeking monetary relief from immune defendants, the complaint satisfies the requirements of 28 U.S.C. § 1915.” (at 3)

“Defendants are not precluded from challenging Plaintiff’s claims or raising defenses.” (at 3)

FACTUAL BACKGROUND

Parvin Gholibeigian brought a mandamus action seeking to compel Defendants to complete adjudication of her husband's immigration visa application. She asserted that she could not afford the federal filing fee and submitted an amended application to proceed in forma pauperis after the Court found her initial application incomplete.

PROCEDURAL HISTORY

Plaintiff initially filed an incomplete application to proceed in forma pauperis. The Court ordered her to file an amended application or pay the filing fee; she filed a complete amended application. The Court granted the amended application, determined that the complaint stated at least one cognizable claim and was not otherwise subject to dismissal under § 1915(e)(2), and directed issuance and service of process.

DISPOSITION

other

CASES CITED

- *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)
- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)

OPINION

Gholibeigian v. Rubio

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 10 PARVIN GHOLIBEIGIAN, Case No. 25-cv-07885-NC 11 Plaintiff, ORDER GRANTING 12
AMENDED IFP APPLICATION;

v. SCREENING COMPLAINT

13 UNDER 28 U.S.C. § 1915

MARCO RUBIO, et al., 14 Re: ECF 1, 9 Defendants. 15 16 17 Self-represented Plaintiff Parvin
Gholibeigian brings a complaint for writ of 18 mandamus seeking to compel Defendants to
complete adjudication on her husband's 19 immigration visa application. ECF 1. Plaintiff also
filed an application to proceed in 20 forma pauperis (IFP). ECF 3. Because the initial IFP
application was incomplete, the 21 Court ordered Plaintiff to file an amended application or pay
the case filing fee. ECF 6. 22 Plaintiff filed a complete, amended IFP application. ECF 9. The
Court grants Plaintiff's 23 IFP application and screens her complaint, finding it meets the
requirements of 28 U.S.C. 24 § 1915. 25 I. Free Help is Offered to Self-Represented Litigants 26
As a free service to self-represented civil litigants, the Federal Pro Se Program at 27 the San Jose
Courthouse provides free information and limited-scope legal advice. The 1 || also online resources
available on the Court's webpage. The Pro Se Handbook, found at: 2 ||
<http://www.cand.uscourts.gov/pro-se-litigants/>, has a downloadable version of the Court's 3 ||
publication: Representing Yourself in Federal Court: A Handbook for Pro Se Litigants. 4 || II. The
IFP Application is Granted 5 Upon review of Plaintiff's amended IFP application at ECF 9, the
Court is 6 || persuaded she cannot afford the case filing fee. Plaintiff's IFP application is granted. 7
|| II. The Complaint Satisfies 28 U.S.C. § 1915

8 Title 28 U.S.C. § 1915(e)(2) requires the Court to screen complaints filed by persons

9 || proceeding IFP who are unable to pay court filing fees. In its review, the Court must 10 ||
identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to 11 state
a claim upon which relief may be granted, or seek monetary relief from a defendant 3 12 || who is
immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*, 203 F.3d 13 1122, 1126—27
(9th Cir. 2000) (en banc). Pleadings from self-represented, or pro se, C 14 || litigants must be
liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 3 15 || 699 (9th Cir. 1990).
16 Because the complaint states at least one cognizable claim on its face, and is not 5 17 otherwise
frivolous, malicious, or seeking monetary relief from immune defendants, the 5 18 || complaint
satisfies the requirements of 28 U.S.C. § 1915. 19 || IV. Conclusion 20 Because the Court grants
Plaintiff's IFP application at ECF 9 and finds the complaint 21 at ECF | satisfies 28 U.S.C. § 1915,
the Clerk of Court shall issue the summons, and the 22 || U.S. Marshal for the Northern District of

California shall serve, without prepayment of 23 || fees, a copy of the complaint and this Order upon Defendants. Defendants are not 24 |) precluded from challenging Plaintiff's claims or raising defenses. 25 IT IS SO ORDERED. 26 27 Dated: October 2, 2025 h-_____ _

NATHANAEL M. COUSINS

28 United States Magistrate Judge