

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Allen v. Garland

Allen · No. 21-cv-09941-JCS · Decided March 10, 2023

SUMMARY

The United States District Court for the Northern District of California granted Defendants’ Rule 12(b) (1) motion to dismiss Nelly Allen’s mandamus action seeking adjudication of her pending naturalization applications. The court held that the action was moot because USCIS had adjudicated and denied the applications, and rejected the argument that the dispute was capable of repetition yet evading review. The dismissal was without prejudice to administrative or separate judicial challenges to the substantive naturalization decisions.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Joseph C. Spero
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 10, 2023
DOCKET	21-cv-09941-JCS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a mandamus action seeking to compel USCIS to adjudicate pending naturalization applications. After USCIS adjudicated and denied the applications, Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction on mootness grounds.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, a factual attack on subject matter jurisdiction permits the court to consider evidence beyond the pleadings and does not require it to presume the truth of jurisdictional allegations. The plaintiff bears the burden of establishing Article III standing throughout the litigation.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation in the provided text.

TOPICS

mandamus immigration

naturalization

subject matter jurisdiction

motions to dismiss

immigration

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Plaintiff's mandamus action to compel USCIS to adjudicate pending naturalization applications became moot after USCIS adjudicated and denied those applications.
2. Whether the capable-of-repetition-yet-evading-review exception to mootness preserved jurisdiction.
3. Whether the Court could review the merits of USCIS's naturalization denials in the mandamus action.

HOLDINGS

1. The action became moot because USCIS adjudicated the pending naturalization applications, providing the relief Plaintiff sought, and Plaintiff no longer had an ongoing Article III injury or controversy.
2. The exception did not apply because Plaintiff failed to establish either that the challenged delay was too short to be fully litigated or that she faced a reasonable expectation or demonstrated probability of being subjected to the same action again.
3. The Court could not review the merits of USCIS's naturalization denials in the mandamus action; any judicial review had to follow the administrative procedures prescribed by the naturalization statutes.

KEY QUOTATIONS

"USCIS did exactly as Plaintiff asked, ruling on her pending naturalization applications." (III.C)

"A mandamus action to compel a naturalization decision is neither the time nor the place for a district court to review a denial of Plaintiff's naturalization application." (III.C)

FACTUAL BACKGROUND

Nelly Allen, a former asylee and lawful permanent resident, filed naturalization applications in 2011, 2017, and 2020. USCIS denied the two applications pending when this action was filed on November 9, 2022, after determining that Allen had not established the required good moral character based in part on her unauthorized practice of law and related misrepresentations. Allen did not request an administrative hearing on the denials within thirty days.

PROCEDURAL HISTORY

Plaintiff filed the action in December 2021 alleging unreasonable delay in adjudicating her naturalization applications. The Court stayed the case twice to permit USCIS to adjudicate the applications and Plaintiff to respond to USCIS's notice of intent to deny. USCIS denied the two pending applications on November 9, 2022; Plaintiff did not request an administrative hearing within the prescribed period. Defendants then moved to dismiss, and the Court granted the motion, dismissing the action without leave to amend but without prejudice to administrative or separate judicial challenges to the naturalization denials.

DISPOSITION

dismissed

CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Leeson v. Transamerica Disability Income Plan, 671 F.3d 969, 975 n.12 (9th Cir. 2012)
- Edison v. United States, 822 F.3d 510, 517 (9th Cir. 2016)
- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- Americopters, LLC v. FAA, 441 F.3d 726, 732 n.4 (9th Cir. 2006)
- White v. Lee, 227 F.3d 1214, 1242 (9th Cir. 2000)
- St. Clair v. City of Chico, 880 F.2d 199, 201 (9th Cir. 1989)
- Chandler v. State Farm Mutual Automobile Insurance Co., 598 F.3d 1115, 1122 (9th Cir. 2010)
- Cetacean Community v. Bush, 386 F.3d 1169, 1174 (9th Cir. 2004)
- Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016)
- Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990)
- Massachusetts v. Mellon, 262 U.S. 447, 480 (1923)
- Spencer v. Kemna, 523 U.S. 1, 17-18 (1998)
- Sadiku v. Department of Homeland Security, No. 20-CV-3241 (RPK), 2022 WL 173109, at *2 (E.D.N.Y. Jan. 18, 2022)
- Ruvalcaba v. City of Los Angeles, 167 F.3d 514, 521 (9th Cir. 1999)
- United States v. Hovsepian, 359 F.3d 1144, 1162 n.15 (9th Cir. 2004)