

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Green Arrow Labs, Inc. v. Kristi Noem and Joseph B. Edlow

Green Arrow Labs · No. 1:24-cv-00741 · Decided March 23, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina grants Defendants’ second motion to dismiss Green Arrow Labs, Inc.’s challenge to the rejection of its H-1B petitions. The court holds that Green Arrow lacks Article III standing because its injury was caused by an incomplete initial petition and untimely subsequent petitions, rather than unlawful agency conduct. The court also finds that Matter of Lozada and Romero v. Bondi do not apply to the H-1B application process and dismisses the complaint without prejudice.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	Frank W. Volk
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	March 23, 2026
DOCKET	1:24-cv-00741
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Green Arrow’s action challenging USCIS’s rejection of its H-1B petitions under the Administrative Procedure Act. The court granted the motion and dismissed the complaint without prejudice.
STANDARD OF REVIEW	On a facial Rule 12(b)(1) standing challenge, the court accepts the complaint’s factual allegations as true and asks whether they sufficiently invoke subject-matter jurisdiction. The plaintiff bears the burden of establishing injury in fact, traceability, and redressability, with the applicable manner and degree of proof determined by the litigation stage. Rule 12(b)(6) requires sufficient factual allegations to state a claim for relief.
PRECEDENTIAL VALUE	Unknown

PARTIES

Green Arrow Labs, Inc. v. Kristi Noem, in her official capacity as Secretary, U.S. Department of Homeland Security, Joseph B. Edlow, in his official capacity as Director, U.S. Citizenship and Immigration Services

TOPICS

visa petitions immigration administrative procedure act standing motions to dismiss

PRACTICE AREAS

immigration administrative law civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether Green Arrow alleged an injury fairly traceable to USCIS's conduct sufficient to establish Article III standing.
2. Whether Green Arrow stated a claim that USCIS unlawfully rejected its H-1B petitions under the Administrative Procedure Act.
3. Whether Matter of Lozada required USCIS to accept Green Arrow's untimely H-1B petitions because former counsel caused the filing error.
4. Whether Romero v. Bondi's recognition of a due-process right to fundamentally fair removal proceedings affected the H-1B petition process.

HOLDINGS

1. Green Arrow lacked Article III standing because the alleged injury was caused by its own incomplete initial filing and its untimely subsequent filings, rather than by unlawful conduct of USCIS.
2. USCIS acted within its regulatory discretion in rejecting Green Arrow's initial H-1B petition for omitting the required supplement and rejecting the later petitions as untimely.
3. Matter of Lozada does not require USCIS to accept untimely H-1B petitions based on ineffective assistance or attorney error.
4. Romero v. Bondi is inapposite because this case concerns an H-1B petition process, not a removal proceeding implicating the Fifth Amendment right to a fundamentally fair proceeding.

KEY QUOTATIONS

“In sum, the only conduct traceable to Defendants is their permissible denial of Green Arrow’s facially inadequate petition. Consequently, Green Arrow is unable to establish standing.” (Opinion at 13)

FACTUAL BACKGROUND

Green Arrow registered its employee, Sai Salaka, in the 2025 H-1B cap lottery and received a selection notice allowing filing between April 1 and June 30, 2024. Green Arrow filed its initial H-1B petition before the

deadline, but USCIS rejected it because it omitted the required H-1B and H-1B1 Data Collection and Filing Fee Exemption Supplement. Green Arrow filed a second petition after the filing period and a third petition requesting nunc pro tunc treatment; USCIS rejected both as untimely. Green Arrow attributed the initial omission to former counsel and challenged the rejections as unlawful, arbitrary, and ultra vires.

PROCEDURAL HISTORY

Green Arrow filed suit on September 3, 2024, seeking declaratory and injunctive relief and review of USCIS's rejection of its H-1B petition. Defendants initially moved to dismiss, but the court denied that motion without prejudice after the Fourth Circuit decided *Romero v. Bondi* and permitted renewal addressing Romero's implications. Defendants renewed the motion, and the court dismissed the complaint without prejudice for lack of Article III standing.

DISPOSITION

dismissed

CASES CITED

- *Wikimedia Found. v. Nat'l Sec. Agency*, 857 F.3d 193, 208 (4th Cir. 2017)
- *Sheppheard v. Morrissey*, 143 F.4th 232, 242-43 (4th Cir. 2025)
- *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 180-81 (2000)
- *Laufer v. Naranda Hotels, LLC*, 60 F.4th 156, 161 (4th Cir. 2023)
- *Baehr v. Creig Northrop Team, P.C.*, 953 F.3d 244, 252 (4th Cir. 2020)
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)
- *Beck v. McDonald*, 848 F.3d 262, 270 (4th Cir. 2017)
- *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982)
- *Kerns v. United States*, 585 F.3d 187, 192 (4th Cir. 2009)
- *DiCocco v. Garland*, 52 F.4th 588, 592 (4th Cir. 2022)
- *Bennett v. Spear*, 520 U.S. 154, 171 (1997)
- *Swann v. Sec'y, Ga.*, 668 F.3d 1285, 1288 (11th Cir. 2012)
- *Matter of Lozada*, 19 I&N Dec. 637, 639-40 (BIA 1988)
- *Tamang v. Holder*, 598 F.3d 1083, 1090 (9th Cir. 2010)
- *Adeaga v. Holder*, 548 F. App'x 68, 69 (4th Cir. 2013)
- *Veliz-Saenz v. Bondi*, No. 24-1280, 2025 WL 1303951, at *1 (4th Cir. May 6, 2025)
- *Xing Yang Yang v. Holder*, 770 F.3d 294, 299 n.6 (4th Cir. 2014)
- *Romero v. Bondi*, 150 F.4th 332, 339-41 (4th Cir. 2025)