

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Chirag Patel v. United States Citizenship and Immigration Services

Patel · No. 5:25-cv-303 (MTT) · Decided December 5, 2025

SUMMARY

The United States District Court for the Middle District of Georgia provides pro se plaintiff Chirag Patel notice and an opportunity to respond to USCIS’s motion to dismiss for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). The Court warns that failure to respond within twenty-one days may result in dismissal and explains the distinction between facial and factual jurisdictional attacks.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 5, 2025
DOCKET	5:25-cv-303 (MTT)
DISPOSITION	other
PROCEDURAL POSTURE	The defendant moved to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Before ruling on the motion, the court issued an order giving the pro se plaintiff twenty-one days to respond and directing the clerk to mail the motion and exhibits to him.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of proving that subject matter jurisdiction exists. A jurisdictional challenge may be facial, in which case the complaint's jurisdictional allegations are accepted as true, or factual, in which case the court may consider material extrinsic to the pleadings. A case that becomes moot because subsequent events deprive the court of the ability to provide meaningful relief must be dismissed.
PRECEDENTIAL VALUE	unknown

PARTIES

Chirag Patel v. United States Citizenship and Immigration Services

TOPICS

motions to dismiss

subject matter jurisdiction

immigration

administrative procedure act

civil procedure

PRACTICE AREAS

civil procedure

immigration

administrative law

QUESTIONS PRESENTED

1. What notice and opportunity to respond should be provided to a pro se plaintiff before the court resolves USCIS's Rule 12(b)(1) motion?
2. What standards govern USCIS's motion to dismiss for lack of subject matter jurisdiction?

KEY QUOTATIONS

"If Patel does not timely respond to the motion to dismiss, the Court may dismiss this action."

"When subject matter jurisdiction is challenged, "the burden is on the plaintiff to prove that jurisdiction exists.""

"A facial attack on the complaint requires the court merely to look and see if the plaintiff has sufficiently alleged a basis of subject matter jurisdiction, and the allegations in his complaint are taken as true for the purposes of the motion."

"A factual attack, however, "challenges the existence of subject matter jurisdiction using material extrinsic from the pleadings, such as affidavits or testimony.""

FACTUAL BACKGROUND

The opinion contains no substantive facts concerning the underlying immigration dispute. Patel, proceeding pro se, was required to respond to USCIS's motion to dismiss for lack of subject matter jurisdiction. The court directed that the motion and exhibits be mailed to Patel and allowed him twenty-one days from receipt to file an opposition.

PROCEDURAL HISTORY

Patel filed this action against United States Citizenship and Immigration Services. USCIS moved to dismiss for lack of jurisdiction. The district court had not yet ruled on that motion and issued this notice and briefing order to provide Patel with an opportunity to respond.

DISPOSITION

other

CASES CITED

- Griffith v. Wainwright, 772 F.2d 822 (11th Cir. 1985)
- OSI, Inc. v. United States, 285 F.3d 947, 951 (11th Cir. 2002)
- Garcia v. Copenhaver, Bell & Assocs. M.D.'s, 104 F.3d 1256, 1260-61 (11th Cir. 1997)
- Stalley v. Orlando Reg'l Healthcare Sys., Inc., 524 F.3d 1229, 1232-33 (11th Cir. 2008)
- Soliman v. U.S. ex rel. INS, 296 F.3d 1237, 1242 (11th Cir. 2002)

OPINION

PATEL

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

MACON DIVISION

CHIRAG PATEL,)

) Plaintiff,)) v.) CIVIL ACTION NO. 5:25-cv-303 (MTT))

UNITED STATES CITIZENSHIP AND)

IMMIGRATION SERVICES,)

) Defendant.))

ORDER

Before the Court is the United States Citizenship and Immigration Services' motion to dismiss for lack of jurisdiction. ECF 6. In an effort to afford Patel, who is proceeding pro se, adequate notice and time to respond to the Defendant's motion, the following notice is given. See Griffith v. Wainwright, 772 F.2d 822 (11th Cir. 1985). If Patel wishes to respond, he must do so no later than TWENTY-ONE DAYS from the receipt of this Order.¹ If Patel does not timely respond to the motion to dismiss, the Court may dismiss this action. Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. Patel may submit his argument to this Court by filing a brief in opposition to the motion to dismiss. Unless the Court has granted prior permission, any brief should not exceed twenty pages. M.D. Ga. L.R. 7.4. 1 The Clerk is DIRECTED to mail a copy of the motion to dismiss and its exhibits (ECF 6) to Patel at his last known address. Thereafter, all notices or other papers may be served on Patel directly by mail at his last known address. Federal Rule of Civil Procedure 12(b)(1) authorizes the Court to dismiss claims for lack of subject matter jurisdiction. When subject matter jurisdiction is challenged, "the burden is on the plaintiff to prove that jurisdiction exists." OSI, Inc. v. United States, 285 F.3d 947, 951 (11th Cir. 2002). A motion to dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) generally takes one of two forms—a facial attack or a factual attack. Garcia v. Copenhaver, Bell & Assocs. M.D.'s, 104 F.3d 1256, 1260-61 (11th Cir.1997). "A facial attack on the complaint requires the court merely to look and see if the plaintiff has sufficiently alleged a basis of subject matter jurisdiction, and the allegations in his

complaint are taken as true for the purposes of the motion.” *Stalley v. Orlando Reg'l Healthcare Sys., Inc.*, 524 F.3d 1229, 1232-33 (11th Cir. 2008). A factual attack, however, “challenges the existence of subject matter jurisdiction using material extrinsic from the pleadings, such as affidavits or testimony.” *Id.* at 1233. “[I]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Soliman v. U.S. ex rel. INS*, 296 F.3d 1237, 1242 (11th Cir. 2002) (citation modified). SO ORDERED, this 5th day of December, 2025. S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE

UNITED STATES DISTRICT COURT