

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, ROCK ISLAND DIVISION

Octavio Salinas Ramirez v. Kristi Noem, Joseph Edlow, and Pam
Bondi

Case No. 4:25-cv-04085-SLD-RLH · No. 4:25-cv-04085-SLD-RLH · Decided March 2, 2026

SUMMARY

The United States District Court for the Central District of Illinois dismissed Octavio Salinas Ramirez’s claims alleging unreasonable delay in processing his U Visa petition. The court held that Ramirez lacked standing because the requested relief would not redress his alleged injuries, given the statutory visa cap and the equivalent benefits of the Bona Fide Determination Employment Authorization Document and waiting-list programs. The court granted defendants’ motion for leave to file a reply and directed entry of judgment.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Rock Island Division
WRITING FOR THE COURT	Sara Darrow
JURISDICTION	United States District Court for the Central District of Illinois, Rock Island Division
DECIDED	March 2, 2026
DOCKET	4:25-cv-04085-SLD-RLH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under the Administrative Procedure Act and the Due Process Clause alleging unreasonable delay in adjudicating his U Visa petition and placing him on the U Visa waiting list. Defendants moved to dismiss for lack of subject matter jurisdiction and failure to state a claim, and separately moved for leave to file a reply.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but may consider evidence beyond the complaint's jurisdictional allegations. The plaintiff bears the burden of establishing subject-matter jurisdiction. The court also considered whether the complaint

	stated a claim under Rule 12(b)(6), but did not reach the merits after finding no standing.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Octavio Salinas Ramirez v. Kristi Noem, Joseph Edlow, Pam Bondi

TOPICS

u visa immigration subject matter jurisdiction motions to dismiss administrative procedure act

PRACTICE AREAS

immigration law administrative law constitutional law civil procedure

QUESTIONS PRESENTED

1. Whether the plaintiff had standing to seek judicial relief requiring USCIS to adjudicate his U Visa petition or place him on the U Visa waiting list after he had received a Bona Fide Determination Employment Authorization Document.
2. Whether a court could order USCIS to grant a U Visa, prioritize the plaintiff over earlier-filed applicants, or otherwise act contrary to the statutory cap and first-in-first-out regulatory scheme.
3. Whether defendants should be granted leave to file a reply in support of their motion to dismiss.

HOLDINGS

1. The plaintiff lacked Article III standing because no remedy within the court's power would redress his alleged injuries. Waiting-list placement would provide no material benefit beyond the BFD EAD and deferred action he had already received.
2. The court lacked authority to order USCIS to grant more than 10,000 principal U Visas in a year, grant the plaintiff a U Visa before waitlisted applicants, or place him on the waiting list before applicants who filed earlier.
3. The court granted defendants leave to file their reply because the reply clarified factual and legal disputes concerning the operation and legal effects of the U Visa waiting-list and BFD programs.

KEY QUOTATIONS

“Because Salinas Ramirez’s injuries are not redressable through judicial action, the Court need not address either mootness or whether the remaining standing prongs are satisfied.” (at 5)

“Because it would violate binding statutes and regulations, the Court lacks the authority to order USCIS to grant more than 10,000 principal U Visas per year, grant Salinas Ramirez a U Visa before those on the waiting list, or place him on the waiting list before those who applied before him.” (at 8)

“Since he has already received a BFD EAD, the Court lacks the power to grant a remedy that would redress Salinas Ramirez’s injuries.” (at 14)

FACTUAL BACKGROUND

Salinas Ramirez, a Mexican citizen residing in Illinois, assisted the Department of Labor's investigation into wrongful labor practices at a restaurant where he worked and allegedly suffered retaliation as a result. He filed a U Visa petition on September 10, 2018, and received a Bona Fide Determination Employment Authorization Document with deferred action on May 12, 2023. At the time of his complaint, he had not been placed on the U Visa waiting list or received a final adjudication and alleged financial and emotional burdens from the delay.

PROCEDURAL HISTORY

Salinas Ramirez filed a complaint seeking an order requiring USCIS to adjudicate his U Visa petition, place him on the waiting list, or otherwise preserve his priority. He had received a Bona Fide Determination Employment Authorization Document before filing suit. The district court granted defendants leave to file a reply and granted the motion to dismiss for lack of standing, directing the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Taylor v. McCament, 875 F.3d 849, 851-52, 854 (7th Cir. 2017)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 265 (1954)
- Ind. Prot. & Advoc. Servs. Comm'n v. Ind. Fam. & Soc. Servs. Admin., 149 F.4th 917, 939 (7th Cir. 2025)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992)
- Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 103, 107 (1998)
- Bultasa Buddhist Temple of Chi. v. Nielson, 878 F.3d 570, 573 (7th Cir. 2017)
- Evers v. Astrue, 536 F.3d 651, 656-57 (7th Cir. 2008)
- Ctr. for Dermatology & Skin Cancer, Ltd. v. Burwell, 770 F.3d 586, 588-89 (7th Cir. 2014)
- Bova v. U.S. Bank, N.A., 446 F. Supp. 2d 926, 930 n.2 (S.D. Ill. 2006)
- De Sousa v. Dir. of U.S. Citizenship & Immigr. Servs., 755 F. Supp. 3d 1266, 1275-76 (N.D. Cal. 2024)
- Argueta v. Jaddou, No. 4:23-CV-3002, 2023 WL 8082113, at *8 (D. Neb. Nov. 21, 2023)
- Barrios Garcia v. U.S. Dep't of Homeland Sec., 25 F.4th 430, 440-41 (6th Cir. 2022)
- Perez v. Mortg. Bankers Ass'n, 575 U.S. 92, 101 (2015)

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