

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Major Singh Jammu v. United States Citizenship and Immigration
Services

Civil Action No. 25-815, Section "P"(1) (E.D. La. Feb. 11, 2026) (report and recommendation) · No. Civil
Action No. 25-815 · Decided February 11, 2026

SUMMARY

The magistrate judge recommends granting USCIS’s motion to dismiss Major Singh Jammu’s action seeking to compel adjudication of three Form I-730 petitions that had been pending for more than five years. Applying Fifth Circuit precedent interpreting the Immigration and Nationality Act’s jurisdiction-stripping provision, the report concludes that the court lacks jurisdiction to review the pace of adjudication of discretionary I-730 petitions. The report also notes that the extraordinary delay does not overcome the jurisdictional bar.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Janis van Meerveld
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	February 11, 2026
DOCKET	Civil Action No. 25-815
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on USCIS's Rule 12(b)(1) motion to dismiss an action seeking injunctive and mandamus relief to compel adjudication of three Form I-730 petitions.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court may consider the complaint alone, the complaint supplemented by undisputed facts in the record, or the complaint supplemented by undisputed facts and the court's resolution of disputed facts. The party asserting federal jurisdiction bears the burden of proof.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Major Singh Jammu v. United States Citizenship and Immigration Services

TOPICS

mandamus immigration

subject matter jurisdiction

judicial review of agency action

immigration

statutory interpretation

PRACTICE AREAS

immigration law

administrative law

federal civil procedure

QUESTIONS PRESENTED

1. Whether the court had subject-matter jurisdiction under the Administrative Procedure Act or Mandamus Act to review USCIS's alleged delay in adjudicating discretionary Form I-730 petitions.
2. Whether 8 U.S.C. § 1252(a)(2)(B)(ii) strips federal courts of jurisdiction to review the pace of adjudication of petitions for which the Attorney General or Secretary of Homeland Security has discretion to grant relief.
3. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(1).

HOLDINGS

1. Section 1252(a)(2)(B)(ii) strips the district court of jurisdiction to review USCIS's delay in adjudicating Form I-730 petitions because the underlying relief under 8 U.S.C. § 1158(b)(3)(A) is discretionary.
2. The court could not use the APA or Mandamus Act to compel USCIS to adjudicate the I-730 petitions because the INA's jurisdiction-stripping provision precluded review of the challenged discretionary agency action.
3. The court recommended granting USCIS's Rule 12(b)(1) motion and dismissing the complaint for lack of subject-matter jurisdiction.

KEY QUOTATIONS

“Just like in those cases, whatever actions USCIS takes in the course of exercising its discretion to adjudicate the I-730 applications is not subject to judicial review, even if those actions result in delayed adjudication.”
(at 10-11)

“Accordingly, § 1252(a)(2)(B)(ii) strips this court of any jurisdiction it might otherwise have had to review the USCIS’s delay in adjudicating Jammu’s I-730 petitions pursuant to § 1158(b)(3)(A).” (at 11-12)

FACTUAL BACKGROUND

Major Singh Jammu, a lawful immigrant living in the United States, filed three Form I-730 petitions with USCIS on March 24, 2020, seeking to have relatives join him. More than five years later, USCIS had not acted on the petitions. Jammu sued under the Administrative Procedure Act, Mandamus Act, Equal Access to Justice Act, the Fifth Amendment, and the Immigration and Nationality Act, seeking an order compelling adjudication.

PROCEDURAL HISTORY

Jammu filed suit on April 27, 2025, alleging that USCIS had failed to adjudicate three I-730 petitions filed in March 2020. USCIS moved to dismiss for lack of subject-matter jurisdiction, and the district judge referred the motion to the magistrate judge for a report and recommendation. The magistrate judge recommended granting the motion and dismissing the complaint for lack of jurisdiction, subject to the parties' right to object.

DISPOSITION

dismissed

CASES CITED

- *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001)
- *Rivero v. Fid. Invs., Inc.*, 1 F.4th 340, 343 (5th Cir. 2021)
- *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004)
- *Li v. Jaddou*, No. 22-50756, 2023 WL 3431237, at *1 (5th Cir. May 12, 2023)
- *Bouarfa v. Mayorkas*, 604 U.S. 6, 13 (2024)
- *Cheejati v. Blinken*, 106 F.4th 388, 390-95 (5th Cir. 2024), cert. denied, 145 S. Ct. 1126 (2025)
- *Patel v. Garland*, 596 U.S. 328, 332, 337-39, 347 (2022)
- *Bian v. Clinton*, 605 F.3d 249, 251, 253-54 (5th Cir. 2010), vacated as moot, No. 09-10568, 2010 WL 3633770 (5th Cir. Sept. 16, 2010)
- *Isleem v. Peacock*, No. CV 24-559, 2024 WL 3887511, at *1, *4 (E.D. La. Aug. 21, 2024)
- *Landry v. Chertoff*, No. CIV.A.07 0506, 2007 WL 2007996, at *3 (E.D. La. July 5, 2007)
- *Goldschmidt v. U.S. Atty. Gen.*, No. 3-07-CV-670-AH, 2007 WL 3033502, at *2 (N.D. Tex. Oct. 18, 2007)
- *Liu v. Chertoff*, No. 06-3297, 2007 WL 1202961, at *3 (C.D. Ill. Apr. 23, 2007)
- *Islam v. Heinauer*, 32 F. Supp. 3d 1063, 1069 (N.D. Cal. 2014)
- *Aslam v. Mukasey*, 531 F. Supp. 2d 736, 739-40 (E.D. Va. 2008)
- *Haydary v. Garland*, No. 4:24 CV 836 JMB, 2024 WL 4880406, at *1, *5 (E.D. Mo. Nov. 25, 2024)
- *Agustin v. Roark*, No. 3:25-CV-1118, 2025 WL 1869589, at *1 (N.D. Tex. July 7, 2025)
- *Soni v. Jaddou*, 103 F.4th 1271, 1272-73 (7th Cir. 2024), reh'g denied, No. 23-3220, 2024 WL 3683115 (7th Cir. Aug. 6, 2024)
- *Davydov v. Cioppa*, No. 25-CV-00688 (HG), 2025 WL 1700580, at *4 (E.D.N.Y. June 13, 2025)
- *Fangfang Xu v. Cissna*, 434 F. Supp. 3d 43, 54 (S.D.N.Y. 2020)
- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)