

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Rashmin Barot v. Director, U.S. Citizenship and Immigration
Services

Barot · No. 8:25-cv-01307-WFJ-SPF · Decided January 15, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted USCIS’s motion to dismiss Rashmin Barot’s APA action seeking an order compelling bona fide determinations and employment authorization decisions on pending U-visa-related applications. The court held that collateral estoppel barred relitigation of the jurisdictional issue previously decided by the District of Nebraska and dismissed the complaint under Rule 12(b)(6).

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	William F. Jung
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	January 15, 2026
DOCKET	8:25-cv-01307-WFJ-SPF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss Plaintiff's APA complaint under Federal Rule of Civil Procedure 12(b)(6), asserting that Plaintiff's claim had already been adjudicated and that the discretionary nature of the requested relief deprived the court of subject-matter jurisdiction. Plaintiff failed to respond. The court granted the motion and dismissed the complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts the complaint's factual allegations as true and construes them in the light most favorable to the plaintiff, but need not accept bare legal conclusions. The court construed Defendant's subject-matter-jurisdiction challenge as facial. Subject-matter jurisdiction must be established before a case may proceed on the merits.

PRECEDENTIAL VALUE	Unknown; district court order with no reported citation or stated precedential designation.
PARTIES	Rashmin Barot v. Director, U.S. Citizenship and Immigration Services

TOPICS

u visa administrative procedure act subject matter jurisdiction motions to dismiss res judicata

PRACTICE AREAS

immigration administrative law civil procedure

QUESTIONS PRESENTED

1. Whether collateral estoppel barred Barot from relitigating the subject-matter-jurisdiction issue raised by his APA claim after the District of Nebraska had dismissed a substantially identical action for lack of jurisdiction.
2. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. Collateral estoppel barred Barot from relitigating whether a federal court could compel USCIS to make bona fide determinations and decisions on his pending U-visa-related employment authorization applications because the identical jurisdictional issue had been fully litigated and necessarily decided in the prior Nebraska action.
2. The court granted USCIS's motion to dismiss and dismissed Barot's complaint under Rule 12(b)(6) because collateral estoppel prevented relitigation of the jurisdictional issue.

KEY QUOTATIONS

“The decision the plaintiff seeks to compel and, more importantly, the process by which that determination is made, are squarely discretionary . . . As such, judicial review of the plaintiff's claim is barred by [8 U.S.C.] § 1252(a)(2)(B)(ii).” (at *2)

FACTUAL BACKGROUND

Rashmin Barot, an Indian national living in the United States, filed a Form I-918 petition for U nonimmigrant status on October 11, 2024, along with employment authorization and derivative-family-member applications. USCIS had not made a bona fide determination on the pending filings, and Barot alleged that the delay was harmful. He sought an APA order compelling USCIS to make bona fide determinations and decisions on the work authorization applications within fourteen days.

PROCEDURAL HISTORY

Barot previously filed a substantially similar action in the United States District Court for the District of Nebraska seeking an order compelling USCIS to make bona fide determinations and decisions on pending U-

visa-related employment authorization applications. The Nebraska court dismissed that action for lack of subject-matter jurisdiction. Barot then filed this action in the Middle District of Florida under the Administrative Procedure Act. The Florida court held that collateral estoppel barred relitigation of the jurisdictional issue and dismissed the complaint without reaching Defendant's remaining arguments.

DISPOSITION

dismissed

CASES CITED

- Barot v. Dir., U.S. Citizenship & Immigr. Servs., No. 8:25-CV-101, 2025 WL 1208968 (D. Neb. Apr. 25, 2025)
- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998)
- Beckwith v. Bellsouth Telecomms., Inc., 146 F. App'x 368, 371 (11th Cir. 2005)
- Caton v. Louis, No. 2:07-CV-32-FtM-99SPC, 2007 WL 9718731, at *1 (M.D. Fla. Feb. 21, 2007)
- GJR Invs., Inc. v. Cnty. of Escambia, Fla., 132 F.3d 1359, 1369 (11th Cir. 1998)
- Pielage v. McConnell, 516 F.3d 1282, 1284 (11th Cir. 2008)
- James River Ins. Co. v. Ground Down Eng'g, Inc., 540 F.3d 1270, 1274 (11th Cir. 2008)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94-95 (1998)
- Kokkonen v. Guardian Life Ins. of Am., 511 U.S. 375, 377 (1994)
- Turner v. Bank of N. Am., 4 U.S. 8, 11 (1799)
- McNutt v. Gen. Motors Acceptance Corp. of Ind., 298 U.S. 178, 182-83 (1936)
- Smith v. GTE Corp., 236 F.3d 1292, 1299 (11th Cir. 2001)
- Douglas v. United States, 814 F.3d 1268, 1274-75 (11th Cir. 2016)
- Dailide v. U.S. Att'y Gen., 387 F.3d 1335, 1342 (11th Cir. 2004)
- Parklane Hosiery Co. v. Shore, 439 U.S. 322, 326 (1979)
- Patel v. Noem, 788 F. Supp. 3d 950, 955-56 (N.D. Ill. 2025)