

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA, CHARLOTTE DIVISION

**Marlon Guardado Galeas and Angelica Apolinar Julian v. Kristi
Noem, John Doe, Angelica Alfonso-Royals, and Christopher Heffron**

Civil Action No. 3:25-CV-00552-KDB-SCR (W.D.N.C. Jan. 5, 2026) · No. 3:25-CV-00552-KDB-SCR ·
Decided January 5, 2026

SUMMARY

The United States District Court for the Western District of North Carolina granted defendants’ motion to dismiss claims seeking placement on the U-visa waiting list and employment authorization. The court held that it lacked jurisdiction over claims concerning delayed adjudication of discretionary work-authorization requests and that plaintiffs had not plausibly shown that the approximately thirteen-month delay in waiting-list adjudication was unreasonable under the TRAC factors. The court also dismissed the corresponding Mandamus Act claim and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina, Charlotte Division
WRITING FOR THE COURT	Kenneth D. Bell
JURISDICTION	United States District Court for the Western District of North Carolina, Charlotte Division
DECIDED	January 5, 2026
DOCKET	3:25-CV-00552-KDB-SCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Plaintiffs' amended complaint seeking an order compelling adjudication of U-visa applications, placement on the U-visa waiting list, and work authorization.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, Plaintiffs bore the burden of establishing subject-matter jurisdiction, while the court accepted the complaint's factual allegations as true and afforded the procedural protections applicable to Rule 12(b)(6). On a Rule 12(b)(6) motion, the court accepted well-pleaded facts as true, construed reasonable inferences in

	Plaintiffs' favor, and assessed whether the complaint stated a plausible claim for relief.
PRECEDENTIAL VALUE	Unknown; federal district court memorandum and order
PARTIES	Marlon Guardado Galeas, Angelica Apolinar Julian v. Kristi Noem, John Doe, Angelica Alfonso-Royals, Christopher Heffron

TOPICS

u visa

visa petitions

administrative procedure act

mandamus immigration

motions to dismiss

PRACTICE AREAS

immigration law

administrative law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the court had subject-matter jurisdiction over claims alleging that Defendants unlawfully withheld or unreasonably delayed adjudication of Plaintiffs' pre-waiting-list work-authorization requests.
2. Whether Plaintiffs plausibly alleged that Defendants unreasonably delayed adjudicating their U-visa petitions and determining their eligibility for placement on the U-visa waiting list under the Administrative Procedure Act.
3. Whether Plaintiffs' mandamus claim failed because the alleged delay was not unreasonable under the applicable standard.

HOLDINGS

1. The court lacked subject-matter jurisdiction over Plaintiffs' claims challenging the withholding or delay of work-authorization adjudications before placement on the U-visa waiting list because the Secretary and USCIS were not legally required to adjudicate or grant such discretionary work authorization.
2. Although Plaintiffs' claim concerning a waiting-list determination was ripe and judicially reviewable, Plaintiffs failed to plausibly allege that the approximately thirteen-month delay was unreasonable under the Administrative Procedure Act.
3. The mandamus claim failed because the standard for unreasonable delay under the Mandamus Act is identical to the APA standard, and Plaintiffs did not plausibly allege unreasonable delay.

KEY QUOTATIONS

“A court may compel only “agency action” that has been “unlawfully withheld or unreasonably delayed.””
(Section III.A)

“Although the Supreme Court has not articulated a definitive standard for “how long is too long to wait for an agency adjudication,” most lower courts apply the six factors set forth in Telecommunications Research & Action Center (“TRAC”) v. F.C.C., 750 F.2d 70, 80 (D.C. Cir. 1984).” (Section III.B)

FACTUAL BACKGROUND

Marlon Guardado Galeas, a Honduran citizen residing in the United States since 2006, was the victim of an armed robbery in Charlotte in 2022 and cooperated with law enforcement. In December 2024, Guardado and his wife, Angelica Apolinar Julian, filed U-visa-related petitions and employment-authorization applications. They sued after approximately seven months, alleging that the government's failure to adjudicate their applications and place them on the U-visa waiting list was unreasonable and seeking work authorization.

PROCEDURAL HISTORY

Plaintiffs filed U-visa and derivative-family-member petitions and employment-authorization applications in December 2024. They filed this action in July 2025, alleging unreasonable agency delay under the Administrative Procedure Act and seeking mandamus relief. Defendants moved to dismiss in November 2025, Plaintiffs did not respond, and the court granted the motion and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Chris v. Tenet, 221 F.3d 648, 655 (4th Cir. 2000)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55, 63-64 (2004)
- Gonzalez v. Cuccinelli, 985 F.3d 357, 363-66, 374-75 (4th Cir. 2021)
- Telecommunications Research & Action Center v. FCC, 750 F.2d 70, 80 (D.C. Cir. 1984)
- Patel v. Noem, 788 F. Supp. 3d 950, 956 (N.D. Ill. 2025)
- Andrade Carranza v. Cuccinelli, 2020 WL 6292639, at *1, *5, *10 (D.S.C. Mar. 23, 2020)
- Torres-Tristan v. Holder, 656 F.3d 653, 656 n.3 (7th Cir. 2011)
- Kim v. Ashcroft, 340 F. Supp. 2d 384, 393 (S.D.N.Y. 2004)
- Mueller v. Blinken, 682 F. Supp. 3d 528, 537-39 (E.D. Va. 2023)
- Begum v. United States Department of State, 2022 WL 16575703, at *7-9 (D. Md. Oct. 31, 2022)
- Nusrat v. Blinken, 2022 WL 4103860, at *6 (D.D.C. Sept. 8, 2022)
- Telukunta v. Mayorkas, 2021 WL 2434128, at *3 (E.D. Mich. June 15, 2021)
- Ahmed v. U.S. Department of Homeland Security, 2022 WL 424967, at *6 (D.D.C. Feb. 11, 2022)
- Ramizi v. Blinken, 745 F. Supp. 3d 244, 256 (E.D.N.C. 2024)