

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

John Doe v. Kristi L. Noem, Marco A. Rubio, and Joseph B. Edlow

Doe · No. Civil No. 22-3142 (JRT/DJF); 0:22-cv-03142 · Decided January 9, 2026

SUMMARY

The United States District Court for the District of Minnesota denied the defendants’ motion for judgment on the pleadings in an action challenging USCIS’s denial of humanitarian parole applications. The court held that consular nonreviewability did not bar review of whether USCIS evaluated the applications on a case-by-case basis, and that the plaintiff plausibly stated an APA claim. The court also concluded that the Laken Riley Act’s state-enforcement provision did not foreclose the plaintiff’s private cause of action under 8 U.S.C. § 1182(d)(5)(A).

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	John R. Tunheim
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	January 9, 2026
DOCKET	Civil No. 22-3142 (JRT/DJF); 0:22-cv-03142
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), arguing that Plaintiff failed to state an Administrative Procedure Act claim and lacked standing to enforce the statutory case-by-case parole-review requirement.
STANDARD OF REVIEW	A Rule 12(c) motion is analyzed under the same standard as a Rule 12(b)(6) motion. The court accepts well-pleaded facts as true, draws reasonable inferences in favor of the nonmoving party, and determines whether the complaint plausibly states a claim for relief.
PRECEDENTIAL VALUE	unknown

TOPICS

- immigration
- administrative procedure act
- agency adjudication
- motion for judgment on the pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the doctrine of consular nonreviewability barred judicial review of Plaintiff's APA challenge to USCIS's allegedly non-individualized review of humanitarian parole applications.
2. Whether Plaintiff plausibly alleged that USCIS violated the APA by failing to review the parole applications on a case-by-case basis and by failing to follow its own procedures.
3. Whether Plaintiff had a private cause of action and standing to enforce the case-by-case requirement in 8 U.S.C. § 1182(d)(5)(A), notwithstanding 8 U.S.C. § 1182(d)(5)(C)'s express authorization for state attorneys general to bring actions.

HOLDINGS

1. The doctrine of consular nonreviewability does not bar review of the nondiscretionary predicate question whether USCIS reviewed the parole applications on a case-by-case basis.
2. Plaintiff plausibly alleged an APA claim based on USCIS's failure to evaluate the second-round parole applications on a case-by-case basis and its alleged failure to follow its own procedures.
3. Plaintiff may maintain an action to enforce the case-by-case requirement in 8 U.S.C. § 1182(d)(5)(A); 8 U.S.C. § 1182(d)(5)(C) does not make an action by a state attorney general the exclusive method of challenging agency noncompliance.
4. Plaintiff sufficiently alleged standing to enforce the case-by-case requirement in 8 U.S.C. § 1182(d)(5)(A).

KEY QUOTATIONS

“Although the use of boilerplate language does not necessarily establish that USCIS failed to conduct a case-by-case review, the Amended Complaint plausibly alleges that the agency did not consider each application on a case-by-case basis.”

“Nothing in the text of § 1182(d)(5)(C) suggests that a case brought by a state attorney general is the only way to challenge an agency action under this section.”

FACTUAL BACKGROUND

Plaintiff, a United States citizen originally from Afghanistan, alleged that twenty-seven family members remaining in Afghanistan faced persecution from the Taliban because of their connections to the United States and their Shi'a Muslim and Hazara identities. USCIS denied the family members' humanitarian parole applications, later reopened them, issued requests for evidence for all but one, and then again denied all twenty-seven applications using identical generic form letters. Plaintiff alleged that USCIS failed to evaluate each application individually as required by the humanitarian parole statute and its own procedures.

PROCEDURAL HISTORY

Plaintiff filed suit in 2022 after USCIS denied twenty-seven humanitarian parole applications for his family members using identical form letters. After the case was stayed, USCIS reopened the applications, issued requests for evidence for all but one, and again denied all twenty-seven applications with identical generic letters. Plaintiff filed an amended complaint asserting APA and Fifth Amendment claims; the court previously dismissed claims concerning the first denials as moot and dismissed the Secretary of State for lack of standing. Plaintiff later voluntarily dismissed the procedural due process claim, leaving the APA claim against the USCIS Director and Secretary of Homeland Security. The court denied Defendants' motion for judgment on the pleadings.

DISPOSITION

other

CASES CITED

- Ashley County v. Pfizer, Inc., 552 F.3d 659, 665 (8th Cir. 2009)
- Clemons v. Crawford, 585 F.3d 1119, 1124 (8th Cir. 2009)
- Corwin v. City of Independence, 829 F.3d 695, 699 (8th Cir. 2016)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Saterdalen v. Spencer, 725 F.3d 838, 841 (8th Cir. 2013)
- Trump v. Hawaii, 585 U.S. 667, 686-87, 702-03 (2018)
- Fiallo v. Bell, 430 U.S. 787, 792 (1977)
- Department of State v. Muñoz, 602 U.S. 899, 908 & n.4 (2024)
- Kerry v. Din, 576 U.S. 86, 103-04 (2015) (Kennedy, J., concurring in the judgment)
- Christianson v. Colt Industries Operating Corp., 486 U.S. 800, 816 (1988)
- Arizona v. California, 460 U.S. 605, 618 n.8 (1983)
- Lovett v. General Motors Corp., 975 F.2d 518, 522 (8th Cir. 1992)
- Enervations, Inc. v. Minnesota Mining & Manufacturing Co., 380 F.3d 1066, 1069 (8th Cir. 2004)
- Ashanti v. City of Golden Valley, 666 F.3d 1148, 1151 (8th Cir. 2012)
- Kushner v. Beverly Enterprises, Inc., 317 F.3d 820, 831 (8th Cir. 2003)
- Levy v. Ohl, 477 F.3d 988, 991 (8th Cir. 2007)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954)