

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY,
CAMDEN VICINAGE

Kola Adegoke v. USCIS, et al.

Civil Action No. 25-14184-RMB-EAP (D.N.J. Mar. 18, 2026) · No. Civil Action No. 25-14184-RMB-EAP;
1:25-cv-14184 · Decided March 18, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Kola Adegoke’s motion to reopen his case and application to proceed in forma pauperis concerning USCIS’s denial of his EB-1A extraordinary-ability immigration petition. The Court held that, at this early stage, the complaint plausibly alleged that USCIS acted arbitrarily and capriciously under the Administrative Procedure Act by failing to consider relevant evidence and provide an adequate explanation.

CASE DETAILS

COURT	United States District Court for the District of New Jersey, Camden Vicinage
WRITING FOR THE COURT	Renée Marie Bumb
JURISDICTION	United States District Court for the District of New Jersey, Camden Vicinage
DECIDED	March 18, 2026
DOCKET	Civil Action No. 25-14184-RMB-EAP; 1:25-cv-14184
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff moved to reopen the case, proceed in forma pauperis, and docket his complaint alleging that USCIS violated the Administrative Procedure Act by denying his EB-1A visa petition.
STANDARD OF REVIEW	For IFP screening under 28 U.S.C. § 1915(e)(2)(B), the Court applied the Federal Rule of Civil Procedure 12(b)(6) standard and construed the pro se complaint liberally. For the alleged agency violation, the APA arbitrary-and-capricious standard governs, but the Court was evaluating only pleading plausibility before receiving the administrative record or adversarial briefing.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court opinion
PARTIES	Kola Adegoke v. USCIS, Ur M. Jaddou, Kristi Noem

TOPICS

immigration administrative procedure act judicial review of agency action agency adjudication
civil procedure

PRACTICE AREAS

immigration law administrative law civil procedure judicial review

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted to proceed in forma pauperis and whether the complaint should survive screening under 28 U.S.C. § 1915(e)(2)(B).
2. Whether the complaint plausibly alleged that USCIS's denial of Plaintiff's EB-1A petition was arbitrary and capricious under the Administrative Procedure Act.
3. Whether the doctrine of consular nonreviewability barred review of the challenged visa decision made by USCIS in the United States.
4. Whether Joseph B. Edlow should be substituted for Ur M. Jaddou as the proper USCIS director under Federal Rule of Civil Procedure 25(d)(1).

HOLDINGS

1. The complaint plausibly stated a claim under the APA and was not subject to dismissal at the IFP-screening stage.
2. Plaintiff plausibly alleged that USCIS's denial of his EB-1A petition was arbitrary and capricious under the APA.
3. The Court concluded, at the preliminary pleading stage, that consular nonreviewability did not bar judicial review because the challenged EB-1A decision was made by USCIS in the United States rather than by a consular official abroad.

KEY QUOTATIONS

*“Accepting these allegations as true and casting them in a liberal, favorable light, see *Evancho v. Fisher*, 423 F.3d 347, 350–51 (3d Cir. 2005), *Adegoke*, at this stage in the proceeding, has plausibly alleged that USCIS “fail[ed] to consider relevant factors or provide an adequate explanation,” which “are indeed among the ‘wide range of reasons why agency action may be judicially branded as ‘arbitrary and capricious,’”” (III)*

““To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”” (I)

FACTUAL BACKGROUND

Adegoke, a noncitizen F-1 visa holder residing in New Jersey, works in public health informatics and is a lead research assistant at New York Medical College. He filed a Form I-140 petition for EB-1A extraordinary-ability classification on March 24, 2025, and USCIS denied it on May 13, 2025, allegedly after disregarding or

mischaracterizing evidence and issuing a delayed notice. He alleged that USCIS failed to properly evaluate several regulatory criteria, including scholarly authorship, published material, leading or critical roles, qualifying association membership, and publications.

PROCEDURAL HISTORY

The Clerk previously withdrew the complaint because Plaintiff had not filed an IFP application or paid the filing fee. Plaintiff subsequently moved to reopen the case and applied to proceed IFP. The Court granted both requests, found that the complaint plausibly alleged an APA claim at the pleading stage, directed that the complaint be docketed, ordered substitution of Joseph B. Edlow for Ur M. Jaddou, and directed initiation of service.

DISPOSITION

other

CASES CITED

- Schreane v. Seana, 506 F. App'x 120, 122 (3d Cir. 2012)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Darby v. Cisneros, 509 U.S. 137, 146 (1993)
- Chitsazan v. Allen, No. 24-9112, 2025 WL 2779173, at *1 (D.N.J. Sept. 30, 2025)
- Moralez v. Blinken, No. 1:21-CV-05726, 2021 WL 5356081, at *1 (D.N.J. Nov. 17, 2021)
- Branski v. Seng, No. 24-CV-360, 2024 WL 4678939, at *2 (E.D. Wis. Nov. 4, 2024)
- Nelson v. U.S. Citizenship & Immigr. Servs., No. CV 21-10334-LTS, 2022 WL 20583561, at *1-*3 (D. Mass. June 15, 2022)
- Chen v. Rice, No. 07-4462, 2008 WL 2944878, at *7 n.16 (E.D. Pa. July 28, 2008)
- Amin v. Mayorkas, 24 F.4th 383, 386-87, 390 (5th Cir. 2022)
- Biyani v. U.S. Citizenship & Immigr. Servs., No. 4:22CV3032, 2022 WL 17326211, at *5 (D. Neb. Nov. 29, 2022)
- Noroozi v. Napolitano, 905 F. Supp. 2d 535, 539 (S.D.N.Y. 2012)
- Seven Cnty. Infrastructure Coal. v. Eagle Cnty., 605 U.S. 168, 180 (2025)
- Motor Vehicle Mfrs. Ass'n of U.S. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 44 (1983)
- Gentile v. Sec. & Exch. Comm'n, 974 F.3d 311, 313 (3d Cir. 2020)
- Will v. Mich. Dep't of State Police, 491 U.S. 58, 71 (1989)
- Evancho v. Fisher, 423 F.3d 347, 350-51 (3d Cir. 2005)
- Comite' De Apoyo A Los Trabajadores Agricolas v. Perez, 774 F.3d 173, 190 (3d Cir. 2014)
- FEC v. Rose, 806 F.2d 1081, 1088 (D.C. Cir. 1986)

- Hamal v. U.S. Dep't of Homeland Sec., No. CV 19-2534 (RC), 2020 WL 2934954, at *4 (D.D.C. June 3, 2020)

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