

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Rema Hegazy et al. v. USCIS Officers

Case No. 25-10470 (E.D. Mich. Mar. 9, 2026) · No. 25-10470 · Decided March 9, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan rejects Rema Hegazy’s objections to a magistrate judge’s report and recommendation and adopts the recommendation. The court dismisses her individual-capacity claims against USCIS officers under 28 U.S.C. § 1915(e), concluding that the alleged constitutional claims arise in a new context for which no Bivens remedy is available. The court also explains that in forma pauperis screening may occur after an answer has been filed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Linda V. Parker
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 9, 2026
DOCKET	25-10470
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed pro se plaintiff's objections to a magistrate judge's report and recommendation recommending sua sponte dismissal under 28 U.S.C. § 1915(e)(2) of claims against USCIS officers in their individual capacities.
STANDARD OF REVIEW	The court conducted de novo review of the portions of the magistrate judge's report and recommendation to which objections were made under 28 U.S.C. § 636(b)(1). General or conclusory objections were not treated as valid objections.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reporter citation or stated precedential designation.
PARTIES	Rema Hegazy, M.T. v. USCIS Officers

TOPICS

naturalization immigration civil procedure due process

PRACTICE AREAS

immigration law constitutional law civil procedure civil rights

QUESTIONS PRESENTED

1. Whether the district court could screen and sua sponte dismiss claims under 28 U.S.C. § 1915(e)(2) after defendants had filed an answer.
2. Whether plaintiffs' individual-capacity claims against USCIS officers stated a viable Bivens claim.
3. Whether plaintiffs' objections to the magistrate judge's report and recommendation were sufficient to require rejection of the recommended dismissal.

HOLDINGS

1. A court may dismiss an action under 28 U.S.C. § 1915(e)(2) at any time if it determines that the action fails to state a claim on which relief may be granted; the filing of an answer does not bar such screening.
2. The claims against the USCIS officers arose in a new Bivens context materially different from the contexts previously approved by the Supreme Court, and no Bivens remedy was available.
3. The objections did not establish legal error and did not overcome the magistrate judge's conclusion that the individual-capacity claims failed as a matter of law.

KEY QUOTATIONS

“once a complaint is filed in forma pauperis under 28 U.S.C. § 1915(a), the court must test its sufficiency under § 1915(e).” (PageID.312)

“Today, only a very limited set of circumstances will support a Bivens claim, and the Court has “consistently refused to extend Bivens to any new context or new category of defendants.”” (PageID.314-15)

“Accordingly, because this context is materially different and therefore new, a Bivens remedy is unavailable, and Plaintiff’s individual capacity claims must be dismissed for failure to state a claim upon which relief can be granted.” (PageID.318)

FACTUAL BACKGROUND

Rema Hegazy's naturalization application was denied, and the denial was upheld on appeal. She and her minor child sued USCIS-related defendants and later filed a second amended complaint asserting individual-capacity claims against USCIS officers arising from the naturalization process. The claims were based on alleged constitutional violations connected to the naturalization and citizenship process rather than gender discrimination.

PROCEDURAL HISTORY

Plaintiffs filed suit challenging the denial of Rema Hegazy's naturalization application and issues concerning her minor child's anticipated naturalization ceremony. After the naturalization determination was upheld on appeal, Hegazy filed a supplemental complaint adding parties and claims. The court granted defendants' motion for a more definite statement and directed Hegazy to file a second amended complaint, which asserted individual-capacity claims against USCIS officers. After defendants answered, Magistrate Judge David R. Grand recommended partial sua sponte dismissal under 28 U.S.C. § 1915(e)(2). Hegazy objected, defendants responded, and the district court rejected the objections and adopted the recommendation.

DISPOSITION

dismissed

CASES CITED

- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 508-09 (6th Cir. 1991)
- Thomas v. Halter, 131 F. Supp. 2d 942, 944 (E.D. Mich. 2001)
- Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 391-95 (1971)
- Ziglar v. Abbasi, 582 U.S. 120, 131-35, 138-40 (2017)
- Correctional Services Corp. v. Malesko, 534 U.S. 61, 68 (2001)
- Davis v. Passman, 442 U.S. 228, 248-49 (1979)
- Carlson v. Green, 446 U.S. 14, 19 (1980)

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