

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

David Axinicuilteco Huizache v. Unknown Party, et al.

No. CV-25-02387-PHX-KML (D. Ariz. Jan. 21, 2026) · No. No. CV-25-02387-PHX-KML · Decided January 21, 2026

SUMMARY

The United States District Court for the District of Arizona granted defendant Joseph Edlow’s motion to dismiss because plaintiff David Axinicuilteco Huizache filed no opposition under Local Rule 7.2(i). The court also stated that it lacked jurisdiction over some requested relief and that the complaint did not adequately allege unreasonable delay in adjudicating an immigration application. The complaint was dismissed without prejudice, and the case was closed.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 21, 2026
DOCKET	No. CV-25-02387-PHX-KML
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss for lack of jurisdiction and failure to state a claim. Plaintiff filed no opposition, and the court granted the motion under Local Rule 7.2(i).
STANDARD OF REVIEW	Under Local Rule 7.2(i), the court may summarily grant a motion to dismiss when no opposition is filed.
PRECEDENTIAL VALUE	Unknown
PARTIES	David Axinicuilteco Huizache v. Joseph Edlow, Director of the United States Citizenship and Immigration Services, Unknown Party, et al.

TOPICS

- motions to dismiss
- subject matter jurisdiction
- immigration
- administrative law
- civil procedure

PRACTICE AREAS

- immigration
- administrative law
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether the motion to dismiss could be summarily granted because plaintiff filed no opposition under Local Rule 7.2(i).
2. Whether the court had jurisdiction to grant the relief sought by plaintiff.
3. Whether plaintiff sufficiently alleged unreasonable delay in the adjudication of his application.

HOLDINGS

1. Because plaintiff filed no opposition, the court summarily granted the motion to dismiss pursuant to Local Rule 7.2(i).
2. The court stated that, even if it reached the merits, it appeared to lack jurisdiction to issue some of the requested relief and that plaintiff had not sufficiently alleged unreasonable delay; the TRAC factors would not entitle plaintiff to relief.

KEY QUOTATIONS

“The complaint is *DISMISSED WITHOUT PREJUDICE*.” (at 2)

FACTUAL BACKGROUND

Plaintiff David Axinicuilteco Huizache sought relief relating to the adjudication of his immigration application. Defendant Joseph Edlow, the USCIS Director, moved to dismiss, arguing that the court lacked jurisdiction and that the complaint failed to state a claim. Plaintiff did not oppose the motion.

PROCEDURAL HISTORY

On December 8, 2025, Joseph Edlow filed a motion to dismiss. Plaintiff's opposition was due January 12, 2026, but none was filed. The court summarily granted the motion under Local Rule 7.2(i), dismissed the complaint without prejudice, directed the Clerk to enter judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- N-N v. Mayorkas, 540 F. Supp. 3d 240 (E.D.N.Y. 2021)
- Telecommunications Research & Action Center v. FCC, 750 F.2d 70 (D.C. Cir. 1984)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 David Axinicuilteco Huizache, No. CV-25-02387-PHX-KML 10 Plaintiff, ORDER 11 v. 12 Unknown Party, et al., 13 Defendants. 14 15 On December 8, 2025, defendant Joseph

Edlow, Director of the United States Citizenship and Immigration Services, filed a motion to dismiss. (Doc.

17.) That motion argued the court lacked jurisdiction and the complaint did not state a claim for relief. Plaintiff David Axinicuilteco Huizache's opposition was due January 12, 2026. No opposition was filed. Local Rule 7.2(i) allows the court to summarily grant a motion to dismiss when no opposition is filed. Pursuant to that rule, the motion is granted.

But even if the court were to reach the merits, defendant appears to be correct that this court lacks jurisdiction to issue some of the relief Huizache seeks. See *N-N v. Mayorkas*, 540 F. Supp. 3d 240, 255-58 (E.D.N.Y. 2021) (court lacked jurisdiction to review claim alleging failure to make "bona fide" determination). And to the extent Huizache is seeking a form of relief the court could order, he has not sufficiently alleged unreasonable delay in adjudicating his application.

See *id.* at 260-64 (applying factors discussed in *Telecommunications Rsch. & Action Ctr. v. F.C.C.*, 750 F.2d 70 (D.C. Cir. 1984) ("TRAC factors")). Based on the limited information available, the "7JRAC factors" establish Huizache would not be entitled to relief. See *id.* 3 Accordingly, 4 IT IS ORDERED the Motion to Dismiss (Doc. 17) is GRANTED.

The complaint 5|| is DISMISSED WITHOUT PREJUDICE. The Clerk of Court shall enter judgment and 6|| close this case. 7 Dated this 21st day of January, 2026. 8 10 AA ACA BIW KA □ Honorable Krissa M. Lanham 11 United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -2-