

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

David Axinicuiltco 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 Axinicuiltco 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.

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 David Axinicuiltco 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 16 Citizenship and Immigration Services, filed a motion to dismiss. (Doc.

17.) That motion 17 argued the court lacked jurisdiction and the complaint did not state a claim for relief. 18 Plaintiff David Axinicuiltco Huizache’s opposition was due January 12, 2026. No 19 opposition was filed. 20 Local Rule 7.2(i) allows the court to summarily grant a motion to dismiss when no 21 opposition is filed. Pursuant to that rule, the motion is granted.

But even if the court were 22 to reach the merits, defendant appears to be correct that this court lacks jurisdiction to issue 23 some of the relief Huizache seeks. See *N-N v. Mayorkas*, 540 F. Supp. 3d 240, 255-58 24 (E.D.N.Y. 2021) (court lacked jurisdiction to review claim alleging failure to make “bona 25 fide” determination). And to the extent Huizache is seeking a form of relief the court could 26 order, he has not sufficiently alleged unreasonable delay in adjudicating his application.

27 See *id.* at 260-64 (applying factors discussed in *Telecommunications Rsch. & Action Ctr.* 28 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-

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