

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

OPINION

Huizache

PER CURIAM.

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 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 Axinicuilteco 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-