

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Hoomin Bahrami Niya v. U.S. Immigration & Naturalization
Services, et al.

Bahrami Niya · No. 25-14347-CIV-CANNON/Maynard · Decided March 27, 2026

SUMMARY

The United States District Court for the Southern District of Florida accepted a magistrate judge’s report and recommendation and dismissed the mandamus action without prejudice. The dismissal was based on the plaintiff’s failure to comply with court orders and failure to prosecute, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 27, 2026
DOCKET	25-14347-CIV-CANNON/Maynard
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and accepted a magistrate judge's report and recommendation recommending dismissal without prejudice for failure to prosecute and failure to comply with court orders. No objections were filed.
STANDARD OF REVIEW	For portions of a magistrate judge's report to which specific objections are made, the district court reviews de novo. When no objections are filed, the court may accept the recommendation absent clear error on the face of the record.
PRECEDENTIAL VALUE	Unknown

TOPICS

- mandamus immigration
- immigration
- civil procedure
- administrative law
- remedies

PRACTICE AREAS

- Immigration
- Administrative law
- Civil procedure
- Federal courts and remedies

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's report and recommendation when no objections were filed and the report contained no clear error.
2. Whether the action should be dismissed without prejudice for Plaintiff's failure to prosecute and failure to comply with court orders.

HOLDINGS

1. When no party objects to a magistrate judge's report and recommendation, the district court may accept the recommendation if the record contains no clear error on its face.
2. A district court may sua sponte dismiss an action without prejudice for failure to prosecute and failure to comply with court orders under its inherent authority to dismiss for want of prosecution.

KEY QUOTATIONS

“Pursuant to the Court’s inherent authority to dismiss an action for want of prosecution, this case is DISMISSED WITHOUT PREJUDICE.” (Conclusion ¶ 2)

FACTUAL BACKGROUND

Plaintiff filed a mandamus petition seeking to compel adjudication of his father's visa application, which had been pending for nearly two years. The case was stayed while Plaintiff's father attended visa-related appointments, including a re-interview. After the stay expired, Plaintiff did not respond to multiple communications about reopening or extending the stay, did not respond to an order to show cause, and provided no affirmative indication that he wished to continue prosecuting the action.

PROCEDURAL HISTORY

Plaintiff filed a petition for a writ of mandamus seeking to compel adjudication of his father's visa application. The magistrate judge stayed the case while the visa process proceeded and later directed the parties to confer regarding reopening or extending the stay. After Plaintiff failed to respond to communications, failed to respond to an order to show cause, and took no affirmative action, the magistrate judge recommended dismissal without prejudice. The district court found no clear error, accepted the recommendation, dismissed the action without prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Betty K Agencies, Ltd. v. M/V Monada, 432 F.3d 1333, 1337 (11th Cir. 2005)
- Heath v. Jones, 863 F.2d 815, 822 (11th Cir. 1989)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)

- *Morewitz v. West of England Ship Owners Mut. Prot. and Indem. Ass'n (Luxembourg)*, 62 F.3d 1356, 1366 (11th Cir. 1995)

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