

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)

OPINION

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

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

FORT PIERCE DIVISION

CASE NO. 25-14347-CIV-CANNON/Maynard

HOOMIN BAHRAMI NIYA,

Plaintiff, v.

U.S. IMMIGRATION

& NATURALIZATION SERVICES, et al., Defendants. _____/

ORDER ACCEPTING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION AND CLOSING CASE

THIS CAUSE comes before the Court upon the Report and Recommendation issued by Magistrate Judge Maynard on March 2, 2026 [ECF No. 27]. The Report, to which no objection has been filed, recommends dismissal of this case without prejudice due to Plaintiff's failure to comply with court orders and failure to prosecute this action [ECF No. 27 p. 4]. Following review, the Report is ACCEPTED, and this action is DISMISSED WITHOUT PREJUDICE.

RELEVANT BACKGROUND

In September 2025, Petitioner initiated this case by filing a Petition for Writ of Mandamus, seeking to compel Respondents to adjudicate Petitioner's father's visa application, which had then been pending for nearly two years [ECF No. 1]. Shortly after filing, Respondents moved to stay this case because Petitioner's father was scheduled to attend several appointments relevant to the Petition, including a re-interview regarding his visa application [ECF No. 18 p. 1]. Magistrate Judge Maynard granted the Motion to Stay, stayed the case until January 7, 2026, and directed Respondents to confer with Petitioner and move to either reopen the case or extend the stay at the end of the stay period [ECF No. 19]. Despite Respondents' conferral efforts at the end of the stay period, however, Petitioner did not respond to multiple email and telephone communications regarding reopening this case [ECF No. 22 p. 2].¹ On January 27, 2026, Magistrate Judge Maynard issued an Order to Show Cause, explaining that Petitioner had failed to prosecute and/or comply with Court orders by refusing to confer with Respondents or to take any action in this case since the expiration of the stay, and requiring Petitioner to show cause why this case should not be dismissed [ECF No. 23]. Petitioner did not respond to that Order, and this case has now been pending for over five months without any affirmative indication from Petitioner that he wishes to prosecute his claims. On March 2, 2026, and in light of the foregoing, Magistrate Judge Maynard

issued the instant Report [ECF No. 27]. The Report recommends dismissal of Plaintiff's Complaint without prejudice for failure to prosecute and comply with court orders. See also *Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (holding that a district court may sua sponte dismiss a case for lack of prosecution).² Objections to the Report were due on March 16, 2026 [ECF No. 27 p. 4]. No party has filed objections [ECF No. 27 p. 4].

LEGAL STANDARDS

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. See Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, 1 It appears that Petitioner's father's visa application has been approved [ECF No. 22 p. 2]. 2 The Report recommends dismissal without prejudice because Plaintiff showed "no clear record of delay or contumacious conduct." See *Morewitz v. West of England Ship Owners Mut. Prot. and Indem. Ass'n (Luxembourg)*, 62 F.3d 1356, 1366 (11th Cir. 1995). CASE NO. 25-14347-CIV-CANNON/Maynard or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784.

CONCLUSION

The Court finds the well-reasoned Report to contain no clear error of fact or law. Thus, it is hereby ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 27] is ACCEPTED.
2. Pursuant to the Court's inherent authority to dismiss an action for want of prosecution, this case is DISMISSED WITHOUT PREJUDICE. See *Betty K Agencies*, 432 F.3d at 1337.
3. The Clerk is directed to MAIL a copy of this Order to pro se Petitioner at the address listed below and file a Notice of Compliance on the docket.
4. This case remains CLOSED.

ORDERED in Chambers at Fort Pierce, Florida this 26th day of March 2026.

UNITED STATES DISTRICT JUDGE

ce: HOOMIN BAHRAMI NIYA

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