

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Matthew v. United States

No. 3:25-cv-01664-JES-JLB (S.D. Cal. July 2, 2025) · No. 3:25-cv-01664-JES-JLB · Decided July 2, 2025

SUMMARY

The U.S. District Court for the Southern District of California dismissed Jacob Matthew’s complaint challenging the denial of a passport for failure to provide a Social Security number. The court concluded that Matthew failed to state a claim for mandamus relief and that any alternative Administrative Procedure Act claim would fail for the same reasons. The court denied his motions for in forma pauperis status, an in-chambers conference, a preliminary injunction, and a temporary restraining order, while granting leave to amend within 30 days.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | James E. Simmons, Jr.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | July 2, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 3:25-cv-01664-JES-JLB                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Pro se plaintiff filed an action seeking to compel the defendants to issue a United States passport without requiring him to provide a Social Security number and moved to proceed in forma pauperis, for an in-chambers conference, for a preliminary injunction, and for a temporary restraining order. The district court screened the complaint under 28 U.S.C. § 1915(e), denied the motions, dismissed the complaint for failure to state a claim, and granted leave to amend. |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from an immune defendant. A preliminary injunction requires the Winter factors, subject to the Ninth Circuit's serious-questions alternative.                                                                                                                               |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## PARTIES

Jacob Matthew v. United States, United States Department of State, San Diego Passport Agency, Marco Rubio, in his official capacity as Secretary of State

## TOPICS

judicial review of agency action

administrative procedure act

injunctions

civil procedure

remedies

## PRACTICE AREAS

civil procedure

administrative law

remedies

constitutional law

## QUESTIONS PRESENTED

1. Whether the complaint stated a claim for mandamus compelling federal officials to issue Plaintiff a passport without requiring a Social Security number.
2. Whether the complaint stated an alternative claim under the Administrative Procedure Act.
3. Whether Plaintiff was entitled to a preliminary injunction or temporary restraining order compelling issuance of a passport.
4. Whether the complaint should be dismissed under 28 U.S.C. § 1915(e)(2)(B).

## HOLDINGS

1. Plaintiff failed to state a claim for mandamus because his entitlement to the requested passport relief was not clear and certain and the Secretary of State's duty was not ministerial or nondiscretionary.
2. Any alternative APA claim failed for the same reasons as the mandamus claim because Plaintiff did not identify a specific, unequivocal legal obligation requiring the agency to issue a passport without an SSN.
3. Plaintiff was not entitled to a preliminary injunction or temporary restraining order because he could not show a likelihood of success on the merits, and the requested TRO sought the ultimate relief rather than preservation of the status quo.

## KEY QUOTATIONS

*“Mandamus is a drastic remedy only to be used where “(1) the plaintiff’s claim is clear and certain; (2) the defendant official’s duty to act is ministerial, and so plainly prescribed as to be free from doubt; and (3) no other adequate remedy is available.””* (at 2)

*“The agency action must be pursuant to a legal obligation ‘so clearly set forth that it could traditionally have been enforced through a writ of mandamus.’”* (at 3)

*“A preliminary injunction is an “extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.””* (at 5)

*“The relief Plaintiff is seeking in this motion is not “temporary” or “preliminary,” but rather is the exact same ultimate relief he seeks in his complaint.”* (at 6)

**FACTUAL BACKGROUND**

Plaintiff applied for a United States passport in October 2024 and was told that the application would be denied unless he verified his Social Security number. He submitted another application to the San Diego Passport Agency in April 2025 and later resubmitted it with various records and a sworn statement that he had no Social Security number. The agency denied the application on May 23, 2025, for failure to provide an SSN, after which Plaintiff sought an order compelling issuance of a passport without that requirement.

**PROCEDURAL HISTORY**

Plaintiff filed the complaint on June 30, 2025. The court conducted mandatory screening under 28 U.S.C. § 1915(e), concluded that the complaint failed to state a claim under a mandamus or alternative Administrative Procedure Act theory, denied the requested preliminary and emergency relief, and dismissed the complaint with leave to amend within thirty days.

**DISPOSITION**

other

**CASES CITED**

- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Barron v. Reich, 13 F.3d 1370, 1374 (9th Cir. 1994)
- Lowry v. Barnhart, 329 F.3d 1019, 1021 (9th Cir. 2003)
- In re California Power Exch. Corp., 245 F.3d 1110, 1121 (9th Cir. 2001)
- Walker v. Tillerson, No. 1:17-CV-732, 2018 WL 1187599, at \*8 (M.D.N.C. Mar. 7, 2018)
- Walker v. Pompeo, 735 F. App'x 69 (4th Cir. 2018)
- Tsang v. Berryhill, 738 F. App'x 549, 550 (9th Cir. 2018)
- Indep. Mining Co. v. Babbitt, 105 F.3d 502, 508 (9th Cir. 1997)
- Haig v. Agee, 453 U.S. 280, 294 n.26 (1981)
- Vietnam Veterans of Am. v. Cent. Intel. Agency, 811 F.3d 1068, 1075-76 (9th Cir. 2016)
- Stuhlberg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20, 22 (2008)
- All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131-32 (9th Cir. 2011)
- M.R. v. Dreyfus, 697 F.3d 706, 725 (9th Cir. 2012)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers, 415 U.S. 423, 439 (1974)
- GoTo.com, Inc. v. Walt Disney Co., 202 F.3d 1199, 1210 (9th Cir. 2000)
- Univ. of Texas v. Camenisch, 451 U.S. 390, 395 (1981)
- Senate of State of Cal. v. Mosbacher, 968 F.2d 974, 978 (9th Cir. 1992)

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