

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Yong Chen v. Jennifer B. Higgins, Acting Director of U.S. Citizenship and Immigration Services; Margaret Rosenast, Portland Field Office Director; Kristi Noem, Secretary of Homeland Security; and United States Citizenship and Immigration Services

Chen · No. 6:25-cv-00156-MTK · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Oregon granted Defendants’ motion to dismiss Yong Chen’s claims concerning the denial of his application for adjustment of status. The court held that 8 U.S.C. § 1252(a)(2)(B)(i) stripped the district court of jurisdiction over Chen’s APA challenge to USCIS’s individualized adjustment-of-status decision. It further held that Chen’s constitutional claims had to be raised in a petition for review in the appropriate court of appeals.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Mustafa T. Kasubhai
JURISDICTION	United States District Court for the District of Oregon
DECIDED	December 17, 2025
DOCKET	6:25-cv-00156-MTK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought APA and constitutional claims seeking review of USCIS’s denial of his application to adjust status. Defendants moved to dismiss for lack of subject matter jurisdiction and failure to state a claim.
STANDARD OF REVIEW	The court applied the federal subject-matter-jurisdiction standard, presuming that the action lies outside the court’s limited jurisdiction and placing the burden of establishing jurisdiction on the party asserting it. The court was required to dismiss an action over which it lacked subject matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3).
PRECEDENTIAL VALUE	district court opinion; no reporter citation or precedential designation identified

TOPICS

adjustment of status subject matter jurisdiction judicial review of agency action motions to dismiss
immigration

PRACTICE AREAS

immigration administrative law civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(a)(2)(B)(i) deprived the district court of subject matter jurisdiction over Chen's APA challenge to USCIS's individualized denial of his application for adjustment of status.
2. Whether the statutory exception in 8 U.S.C. § 1252(a)(2)(D) permitted the district court to review Chen's claim as a constitutional claim or question of law, including a mixed question of law and fact.
3. Whether the district court had jurisdiction over Chen's constitutional claims when those claims were not presented in a petition for review of a final order of removal to an appropriate court of appeals.

HOLDINGS

1. Section 1252(a)(2)(B)(i) strips the district court of subject matter jurisdiction over an APA claim challenging USCIS's individualized denial of an application for adjustment of status.
2. Even if Chen's APA claim presented a mixed question of law and fact, jurisdiction would lie in the appropriate court of appeals rather than in the district court.
3. The district court lacked jurisdiction over Chen's constitutional claims because § 1252(a)(2)(D) permits review of those claims only through a petition for review of a final order of removal filed in an appropriate court of appeals.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction.” (Standards)

“§ 1252(a)(2)(B)(i) strips district courts of jurisdiction to hear a plaintiff's APA claim when that claim challenges an agency's individualized denial of an application for adjustment of status.” (Discussion, Part I)

“Such a petition for review arises from removal proceedings before an [Immigration Judge] with review by the Board of Immigration Appeals (BIA), and it is eventually brought in a circuit court of appeals” (Discussion, Part II)

FACTUAL BACKGROUND

Yong Chen, a Chinese citizen who entered the United States in 1994 seeking asylum, remained in the country after his asylum application was denied. On October 21, 2021, he filed an I-485 application to adjust status. USCIS denied the application on February 4, 2025, concluding that Chen was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) because he had misrepresented material facts in seeking admission. Chen challenged USCIS's application of the inadmissibility standard and asserted APA and constitutional claims.

PROCEDURAL HISTORY

Chen initially filed suit on January 29, 2025, seeking an order compelling USCIS to adjudicate his I-485 application. USCIS denied the application on February 4, 2025, based on inadmissibility for fraud or willful misrepresentation under 8 U.S.C. § 1182(a)(6)(C)(i). Chen then filed a corrected amended complaint challenging USCIS's application of the inadmissibility standard under the APA and the Constitution. The district court granted Defendants' motion to dismiss and dismissed the claims for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 377 (1994)
- *Pistor v. Garcia*, 791 F.3d 1104, 1111 (9th Cir. 2015)
- *Patel v. Garland*, 596 U.S. 328, 338-39, 345 (2022)
- *Wilkinson v. Garland*, 601 U.S. 209, 212 (2024)
- *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 225 (2020)
- *Nakka v. United States Citizenship and Immigration Services*, 111 F.4th 995, 1015 (9th Cir. 2024)
- *Sanchez v. Mayorkas*, 593 U.S. 409, 411 (2021)
- *Garcia v. U.S. Citizenship & Immigration Services*, 146 F.4th 743, 748-49 (9th Cir. 2025)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF OREGON YONG CHEN, Case No. 6:25-cv-00156-MTK Plaintiff, OPINION AND ORDER v. JENNIFER B. HIGGINS, Acting Director of U.S. Citizenship and Immigration Services; MARGARET ROSENAST, Portland Field Office Director; KRISTI NOEM, Secretary of Homeland Security; and UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, Defendants.

KASUBHAI, United States District Judge: Plaintiff Yong Chen brings claims against Defendants Jennifer B. Higgins, Margaret Rosenast, Kristi Noem, and the United States Citizenship and Immigration Services (“USCIS”), alleging violations of the Administrative Procedure Act (“APA”) and Plaintiff’s constitutional rights. Corrected Am. Compl. ¶¶ 39, 42, 46, ECF No. 13.

Before the Court is Defendants’ Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim (ECF No. 21). For the reasons below, Defendants’ motion is GRANTED. BACKGROUND Plaintiff is a Chinese citizen who entered the country on October 8, 1994, seeking asylum. Corrected Am. Compl. ¶ 11. Plaintiff’s application was denied, but Plaintiff remained in the country.

Id. at ¶¶ 12-13. Eventually Plaintiff had two children and built a life here in the United States. Id. at ¶ 13. On October 21, 2021, Plaintiff filed an I-485 Application to Register Permanent Residence or Adjust Status. Id. at ¶ 15; Corrected Am. Compl. Ex. A, at 1.

On January 29, 2025, Plaintiff filed his first Complaint asking the Court to compel Defendants to adjudicate his I-485 adjustment of status application. Compl. ¶ 1, ECF No. 1. On February 4, 2025, Defendants denied Plaintiff's application under 8 U.S.C. § 1182(a)(6)(C)(i). Corrected Am. Compl. Ex. A, at 20.1 Defendants found that Plaintiff had misrepresented several material facts when he sought to obtain admission into the United States.

Id. Accordingly, Plaintiff was held inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i), which states that "[a]ny alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States... is inadmissible." On March 13, 2025, Plaintiff filed his Corrected Amended Complaint, alleging that Defendants improperly exercised their discretion because they did not properly apply the standard for inadmissibility based on willful misrepresentation.

Id. at ¶¶ 31, 42-45. STANDARDS "Federal courts are courts of limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). As such, a court is to "presume[] that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction." Id. (citations omitted).

The Court must dismiss any case over which it lacks subject matter jurisdiction. 1 The Court notes that the accompanying exhibits to the Corrected Amended Complaint are in the same PDF as the Corrected Amended Complaint. Accordingly, the Court's references to specific page numbers correspond to the page number of the PDF at ECF No. 13, rather than to page numbers of individual exhibits. matter jurisdiction.

Fed. R. Civ. P. 12(h)(3); see also *Pistor v. Garcia*, 791 F.3d 1104, 1111 (9th Cir. 2015). DISCUSSION Defendants move to dismiss, arguing that this Court lacks subject matter jurisdiction to review Plaintiff's claims and that Plaintiff failed to state cognizable constitutional claims.

Because the Court finds that it does not have subject matter jurisdiction, it does not reach the merits of Plaintiff's claims. Under 8 U.S.C. § 1255(a), the Attorney General has discretion to adjust an applicant's immigration status where certain conditions are met. Congress has prescribed that, subject to certain exceptions, "no court shall have jurisdiction to review... any judgment regarding the granting of relief under section...

1255...." 8 U.S.C. § 1252(a)(2)(B)(i). One such exception allows "review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section." 8 U.S.C. § 1252(a)(2)(D).

In addition to the statutory exceptions, the Supreme Court has also held that mixed questions of law and fact are reviewable by an appropriate court of appeals. *Wilkinson v. Garland*, 601 U.S. 209, 212 (2024) (citing *Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 225 (2020)). Defendants assert that this Court lacks subject matter jurisdiction over Plaintiff's APA claim under Section 1252(a)(2)(B)(i).

Further, Defendants claim that this Court lacks subject matter jurisdiction over Plaintiff's constitutional claims because those claims must be filed with the appropriate court of appeals. I. Plaintiff's APA Claim Plaintiff alleges that Defendants violated the APA by misapplying the relevant legal standard. Defendants argue that Section 1252(a)(2)(B)(i) strips this Court of subject matter jurisdiction because that section "prohibits review of any judgment regarding the granting of relief under § 1255...." Def.'s Mot.

Dismiss 9 (citing *Patel v. Garland*, 596 U.S. 328, 338 (2022)) (emphasis removed). Section 1255, and thus Section 1252, govern Defendant's adjustment of status decision that Plaintiff asks this Court to review. In *Nakka v. United States Citizenship and Immigration Services*, the Ninth Circuit held that "§ 1252(a)(2)(B)(i) strips district courts of jurisdiction to hear a plaintiff's APA claim when that claim challenges an agency's individualized denial of an application for adjustment of status." 111 F.4th 995, 1015 (9th Cir.

2024) (emphasis added). Accordingly, *Nakka* and Section 1252 preclude this Court's subject matter jurisdiction over Plaintiff's APA claim. Plaintiff, however, argues that *Sanchez v. Mayorkas* establishes that this Court has jurisdiction to hear his claims.

The parties in that case did not ask the Court to review USCIS' individualized factual findings or analysis; instead, the parties asked the Court to decide the legal question of "whether the conferral of [Temporary Protected Status] enable[d] [Petitioner] to obtain [Lawful Permanent Resident] status despite his unlawful entry." *Sanchez v. Mayorkas*, 593 U.S. 409, 411 (2021).

In this case, Plaintiff has not asked the Court to interpret a statute, but has instead asked whether USCIS properly applied the admissibility standards to Plaintiff's facts. Thus, *Sanchez* is distinguishable. Moreover, *Sanchez* was decided before *Patel* and *Nakka*, which concluded that Section 1252's jurisdiction-stripping provisions apply to individualized factual determinations "relating to" a decision to grant or deny relief under Section 1255.

Patel, 596 U.S. at 339; *Nakka*, 111 F.4th at 1015; see also *Garcia v. U.S. Citizenship & Immigr. Servs.*, 146 F.4th 743, 749 (9th Cir. 2025). Additionally, Plaintiff argues that this Court has subject matter jurisdiction over his APA claim because it is a mixed question of law and fact.

To the extent that is true, the appropriate court of appeals has jurisdiction over this claim. 8 U.S.C. § 1252(a)(2)(D); *Wilkinson*, 601 U.S. at 212 (citation omitted). Accordingly, this Court lacks subject matter jurisdiction to review Plaintiff's APA claim. II. Plaintiff's Constitutional Claims

Defendants also argue that Plaintiff's constitutional claims must be dismissed because those claims must be raised in a petition for review of a final order of removal in the appropriate court of appeals.

Section 1252(a)(2)(D) allows "review of constitutional claims or questions of law raised upon a petition for review filed with an appropriate court of appeals...." That Section "preserves review of legal and constitutional questions only when raised in a petition for review of a final order of removal." Patel, 596 U.S. at 345. "Such a petition for review arises from removal proceedings before an [Immigration Judge] with review by the Board of Immigration Appeals (BIA), and it is eventually brought in a circuit court of appeals...." Garcia, 146 F.4th at 748.

Accordingly, this Court does not have jurisdiction to review Plaintiff's constitutional claims because the Court is not an "appropriate court of appeals." CONCLUSION For the reasons above, Defendants' Motion to Dismiss (ECF No. 21) is GRANTED and Plaintiff's claims are DISMISSED for lack of subject matter jurisdiction. DATED this 17th day of December 2025. s/ Mustafa T. Kasubhai MUSTAFA T. KASUBHAI (he/him) United States District Judge