

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Ali Nosrat et al. v. Marco Rubio et al.

Nosrat · No. 8:24-cv-03319-LKG · Decided February 2, 2026

SUMMARY

The United States District Court for the District of Maryland dismissed a complaint seeking to compel government officials to expedite the adjudication of an immigrant visa application. The court held that the plaintiffs did not establish a clear, nondiscretionary duty supporting mandamus jurisdiction or a basis for judicial review under the Administrative Procedure Act after the visa application had been refused under INA § 221(g) and placed in administrative processing. The court granted in part the defendants’ motion to dismiss and dismissed the complaint.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Lydia Kay Griggsby
JURISDICTION	United States District Court for the District of Maryland
DECIDED	February 2, 2026
DOCKET	8:24-cv-03319-LKG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs brought claims under the Immigration and Nationality Act, the Administrative Procedure Act, and the Mandamus Act seeking to compel expedited adjudication of Gholmahosseini Nosrat’s immigrant visa application. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	Under Rule 12(b)(1), the plaintiff bears the burden of establishing subject-matter jurisdiction, and dismissal is appropriate when the claim alleges no facts on which jurisdiction can be based. Under Rule 12(b)(6), the court accepts well-pleaded factual allegations as true and construes them in the plaintiff’s favor, but dismisses when the complaint contains only legal conclusions or when no relief could be granted under any set of facts consistent with the allegations.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Ali Nosrat, Marzieh Motamedi, Gholmahosseini Nosrat v. Marco Rubio, Kristi Noem, Pamela Bondi

TOPICS

visa petitions mandamus immigration administrative procedure act judicial review of agency action
subject matter jurisdiction

PRACTICE AREAS

immigration administrative law civil procedure remedies

QUESTIONS PRESENTED

1. Whether the Mandamus Act supplied subject-matter jurisdiction to compel the State Department to re-adjudicate an officially refused visa application within a specified period.
2. Whether the Administrative Procedure Act supplied jurisdiction to review the State Department's failure to take further action on an officially refused visa application.
3. Whether plaintiffs stated claims under the INA, APA, or Mandamus Act based on the alleged delay in adjudicating the visa application.

HOLDINGS

1. The court lacked subject-matter jurisdiction under the Mandamus Act because plaintiffs failed to show that the State Department owed a clear, nondiscretionary duty to re-adjudicate the officially refused visa application within a specified timeframe.
2. The INA's timing provision for completing asylum applications does not create a private right of action or a clear, enforceable duty requiring adjudication within the statutory timeframe.
3. Plaintiffs failed to establish APA jurisdiction because no statute or regulation required consular officers to re-adjudicate an officially refused visa application within a mandatory period, and the challenged action was committed to agency discretion by law.

KEY QUOTATIONS

“Mandamus relief is an “extraordinary remedy,” which “will issue only to compel the performance of a clear nondiscretionary duty.”” (Section V.A)

“The INA also makes clear that the only mandatory duty owed by a consular official to a visa applicant is to either issue the visa or refuse the visa application during the interview process under Sections 212(a) and 221(g) of the INA.” (Section V.A)

“To invoke the Court’s jurisdiction under the APA here, the Plaintiffs must point to a provision within the APA that authorizes judicial review of the Defendants’ action.” (Section V.B)

FACTUAL BACKGROUND

Ali Nosrat filed two I-130 family-based immigrant visa petitions for his parents in June 2021, and DHS approved them in October 2022. Gholmahosseini Nosrat attended an immigrant visa interview on November 20, 2023, after which the consular officer refused the visa under INA section 221(g) and placed the application in

administrative processing, while requesting additional documents. Although Nosrat submitted the requested passport and birth-certificate copies, the application remained unresolved, leading plaintiffs to seek an order compelling adjudication.

PROCEDURAL HISTORY

Plaintiffs filed the action on November 17, 2024. Defendants moved to dismiss on March 20, 2025; plaintiffs opposed the motion on April 11, 2025; and defendants filed a reply on April 16, 2025. The district court granted the motion in part and dismissed the complaint for lack of subject-matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Davis v. Thompson, 367 F. Supp. 2d 792, 799 (D. Md. 2005)
- Evans v. B.F. Perkins Co., 166 F.3d 642, 647 (4th Cir. 1999)
- Nemet Chevrolet, Inc. v. Consumeraffairs.com, Inc., 591 F.3d 250, 253, 255 (4th Cir. 2009)
- Lambeth v. Bd. of Comm’rs of Davidson Cnty., 407 F.3d 266, 268 (4th Cir. 2005)
- GE Inv. Priv. Placement Partners II, L.P. v. Parker, 247 F.3d 543, 548 (4th Cir. 2001)
- H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 249-50 (1989)
- Patel v. Garland, 596 U.S. 328 (2022)
- Uvalle v. Garland, No. 21-2418, 2023 WL 2446717, at *3 (4th Cir. Mar. 10, 2023)
- Lee v. U.S. Citizenship & Immigration Servs., 592 F.3d 612, 620-21 (4th Cir. 2010)
- Abdelwahab v. Frazier, 578 F.3d 817, 821 (8th Cir. 2009)
- Karimova v. Abate, No. 21-02433, 2024 WL 3517852, at *3-6 (D.C. Cir. July 24, 2024)
- Niroomand v. DHS, No. 24-02103, 2025 WL 1837266, at *5-7 (D. Md. July 3, 2025)
- Pittston Coal Grp. v. Sebben, 488 U.S. 105, 121 (1988)
- Heckler v. Ringer, 466 U.S. 602, 616 (1984)
- In re First Fed. Sav. & Loan Ass’n of Durham, 860 F.2d 135, 138 (4th Cir. 1988)
- Asare v. Ferro, 999 F. Supp. 657, 659 (D. Md. 1998)
- Meyers v. U.S. Dist. Ct. for Dist. of Maryland Balt. Div., No. 23-3015, 2024 WL 493268, at *2 (D. Md. Feb. 8, 2024)
- Hyatt v. U.S. Patent & Trademark Off., 146 F. Supp. 3d 771, 783 (E.D. Va. 2015)
- Mohammed v. Holder, 695 F. Supp. 2d 284, 291 (E.D. Va. 2010)
- Polfliet v. Cuccinelli, 955 F.3d 377, 382 (4th Cir. 2020)
- Martynenko v. Donis, No. 24-02218, 2025 WL 1685667, at *3-4 (D. Md. June 16, 2025)
- Tawah v. Mayorkas, No. 23-02920, 2024 WL 2155060, at *2 (D. Md. May 14, 2024)
- Noumbissie v. Garland, No. 22-3357, 2023 WL 8600510, at *2 (D. Md. Nov. 1, 2023)

- Turner v. Blinken, No. 24-318, 2024 WL 4957178, at *6 (D. Md. Dec. 3, 2024)
- NAACP v. Bureau of the Census, 945 F.3d 183, 191 (4th Cir. 2019)
- L.M. v. Johnson, 150 F. Supp. 3d 202, 209-10 (E.D.N.Y. 2015)

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