

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

John Robert Sundlof and Oluwatomisin Ogbede v. National Visa Center, U.S. Department of State

Civil Action No. 25-cv-01902-KAS · No. 25-cv-01902-KAS · Decided January 26, 2026

SUMMARY

The United States District Court for the District of Colorado granted the National Visa Center's motion to dismiss an action seeking relief for alleged delay in scheduling an immigrant visa interview. The court held that the plaintiffs failed to identify a specific, nondiscretionary duty supporting an unreasonable-delay claim under the Administrative Procedure Act or mandamus relief. The complaint was dismissed without prejudice for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Kathryn A. Starnella
JURISDICTION	United States District Court for the District of Colorado
DECIDED	January 26, 2026
DOCKET	25-cv-01902-KAS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs brought claims under the Administrative Procedure Act and for mandamus relief, seeking to compel the National Visa Center to schedule an interview concerning an I-130 relative visa petition. The defendant moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject-matter jurisdiction, and the court determines whether it has statutory authority to adjudicate the matter. On a Rule 12(b)(6) motion, the court tests the sufficiency of the complaint's allegations, accepting well-pleaded allegations as true and requiring a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

visa petitions

mandamus immigration

administrative procedure act

subject matter jurisdiction

motions to dismiss

PRACTICE AREAS

immigration law

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QUESTIONS PRESENTED

1. Whether the court had subject-matter jurisdiction over plaintiffs' APA claim alleging unreasonable delay in scheduling a family-based immigrant visa interview.
2. Whether 5 U.S.C. § 555(b) or the statutes governing immigrant visas imposed a specific, nondiscretionary duty on the National Visa Center or State Department to schedule the interview.
3. Whether plaintiffs could obtain mandamus relief compelling the defendant to schedule the visa interview.

HOLDINGS

1. The court lacked subject-matter jurisdiction over plaintiffs' APA claim because plaintiffs failed to identify a specific, nondiscretionary duty requiring the defendant to schedule the visa interview.
2. Plaintiffs could not obtain mandamus relief because they failed to identify a discrete, legally required duty that the defendant had failed to perform.

KEY QUOTATIONS

“To bring an actionable APA claim under § 706(1), a plaintiff must “assert[] that an agency failed to take a discrete agency action that it is required to take.””

“Mandamus is a drastic remedy, available only in extraordinary circumstances.”

“Plaintiffs have failed to demonstrate that the National Visa Center has a clear, nondiscretionary duty to schedule Plaintiff Ogbede’s interview.”

FACTUAL BACKGROUND

John Sundlof, a United States citizen, filed an I-130 relative visa petition for his wife, Oluwatomisin Ogbede, a Nigerian national. The petition was approved in March 2023 and transferred to the National Visa Center; it became documentarily complete on March 26, 2025, but no interview had been scheduled. Plaintiffs sought an order compelling an interview, citing Ogbede's stage 3 cancer diagnosis and alleged delays in processing her visa.

PROCEDURAL HISTORY

Plaintiffs filed suit in the United States District Court for the District of Colorado on June 17, 2025, alleging unreasonable delay in scheduling a visa interview. After briefing and a January 21, 2026 motion hearing, the

court granted the defendant's motion to dismiss and dismissed the complaint without prejudice for lack of subject-matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Audubon of Kan., Inc. v. U.S. Dep't of Interior, 67 F.4th 1093, 1108 (10th Cir. 2023)
- Audubon of Kan., Inc. v. U.S. Dep't of Interior, 67 F.4th 1093, 1111 n.10 (10th Cir. 2023)
- Kenney v. Helix TCS, Inc., 939 F.3d 1106, 1108 (10th Cir. 2019)
- Montoya v. Chao, 296 F.3d 952, 955 (10th Cir. 2002)
- Castaneda v. I.N.S., 23 F.3d 1576, 1580 (10th Cir. 1994)
- Wyeth Lab'ys. v. U.S. Dist. Ct., 851 F.2d 321, 324 (10th Cir. 1988)
- Salzer v. SSM Health Care of Okla. Inc., 762 F.3d 1130, 1134 (10th Cir. 2014)
- Mobley v. McCormick, 40 F.3d 337, 340 (10th Cir. 1994)
- Santa Fe All. for Pub. Health & Safety v. City of Santa Fe, 993 F.3d 802, 811 (10th Cir. 2021)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Norton v. S. Utah Wilderness All., 542 U.S. 55, 64 (2004)
- Niknam v. U.S. Dep't of State, No. 23-cv-01380-PAB-SBP, 2024 WL 709636 (D. Colo. Feb. 21, 2024)
- Ali v. U.S. Dep't of State, 676 F. Supp. 3d 460, 470 (E.D.N.C. 2023)
- W. Shoshone Bus. Council ex rel. W. Shoshone Tribe of Duck Valley Rsrv. v. Babbitt, 1 F.3d 1052, 1059 (10th Cir. 1993)
- Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 34-35 (1980)
- Kerr v. U.S. Dist. Ct., 426 U.S. 394 (1976)
- Jajermi v. Rubio, No. 24-cv-02471-SBP, 2025 WL 2720594 (D. Colo. Sept. 24, 2025)