

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 26 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Larbi Semiani,

Plaintiff,

v.

USA,

Defendant.


Civil Action No. 09 0387

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of a complaint "at any time" the court determines that it lacks subject matter jurisdiction).

Plaintiff is "an Alien, Algerian citizen living [] in Algeria." Compl. at 1. Although he provides a narrative of events seemingly unrelated to the relief sought, plaintiff ultimately seeks review of the denial of a visa to re-enter the United States to participate in court proceedings. "The decision of a consular officer to grant or deny a visa is not subject to judicial review." *Chun v. Powell*, 223 F. Supp.2d 204, 206 (D.D.C. 2002) ("Consistent with [*Lem Moon Sing v. United States*, 158, U.S. 538, 547 (1895)], courts have uniformly held that a consular officer's denial of a visa application is not subject to judicial review."); accord *El-Hadad v. U.S.*, 377 F. Supp.2d 42, 46 (D.D.C. 2005) ("The doctrine of consular nonreviewability" forecloses judicial review of the denial of a plaintiff's visa request to attend his civil trial). The complaint therefore is dismissed. A separate Order accompanies this Memorandum Opinion.

Date: February 12, 2009


United States District Judge