

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SHAMIM AHMAD,

Plaintiff,

v.

**JANET A. NAPOLITANO, in her official
capacity as Secretary of U.S. Department
of Homeland Security, et al.,**

Defendants.

Civil Action No. 09-1052 (JDB)

ORDER

Plaintiff Shamim Ahmad filed this petition for writ of mandamus to compel defendants to adjudicate his Form I-485 Application to Adjust Status, in which he sought to adjust his status from asylee to permanent resident. See Petition for Writ of Mandamus ¶ 1. He brings two causes of action based on agency action unreasonably delayed under the Administrative Procedure Act and the Fifth Amendment. Id. ¶¶ 21-39.

Presently before the Court is defendant's motion to dismiss for mootness. Defendant moves to dismiss this action as moot because the relief sought -- a decision on plaintiff's application -- has been rendered. See Defs.' Mem. at 5; see also Defs.' Fifth Status Report, Ex. A (U.S. Citizenship and Immigration Services ("CIS") Decision dated July 23, 2010). Where CIS has denied an application for adjustment in status, a plaintiff's request that the Court order CIS to process the application must be dismissed as moot. See Bouguettaya v. Chertoff, 472 F. Supp. 2d 1, 2 (D.D.C. 2007). Plaintiff does not dispute that CIS has acted on his application; indeed, he has filed no response to defendant's motion. The record is clear that the relief sought by the petition -- adjudication of his application -- has been provided, and that this case must be dismissed as moot.

Accordingly, it is hereby

ORDERED that motion to dismiss is **GRANTED** and this action is **DISMISSED AS**
MOOT.

SO ORDERED.

/s/

JOHN D. BATES
United States District Judge

Date: August 17, 2010