

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

HABTAMU DANIEL,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 12-1816 (ESH)
	)	
USCIS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM OPINION**

The USCIS filed a motion to dismiss [Dkt. #3] on November 15, 2012. Because a ruling on the motion to dismiss potentially could dispose of this case as against the USCIS, in its November 16, 2012 Order, the Court advised the plaintiff, among other things, of his obligation to file an opposition or other response to the motion. Further, the Order expressly warned the plaintiff that, if he failed to file his opposition by December 14, 2012, the Court would treat the motion as conceded. To date, the plaintiff neither has filed an opposition nor requested additional time to do so. The Court will treat the USCIS’s motion as conceded.

The complaint is subject to dismissal as to all the defendants because it fails to state cognizable claims upon which relief can be granted. The Federal Rules of Civil Procedure require that a complaint contain “‘a short and plain statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give the defendant fair notice of what the . . . claim is and the grounds upon which it rests[.]’” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Further, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft*

*v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 570). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (quoting *Twombly*, 550 U.S. at 556). The Court has reviewed the plaintiff’s complaint and concludes that it lacks a facially plausible claim. Accordingly, because the complaint fails to state a claim upon which relief can be granted, the Court will dismiss this action. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1).

An Order accompanies this Memorandum Opinion.

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/s/  
ELLEN SEGAL HUVELLE  
United States District Judge

Date: December 21, 2012