

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHING CHI CHU, et al.,

Plaintiffs,

v.

KURT W. TONG, et al.,

Defendants.

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) Civil Action No. 18-2477 (PLF)
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MEMORANDUM OPINION AND ORDER

Plaintiffs filed this action (1) to compel the United States Citizenship and Immigration Services (“USCIS”) to complete its review of the Immigrant Petition for Alien Workers (Form I-140) prepared for three of the plaintiffs by a prospective employer; and (2) to compel the Consul General of the United States in Hong Kong and Macau to decide each plaintiff’s Application to Register Permanent Residence or Adjust Status (Form I-485). Complaint, Dkt. No. 1, at 3. On February 22, 2019, during the pendency of this litigation, USCIS completed its review and revoked the I-140 petition covering these plaintiffs, finding various deficiencies. Mot. to Dismiss, Dkt. No. 9, at 2-4. On April 12, 2019, defendants filed a motion to dismiss arguing that plaintiffs’ applications for lawful permanent resident status, which require a valid I-140, are now invalid. See id. at 6. Defendants argue, therefore, that the complaint is now moot because plaintiffs have obtained the review they sought from USCIS, and that this action must be dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) of

the Federal Rules of Civil Procedure. Id. at 9. Plaintiffs have not responded to defendants' April 12, 2019 motion to dismiss.

On July 18, 2019, the Court issued an Order [Dkt. No. 10] requiring plaintiffs to show cause why their claims should not be dismissed as moot. The Order required a response on or before July 31, 2019, but plaintiffs have ignored the directive of this Court and have filed no response to the Show Cause Order. The Court finds that plaintiffs' claims are moot and that, therefore, it lacks subject matter jurisdiction to consider this case. See Jeong Seon Han v. Lynch, 223 F. Supp. 95, 103 (D.D.C. 2016) ("If the court determines that a claim is moot because it no longer presents a live controversy, the court lacks jurisdiction to entertain the claim, and must dismiss it.") See also FED. R. CIV. P. 12(b)(1). Accordingly, it is hereby

ORDERED that defendants' motion to dismiss is GRANTED; and it is

FURTHER ORDERED that this case is dismissed. The Clerk of the Court is directed to close this case.

This is a final appealable order. See FED. R. APP. P. 4(a).

SO ORDERED.

PAUL L. FRIEDMAN
United States District Judge

DATE: September 13, 2019