

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

TEKWAY INC., *an Illinois corporation,*

Plaintiff,

v.

**UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES,**

Defendant.

Civil Action No. 19-cv-430 (TSC)

MEMORANDUM OPINION

On February 29, 2019, Plaintiff filed this action against the United States Citizenship and Immigration Services challenging the agency's decision to deny two Form I-129 Nonimmigrant Worker visas. On June 14, 2019, the Defendant filed a Motion to Dismiss (ECF No. 11), arguing that Plaintiff's claims are moot because the agency had vacated its prior decision and was preparing to issue a request for evidence in support of the petitions. Accordingly, a new decision on the visas is forthcoming. Defendant argues that, in the absence of final agency action, this court lacks jurisdiction over this matter and seeks dismissal pursuant to Federal Rule of Civil Procedure 12(b)(1).

Consistent with Local Civil Rule 7(b), Plaintiff's response to the motion was due on June 28, 2019. Plaintiff has not filed a response, nor has it filed a motion seeking

additional time in which to respond. Accordingly, Defendant's motion will be granted, and the court will issue a separate order dismissing this action for lack of jurisdiction.

Date: September 23, 2019

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge