

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

SHIRNAWAZ ZAKIMI,

Plaintiff,

v.

ANTONY J. BLINKEN, et al.,

Defendants.

Case No. 1:22-cv-2048-RCL

ORDER

Plaintiff filed a complaint for writ of mandamus and injunctive relief alleging that defendants failed to process and adjudicate plaintiff's Special Immigrant Visa application within a reasonable period of time. Compl. ¶ 1, ECF No. 1. After the case was transferred to this Court, defendants moved to dismiss for lack of subject matter jurisdiction and failure to state a claim. Defs.' Mot. Dismiss, ECF No. 13. That motion was filed in October of 2022 and plaintiff has neither responded nor filed a motion requesting an extension of time to respond.

Local Civil Rule 7(b) provides that "Within 14 days of the date of service . . . an opposing party shall serve and file a memorandum of points and authorities in opposition to the motion." The Rule further states that, when a party fails to file a memorandum "within the prescribed time, the Court may treat the motion as conceded." That is, it "is well settled that a plaintiff's failure to respond to a motion to dismiss permits a court to grant the motion as conceded." *Bakhaje v. Blinken*, No. 1:22-cv-642-RCL, 2022 WL 9943852, at *1 (D.D.C. Oct. 17, 2022) (quoting *Hoffman v. D.C.*, 681 F. Supp. 2d 86, 94 (D.D.C. 2010)). Therefore, because "[i]t has now been several months, and plaintiff[] ha[s] not opposed the motion to dismiss, nor filed a request to extend the time to file such an opposition" this Court will treat the portion of defendants' motion

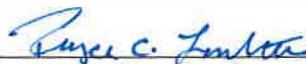
requesting that this Court dismiss for lack of subject-matter jurisdiction as conceded and will accordingly dismiss this case on that basis.

It is hereby **ORDERED** that defendants' motion to dismiss is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.

The clerk is **ORDERED** to terminate this case.

IT IS SO ORDERED.

Date: May 15, 2023



Royce C. Lamberth
United States District Judge