

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

NASIR HUSSAIN,

Petitioner,

v.

U.S. CITIZEN AND IMMIGRATION
SERVICES, *et al.*,

Defendants.

Civil Action No. 23-1808 (RDM)

MEMORANDUM OPINION

Now before the Court is the government’s motion to dismiss this mandamus petition, which asks the Court to compel the government to adjudicate Petitioner’s Form I-526, as moot. Dkt. 13; *see, e.g.*, Dkt. 1 at 10 (Compl. ¶ 31) (“Defendants have a clear ministerial duty to adjudicate Plaintiff’s filing, and there is no other remedy available.”); *id.* at 11–12. According to the government, the case is moot because Petitioner’s Form I-526 was recently denied and thus nothing remains to be adjudicated. Dkt. 13 at 1. The Court ordered Petitioner, who is represented by counsel, to respond to the government’s motion on or before December 14, 2023. Min. Order (Dec. 3, 2023); *see* LCvR 7 (“Within 14 days of service or at such other time as the Court may direct, an opposing party shall serve and file a memorandum . . . in opposition to [a] motion. If such a memorandum is not filed within the prescribed time, the Court may treat the motion as conceded.”). Petitioner failed to do so.

The Court, accordingly, accepts the government’s representation of fact that Petitioner’s Form I-526 petition has been adjudicated. Because Petitioner has received the relief his petition sought, no live controversy remains for the Court to resolve. *See* U.S. Const. art. III, § 2. The

Court, therefore, dismisses this case for lack of jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).

CONCLUSION

For the foregoing reasons, Defendants' motion to dismiss, Dkt. 13, is hereby **GRANTED**. It is further **ORDERED** that this action is **DISMISSED** without prejudice as moot. A separate order will issue.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: December 15, 2023