[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 19-12050

Non-Argument Calendar

D.C. Docket No. 1:15-cv-23406-DPG

IKRAM UL HAQ KHAN,

Plaintiff-Appellant,

versus

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS),
U.S. DEPARTMENT OF HOMELAND SECURITY,
CONRAD ZARAGOZA,
DISTRICT DIRECTOR LINDA SWACINA,
U.S. Citizenship and Immigration Service,
DIRECTOR OF USCIS LEON RODRIGUEZ, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(October 22, 2019)

Before TJOFLAT, MARCUS, and HULL, Circuit Judges.

PER CURIAM:

Ikram Ul Haq Khan appeals the District Court's dismissal of his 8 U.S.C. § 1421(c) petition for naturalization. The government has moved for summary affirmance and to stay the briefing schedule.

Summary disposition is appropriate where "the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case." *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).[1]

Where, as here, an appellant fails to challenge on appeal one of multiple independent grounds upon which the District Court based its judgment, we must affirm the judgment as a matter of law because an unchallenged, adequate ground supports judgment. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). We have no power to reverse the District Court's individual ruling in such a case because it would have no effect on the outcome and, therefore, our opinion would be advisory. *See also Herb v. Pitcairn*, 324 U.S. 117, 126, 65 S. Ct. 459, 463 (1945) (explaining, in the context of adequate and independent state grounds, that "our power is to correct wrong judgments, not to

[1] All decisions of the former Fifth Circuit announced before October 1, 1981, are binding precedent in the Eleventh Circuit. *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc).

revise opinions. We are not permitted to render an advisory opinion, and if the same judgment would be rendered . . . after we corrected [the lower court], our review could amount to nothing more than an advisory opinion.")

However, because we affirm based on the independent, unchallenged ground without addressing the sufficiency of the challenged ground, issue preclusion attaches only to the unchallenged ground. *See Jennings v. Stephens*, 135 S. Ct. 793, 799 (2015) (stating that when a court affirms on an alternative ground, it "changes what would otherwise be the [prior] judgment's issue-preclusive effects. Thereafter, issue preclusion no longer attaches to the ground on which the trial court decided the case, and instead attaches to the alternative ground on which the appellate court affirmed the judgment."); Restatement (Second) of Judgments § 27 cmt. o (Am. Law Inst. 1982) ("If the judgment of the court of first instance was based on a determination of two issues, either of which standing independently would be sufficient to support the result," and "the appellate court upholds one of these determinations as sufficient and refuses to consider whether or not the other is sufficient and accordingly affirms the judgment, *the judgment is conclusive [only] as to the first determination*.") (emphasis added).

Accordingly, the government's motion for summary affirmance is GRANTED and its motion to stay the briefing schedule is DENIED as moot.

AFFIRMED.