

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 14-cv-03171-RBJ

IHOR VOLODYMYR FIGLUS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF STATE,

Defendant.

ORDER

Plaintiff Figlus filed a complaint against the United States Department of State seeking a preliminary injunction to prevent the United States Department of State from issuing a passport to his minor child. ECF No. 1 at 4, 9. This was the only relief plaintiff requested. *See id.* The passport has since been issued and obtained from the U.S. Embassy in Ukraine, where the child resides. ECF No. 8, Ex. 1. Thus the case is moot and this Court lacks jurisdiction. *See Jordan v. Sosa*, 654 F.3d 1012, 1023–24 (10th Cir. 2011) (“Under the constitutional mootness doctrine, the suit must present a real and substantial controversy with respect to which relief may be fashioned. Also, the controversy must remain alive at the trial and appellate stages of the litigation.”). The Court therefore dismisses the case pursuant to Federal Rule of Civil Procedure 12(b)(1).

The Court also notes that the plaintiff did not respond to the government's motion to dismiss. In such circumstances, a dismissal with prejudice is appropriate. *See Sweets v. Wyoming Dep't of Employment*, 589 F. App'x 887, 890–91 (10th Cir. 2014) (upholding dismissal with prejudice where plaintiff did not respond to motion to dismiss because “[t]he plaintiff should display at least minimal interest in defending the validity of his claims before the district court is required to prolong the litigation by giving the plaintiff a second chance to state a claim.”).

Accordingly, it is ORDERED that the government's motion to dismiss [ECF No. 8] be GRANTED, and that this civil action and all remaining claims therein are DISMISSED WITH PREJUDICE.

DATED this 26th day of February, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

R. Brooke Jackson
United States District Judge