

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 10-21207-CIV-COOKE-BANDSTRA

MIGUEL CORTEZ,

Plaintiff

v.

LINDA SWACINA, District Director,
U.S. Citizenship and Immigration Services, *et al.*,

Defendants.

**ORDER GRANTING DEFENDANTS' UNOPPOSED
MOTION TO DISMISS FOR LACK OF JURISDICTION**

THIS MATTER is before me on Defendants' Unopposed Motion to Dismiss for Lack of Jurisdiction. [ECF No. 20]. For the reasons explained below, the Motion to Dismiss is granted.

I. BACKGROUND

On April 15, 2010, Plaintiff filed a mandamus complaint seeking the Court to compel Defendant to adjudicate his I-485 Application to Register Permanent Resident or Adjust Status ("Adjustment Application"). [ECF No. 1]. On September 2, 2010, the Parties filed a Joint Stipulation to Hold Case in Abeyance, informing the Court that Plaintiff received an available visa and, as such, Defendants would be able to adjudicate Plaintiff's request for relief. [ECF No. 18]. On September 8, 2010, Defendants adjudicated and approved Plaintiff's Adjustment Application. [ECF No. 20].

II. DISCUSSION

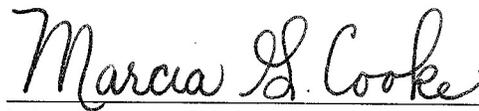
A federal court's jurisdiction is limited to actual cases or controversies. U.S. Const., Art. III, § 2, cl. 1. A case is moot "when it no longer presents a live controversy with respect to which the court can give meaningful relief." *Friends of Everglades v. South Fla. Water Mgmtt Dist.*, 570 F.3d 1210, 1216 (11th Cir. 2009) (quoting *Fla. Ass'n of Rehab. Facilities, Inc. v. State of Fla. Dep't of Health and Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000)). A federal court

must dismiss a case as moot “[i]f events that occur subsequent to the filing of a lawsuit ... deprive the court of the ability to give the plaintiff ... meaningful relief.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). Defendants’ adjudication of Plaintiff’s Adjustment Application rendered Plaintiff’s mandamus complaint moot. There is no longer a case or controversy before this Court.

III. CONCLUSION

For the reasons set forth above, I hereby **ORDER and ADJUDGE** that this case be **DISMISSED** for lack of subject matter jurisdiction. The Clerk shall **CLOSE** this case. All pending motions, if any are **DENIED *as moot***.

DONE and ORDERED in chambers, at Miami, Florida, this 30th day of November 2010.



MARCIA G. COOKE
United States District Judge

Copies furnished to:
Ted E. Bandstra, U.S. Magistrate Judge
Counsel of record