

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-80338-CIV-COHN/SELTZER

MOHAMMED S. ALI,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, et al.,

Defendants.

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**ORDER OF DISMISSAL**

**THIS CAUSE** is before the Court *sua sponte*. The Court has reviewed the record in this case and is otherwise advised in the premises.

On or about December 1998, Plaintiff Mohammed S. Ali, a Bangladesh citizen, arrived in the United States on board a ship and disembarked without presenting himself for inspection. Now, Plaintiff resides in Palm Beach County, Florida.

On or about May 6, 2002, Plaintiff filed an Application to Register Permanent Resident or Adjust Status ("I-485 Application") with the United States Citizenship and Immigration Services ("USCIS"). On March 3, 2010, when USCIS had not yet provided a decision regarding the I-485 Application, Plaintiff brought this action [DE 1], requesting a decision on his application. The next day, the Court ordered Defendants to show cause why the requested relief should not be granted [DE 4]. On March 19, 2010, USCIS denied Plaintiff's I-485 Application, concluding that he was a stowaway and was therefore inadmissible to the United States.


Thereafter, on April 16, 2010, Plaintiff filed his First Amended Complaint [DE 10], seeking review of USCIS's denial of his I-485 Application. After Defendants moved to dismiss the First Amended Complaint and the parties completed their briefing on that motion, Plaintiff filed a Second Amended Complaint [DE 30] on September 10, 2010. On December 9, 2010, the Court granted Defendants' Motion to Dismiss the Second Amended Complaint [DE 45]. Plaintiff then filed his Third Amended Complaint [DE 46] on December 22, 2010. The same day, Defendants revoked Plaintiff's I-140 Petition for Alien Worker, finding that he was not actually employed by the employer for which he claimed to work.

On April 22, 2011, the Court granted Defendants' Motion to Dismiss the Third Amended Complaint [DE 56], allowing Plaintiff until May 5, 2011 to file a Fourth Amended Complaint. The Order warned, "**Plaintiff's failure to file a Fourth Amended Complaint will result in the closing of this case.**" DE 56 at 10.

Plaintiff has failed to file a Fourth Amended Complaint, and the May 5th deadline has now passed. This Court has the inherent authority to dismiss actions for failure to prosecute. Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962). Accordingly, it is hereby

**ORDERED AND ADJUDGED** that this case is **DISMISSED**. The Clerk of Court is directed to **CLOSE** this case.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 12th day of May, 2011.

  
JAMES I. COHN  
United States District Judge

Copy provided to:  
Counsel of record via CM/ECF