

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LARISSA GAELLE TEUMA et al.,

Plaintiffs,

v.

GREG COLLETT et al.,

Defendants.

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Civil No. **20-2086 PJM**

MEMORANDUM OPINION

On July 16, 2020, Plaintiffs Larissa Teuma and her husband Flavien Mokeyo filed this suit against an official from the U.S. Citizenship and Immigration Services (USCIS) and various other government officials.¹ They seek declaratory mandamus relief under the Declaratory Judgment Act and the Administrative Procedure Act.

Teuma came to the United States as an asylee in 2006, married Mokeyo (a U.S. citizen) in 2012, and applied for an adjustment of status to permanent resident on July 12, 2017. They allege that USCIS interviewed them and approved Mokeyo's Petition for Alien Relative in September 2018 but has not provided any information regarding the status of Teuma's application. Teuma seeks to have USCIS compelled to decide her pending application, Form I-485.

On October 20, 2020, USCIS filed a motion to dismiss, arguing in part that the claim is moot because USCIS administratively closed Teuma's Form I-485 because she "is currently in removal proceedings," so an immigration judge (not USCIS) now has jurisdiction over her

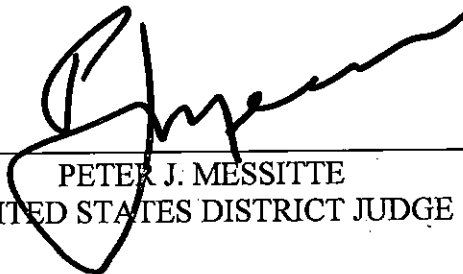
¹ Defendants include Greg L. Collett, Baltimore Field Office Director, District S21, USCIS; Chad C. Wolf, then-Acting Secretary, U.S. Department of Homeland Security; Kenneth T. Cuccinelli, then-Senior Official Performing the Duties of the Director, USCIS; Christopher Wray, Director, Federal Bureau of Investigation; and William Barr, then-U.S. Attorney General.

application. Plaintiffs' response was due on November 4, 2020, but they have not filed a response, nor have they filed any motion for an extension of time to respond.

Under Federal Rule of Civil Procedure 41(b), an action may be dismissed "[i]f the plaintiff fails to prosecute or to comply with . . . a court order." *See also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (holding that a district court may invoke Rule 41(b) *sua sponte*). Having failed to file any response to Defendants' motion, filed nearly four months ago and appearing to contain meritorious arguments, Plaintiffs have clearly failed to prosecute their case.

Accordingly, the Court **GRANTS** the motion to dismiss **WITH PREJUDICE**. A separate order will issue.

February 16, 2021

/s/ 
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE