

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-10977-RWZ

RANIAH FATHI ATIEH  
and FUAD FAROUQ ATIEH

v.

DENIS RIORDAN, *et al.*

ORDER

November 30, 2011

ZOBEL, D.J.

On December 6, 2007, the United States Citizenship and Immigration Service ("USCIS) denied a petition for adjustment of status ("I-130") filed by Raniah Fathi Atieh on behalf of her husband, Fuad Farouq Atieh. It concluded that he was not eligible for the relief requested because petitioner had failed to prove that his earlier arranged marriage to his first cousin had been bona fide and that he had not entered that marriage to evade immigration laws. Plaintiffs brought this action for a declaratory judgment that the denial was unlawful. Defendants filed a motion to dismiss for lack of jurisdiction which the court held in abeyance until defendants acted on petitioners' second I-130 petition. That petition was denied by the Boston Field Office Director and upheld on appeal to the Board of Immigration Appeals. Plaintiffs now seek to amend their complaint to include the second decision and reactivate the case (Docket #16). The motion is allowed.

As noted, defendants had moved to dismiss the initial complaint. They are granted leave to supplement their moving papers in light of the intervening administrative action and amended complaint and shall file such supplementary documentation on or before December 21, 2011. Plaintiffs may file any further opposition by January 11, 2012. The court will decide the matter on the papers.

November 30, 2011

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE