

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHANG XING CHEN,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 16-11402-JGD
JEH JOHNSON, Secretary of)	
Dept. of Homeland Security,)	
and LEON RODRIGUEZ, Director)	
of U.S. Citizenship & Immigration,)	
)	
Defendants.)	

**MEMORANDUM OF DECISION AND ORDER
ON DEFENDANTS' MOTION TO DISMISS**

December 2, 2016

DEIN, U.S.M.J.

The plaintiff, Chang Xing Chen, brought this action challenging the failure of the United States Citizens and Immigration Services (“USCIS”) to have made a final decision on his I-485 Adjustment of Status application.¹ In response, on August 18, 2016, USCIS issued a Notice of Intent to Terminate asylum status, and granted the plaintiff an interview on October 18, 2016. Following the interview, USCIS terminated the plaintiff’s asylum status on October 20, 2016, and issued a final Notice of Termination on October 26, 2016.

¹ The parties consented to having this case finally resolved by a Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure. (Docket No. 8).

On November 8, 2016, the defendants filed a motion to dismiss the complaint on the grounds that the case is moot. (Docket No. 11). Although the plaintiff is represented by counsel, no opposition to the motion to dismiss was filed.

For the reasons detailed more fully in the “Defendants’ Memorandum of Law in Support of Motion to Dismiss for Mootness” (Docket No. 12), the motion to dismiss is ALLOWED.

“Mootness is a jurisdictional matter.” Matt v. HSBC Bank USA, N.A., 783 F.3d 368, 372 (1st Cir. 2015). “A case becomes moot – and therefore no longer a ‘Case’ or ‘Controversy’ for purposes of Article III – when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” Id. (quoting Already, LLC v. Nike, Inc., 133 S. Ct. 721, 726 (2013) (per curiam) (additional citation omitted)). Where, as here, a case is moot, “dismissal of the action is compulsory.” Overseas Military Sales Corp. v. Giralt-Armada, 503 F.3d 12, 17 (1st Cir. 2007) (internal quotations omitted). Since there is no longer a case or controversy for this court to decide, the case is dismissed as moot. Steffel v. Thompson, 415 U.S. 452, 459 n.10 (1974) (“The rule in federal cases is that an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.”).

SO ORDERED.

/s/ Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge