

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN IMMIGRATION VISA KITS, INC.,
D/B/A EB3.WORK,

Plaintiff,

-v-

VINCE MICONE, ACTING SECRETARY, U.S.
DEPARTMENT OF LABOR,¹

Defendant.

24 Civ. 7627 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On January 28, 2025, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by February 18, 2025. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by March 11, 2025, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that he relies on the previously filed motion to dismiss.²

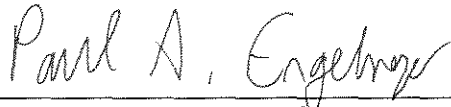
It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by February 18, 2025. Defendant's reply, if any, shall be

¹ The Clerk of Court is respectfully directed to substitute Vince Micone, who became Acting Secretary of the U.S. Department of Labor on January 20, 2025, for the former Acting Secretary as the defendant in this action, pursuant to Federal Rule of Civil Procedure 25(d).

² If defendant files a new motion to dismiss or relies on his previous motion, plaintiff's opposition will be due 14 days thereafter, and defendant's reply, if any, will be due seven days after that.

served by March 4, 2025. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: January 29, 2025
New York, New York