

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Deyong Jiang,)	C/A No. 3:09-3349-JFA-PJG
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Alejandro Mayorkas, Director of US)	
Citizenship and Immigration Services; Janet)	
Napolitano, Secretary of Department of)	
Homeland Security; Eric Holder, US Attorney)	
General US Department of Justice,)	
)	
Defendants.)	
_____)	

Plaintiff Deyong Jiang (“Jiang”), a self-represented litigant, filed this petition for a writ of mandamus against the defendants regarding delays in processing his application to change his residency status which, at that time, was pending before the United States Bureau of Citizenship and Immigration Services (“USCIS”). This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC.

The defendants filed a motion to dismiss on April 5, 2010 and provided the court with documentation showing that Jiang’s application had been approved by USCIS on April 1, 2010. (Docket Entry 13-2 .) Therefore, the defendants argued that with regard to the administrative relief that Jiang seeks, this matter is moot. Additionally, the defendants argue that Jiang’s request for “cost and expenses under the Equal Access to Justice Act” is not available to him, as he is a *pro se* litigant.

Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the court advised Jiang of the summary judgment and dismissal procedures and the possible consequences if he failed to

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respond adequately to the defendants' motion. (Docket Entry 14.) Jiang filed a one-sentence response in which he stated: "The plaintiff does not oppose [*sic*] the Assistant United States Attorney's 'Motion to Dismiss'." (Docket Entry 16.)

Based on their submissions to the court it appears that the parties agree that this matter is moot and should be dismissed. Accordingly, with the plaintiff's consent, the defendants' motion to dismiss (Docket Entry 13) is granted.

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

May 21, 2010
Columbia, South Carolina