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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LILLIAN MWERU AND
ELIZABETH NYAMBURA,
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12 Plaintiffs,

13 v.

14 UNITED STATES OF AMERICA, et
al.,
15 Defendants.

CASE NO. C17-1497-MJP

ORDER DENYING MOTION FOR
RECONSIDERATION

16 THIS MATTER comes before the Court on Plaintiffs' Motion for Reconsideration of
17 Dismissal. (Dkt. No. 9.) Having reviewed the Motion and all related papers, the Court DENIES
18 the Motion.

19 Plaintiffs filed this case on October 5, 2017, alleging that the United States Citizenship
20 and Immigration Service ("USCIS") wrongfully denied them lawful permanent resident status.
21 (Dkt. No. 1.) On December 6, 2017, the Court ordered the parties to file a Joint Status Report
22 ("JSR") no later than January 17, 2018. (Dkt. No. 2.) After no JSR was filed, the Court
23 extended the deadline to February 2, 2018. (Dkt. No. 3.) On the day the JSR was due, Plaintiffs
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1 filed an affidavit of service and an amended complaint stating that they were unable to comply
2 with the Court's order regarding the JSR because "Defendants have filed no response." (Dkt.
3 No. 4.) On February 16, 2018, the Court dismissed the case due to the parties' failure to file a
4 JSR. (Dkt. No. 8.)

5 Motions for reconsideration are disfavored and are ordinarily denied "in the absence of a
6 showing of manifest error in the prior ruling or a showing of new facts or legal authority which
7 could not have been brought to its attention earlier with reasonable diligence." See LCR 7(h)(1).
8 Plaintiffs' motion does not provide the Court with sufficient justification for reconsideration.
9 Even giving pro se plaintiffs the benefit of any doubt, see Karim-Panahi v. Los Angeles Police
10 Dept., 839 F.2d 621, 623 (9th Cir. 1988), they failed to file proper procedures for serving their
11 complaint or complying with the Court's Orders regarding the JSR. Further, reconsideration in
12 this case would be futile, as the Court does not have jurisdiction in the first instance to hear what
13 is effectively an appeal of an unfavorable determination regarding Plaintiff's immigration
14 application. See 8 C.F.R. 245.3; § 103.3 (appellate jurisdiction for denial of application or
15 petition lies with Board of Immigration Appeals or the USCIS Administrative Appeals Office).

16 Therefore, the Court DENIES the Motion. The dismissal entered on February 16, 2017
17 remains in effect.

18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated March 8, 2018.

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22 Marsha J. Pechman
23 United States District Judge
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