

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

NGULWE ALFANI,

Plaintiff,

vs.

Case No. 05-1288-JTM

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY AND BUREAU
OF CITIZENSHIP AND IMMIGRATION,

Defendant.

MEMORANDUM AND ORDER

This action was filed after the Department of Homeland Security, Citizenship and Immigration Services (CIS), denied the I-730 petition on behalf of plaintiff Ngulwe Alfani's daughter, Busomerre Alfani. This matter is before the court on the motion of the United States to dismiss the action for mootness.

The government argues that the action is moot since the CIS, after receiving additional information it requested from Mr. Alfani and a subsequent review of the case, approved the I-730 request on November 23, 2005, and the application has been forwarded to the United States Consul in Dar Es Salaam, Tanzania. The government contends that no further relief could be granted by the court, since consular decisions regarding visas are not reviewable by the courts. *Centeno v. Schultz*, 817 F.2d 1212 (5th Cir. 1987).

Plaintiff has filed no response or objection to the government's motion. Accordingly, both for good cause shown and pursuant to D.Kan. Rule 7.4, the defendant's Motion to Dismiss (Dkt. No. 11) is hereby granted.

IT IS SO ORDERED this 19th day of January, 2006.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE