

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MERCY SERWAA BAFFOUR,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1347-JLH
)	
ALEJANDRO MAYORKAS, Secretary of)	
the United States Department of Homeland)	
Security; UR MENDOZA JADDOU,)	
Director of United States Citizenship and)	
Immigration Services; TONY BRYSON,)	
District Director, United States Citizenship)	
and Immigration Services,)	
)	
Defendants.)	

MEMORANDUM ORDER


Pending before the Court is Defendants’ Motion to Dismiss for Failure to State a Claim (D.I. 10) and Plaintiff’s Motion for Summary Judgment (D.I. 13). The Motion to Dismiss will be GRANTED, and the Motion for Summary Judgment will be DENIED as moot.

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Defendants’ Motion to Dismiss will be granted because the Complaint does not plausibly plead a cause of action. The Complaint asks for a declaratory judgment, but it does not specify the statute or regulation that would permit the court to grant that relief. The Complaint cites the Administrative Procedure Act (as well as a number of other statutes) as a basis for jurisdiction, but the Court is unable to determine from the Complaint what action or actions taken by Defendants are alleged to violate the APA, much less whether such a claim is plausible.¹

¹ To the extent Plaintiff takes issue with the Board of Immigration Appeals’ determination that Plaintiff failed to meet the applicable burden of proof on an issue (*see, e.g.*, D.I. 13 at 3),

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Defendants' Motion to Dismiss (D.I. 10) is GRANTED. Plaintiff's Complaint is dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).
2. Plaintiff's Motion for Summary Judgment (D.I. 13) is DENIED as moot.
3. Plaintiff is granted leave to amend her complaint to address the deficiencies within 14 days.



JENNIFER L. HALL, U.S. DISTRICT JUDGE

Plaintiff has not named as a defendant any party to support the Court's review under the APA of a decision by the BIA.