UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PATCHAIAPPAN MURUGAVEL, Plaintiff v. MARKWAYNE MULLIN, Secretary of The U.S. Department of Homeland Security JOSEPH B. EDLOW, Director of the U.S. Citizenship & Immigration Services DANIEL M. RENAUD, Director, U.S. Citizenship & Immigration Services, Vermont Service Center U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. CITIZENSHIP & IMMIGRATION SERVICES TODD BLANCHE, Acting Attorney General of the United States FEDERAL BUREAU OF INVESTIGATION Defendants	Case No. 3:26-cv-1825 **COMPLAINT FOR RELIEF IN THE NATURE OF MANDAMUS** **Agency Doc. No.:** **A#:** [redacted]

COMES NOW, the Plaintiff, PATCHAIAPPAN MURUGAVEL, by and through undersigned counsel, Nathan R. Bogart, and in support of his Complaint for Relief in the Nature of Mandamus, does respectfully state and allege:

INTRODUCTION

1. Plaintiff, Patchaiappan Murugavel, (a citizen of India), is an applicant for U nonimmigrant status who filed on April 13, 2017, and has been granted deferred action status. He is currently detained by the U.S. Department of Homeland Security at the Prairieland Detention Center in Alvarado, Texas.

2. The priority date for Mr. Murugavel's Form I-918, *Petition for U Nonimmigrant Status*, became current on October 1, 2025.

3. He was detained by agents of the U.S. Immigration & Customs Enforcement while working at his restaurant in Broken Arrow, Oklahoma on October 2, 2025, despite having been granted deferred action status by the U.S. Citizenship & Immigration Service, a sub-agency of Homeland Security.

4. No reason for his detention was provided by ICE other than that agents had received a "tip" indicating Mr. Murugavel was present in the United States unlawfully.

5. Following his detention, he was placed in removal proceedings before the U.S. Department of Justice, Executive Office for Immigration Review.

6. While detained, counsel representing Mr. Murugavel in his pending Form I-918 filed a request with USCIS asking that his petition be expedited due to his detention. USCIS declined to expedite the Form I-918

7. During his removal proceedings, counsel for Homeland Security was aware of the pending Form I-918 and no relief was requested aside from dismissal to allow Mr. Murugavel to receive the decision on the petition. Multiple continuances were granted by the Immigration Judge to allow for the possible adjudication of his Form I-918.

8. Additionally, two bond motions were denied because Mr. Murugavel was found to be a flight risk because his Form I-918 had not been adjudicated by USCIS.

9. Despite his grant of deferred action and the current priority date assigned to his Form I-918, Mr. Murugavel was ordered removed on February 12, 2026, because his Form I-918 had not yet been adjudicated by USCIS.

10. He has remained detained since October 3, 2026, a period exceeding eight months, solely because USCIS has failed to issue a decision regarding his Form I-918.

11. Mr. Murugavel has also filed a verified petition for a writ of habeas corpus before this Court, and it appears he is a class member as a result of the U.S. District Court for the Central District of California's class certification and preliminary injunction issued in *Immigration Center for Women and Children v. Mullin*, 2:25-cv-09848, namely "all individuals to whom USCIS has granted deferred action based on a pending U or T visa petition and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removed without providing notice and an opportunity to be heard regarding potential revocation of their deferred action status."

12. The Defendants have failed to meet the basic function of issuing a decision on the pending Form I-918 despite Mr. Murugavel's petition having a current priority date with a visa number available for adjudication.

13. A Writ of Mandamus is appropriate when (1) the party seeking the writ has no adequate means to attain the desired relief desired, (2) the party seeking the writ has shown a "clear and indisputable" right to the issuance of the writ, and (3) the court concludes that the issuance of a writ would be the appropriate remedy in this situation. *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380-81 (2004).

14. The APA allows a court to compel an agency to act when a person is "suffering a legal wrong because of agency action within the meaning of a relevant statute." 5 U.S.C. § 702. A failure to act is considered agency action under the APA. 5 U.S.C. § 551(13). The action, which the agency has failed to take, must be a nondiscretionary act that the agency is required to take. *Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 64 (2004).

PARTIES

15. Plaintiff, Patchaiappan Murugavel is a citizen of India who is the beneficiary of a pending Form I-918, *Petition for U Nonimmigrant Status*, who has been waiting from a U.S. Department of Homeland Security detention center since his petition's priority date became current at the start of the fiscal year.

16. Defendant Markwayne Mullins is the Secretary of the Department of Homeland Security ("DHS"), the agency responsible for implementing the Immigration and Nationality Act as of March 1, 2003. 8 C.F.R. § 2.1. Defendant Mullins is sued in his official capacity.

17. Defendant Joseph B. Edlow is the director of USCIS, the component of DHS responsible for processing and adjudicating the Plaintiffs' I-918 petition. Defendant Edlow is sued in his official capacity.

18. Defendant Daniel M. Renaud, the Director of the Vermont Service Center, is an official of USCIS charged with supervisory authority over all applications and petitions processed by USCIS within the service center's jurisdiction, including benefits such as U nonimmigrant status, more commonly referred to as U visas. Defendant Renaud is sued in his official capacity

19. Defendant DHS is the agency of the United States government that is responsible for implementing the citizenship and naturalization provisions of the law. DHS operates within this district, with headquarters in Washington, D.C.

20. Defendant USCIS is the component of DHS that is responsible for processing and adjudicating applications for U nonimmigrant status. USCIS operates within this district, with headquarters in Washington, D.C.

21. Defendant Todd Blanche is the Acting Attorney General of the United States and, as such, he leads the U.S. Department of Justice, the agency with authority over the Federal Bureau

of Investigation ("FBI"). The Attorney General has also been conferred the power to establish regulations and perform other tasks related to the implementation of the Immigration & Nationality Act pursuant to 8 U.S.C. § 1103(g). He is sued in his official capacity.

22. Defendant FBI is the component of the Department of Justice that is responsible for processing background checks on behalf of DHS and USCIS, including the asylum offices. The FBI operates within this district, with headquarters in Washington, D.C.

JURISDICTION AND VENUE

23. Jurisdiction of the Court is predicated upon 28 U.S.C. §§ 1331 and 1346(a)(2) in that the matter in controversy arises under the Constitution and laws of the United States, and the United States, through its agencies and officers, is a Defendant. This Court also has jurisdiction over the present action pursuant to 28 U.S.C. § 2202, the Declaratory Judgment Act; 5 U.S.C. § 702, the Administrative Procedures Act; and 28 U.S.C. § 1361, regarding an action to compel an officer of the United States to perform his or her duty.

24. Venue is proper in this District under 28 U.S.C. § 1391(e), because a substantial part of the events and omissions giving rise to the claim occurred in this district, the Defendants operate within this District, and the Plaintiff currently resides within this District and has since March 2026 since he was transferred into the District by DHS from Oklahoma.

FACTS AND BACKGROUND

25. Plaintiff Patchaiappan Murugavel resides in Alvarado, Texas at the Prairieland Detention Center.

26. Mr. Murugavel came to the United States on April 8, 2011 on a C-1 transit visa.

27. He overstayed his permission to remain in the United States and resettled in the Tulsa, Oklahoma metropolitan area.

28. On April 13, 2017, Mr. Murugavel filed his Form I-918, *Petition for U Nonimmigrant Status* with USCIS.

29. On May 24, 2022, USCIS extended deferred action to Mr. Murugavel after determining that his petition was bona fide.

30. At the start of fiscal year 2026, USCIS notified the public that it would resume approving eligible petitions for U nonimmigrant status starting with petitions filed on or before April 30, 2017, on October 1, 2025.

31. On October 2, 2025, Mr. Murugavel was detained by officers of ICE at his place of business in Broken Arrow, Oklahoma.

32. On October 2, 2025, Rachel Bush, counsel representing Mr. Murugavel on the U visa petition, informed USCIS of Mr. Murugavel's detention and asked that the agency expedite the processing of his petition.

33. On October 21, 2025, USCIS responded to Ms. Bush's e-mail, declining to expedite processing and instead directing her to correspond with ICE. In doing so, USCIS claimed it would only consider an expedite request if made by ICE.

34. At a bond hearing held on October 30, 2025, Immigration Judge Tyler Wood denied bond, finding Mr. Murugavel did not establish he was not a flight risk.

35. On the same day, in removal proceedings, IJ Wood denied Mr. Murugavel's motion to terminate because, "despite the bona fide determination and grant of deferred action, respondent is detained, appears removable as charged, and the petition remains pending."

36. On December 22, 2025, Immigration Judge Attila Bogdan denied Mr. Murugavel's motion to reconsider the Immigration Court's order denying termination.

37. On January 6, 2026, IJ Bogdan denied bond for a second time.

38. On February 12, 2026, IJ Bogdan ordered Mr. Murugavel removed from the United States.

39. On February 26, 2026, Mr. Murugavel filed an appeal with the Board of Immigration Appeals. His appeal remains pending.

40. On March 12, 2026, Mr. Murugavel filed a Petition for Writ of Habeas Corpus with this Court, Case Number: 3:26-cv-00812-E. The Petition remains pending.

41. It is unclear whether ICE made an expedite request to USCIS at any point in time while removal proceedings have been pending.

42. It is unclear what, if any issues are preventing Mr. Murugavel from receiving a decision on his pending Form I-918.

43. USCIS has provided no legitimate explanation to Mr. Murugavel as to why there has been a delay in issuing a decision in his pending petition.

44. To this date, USCIS has failed to take any steps to gather more information necessary to adjudicate Mr. Murugavel's petition, including the issuance of a Request for Evidence or a Notice of Intent to Deny.

45. Mr. Murugavel has cooperated with USCIS at every point in the proceedings, including attending his biometrics appointments, applying for his Employment Authorization Document, actively participating in his removal proceedings, and complying with the terms of his deferred action status.

46. The Defendants' refusal to adjudicate the petition has caused and will continue to cause Mr. Murugavel tremendous hardship. To date, the delay has denied him the opportunity to maintain personal freedom. He has been detained for over eight months, denied the opportunity to leave detention or to receive any clarity on his pending petition for status.

47. If the Defendants were to adjudicate his petition, Mr. Murugavel could receive closure and become free from detention either because he would be eligible for release into the United States to as a U nonimmigrant or he could accept a removal order to India to move on with his life.

48. For the time being, the Defendants' failure to take action has left Mr. Murugavel "in limbo" with no information or guidance as to what his future holds.

FIRST CAUSE OF ACTION – ADMINISTRATIVE PROCEDURES ACT

49. Plaintiff re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-30 above.

50. Defendants' failure to adjudicate his pending Form I-918, *Petition for U Nonimmigrant Status*, constitutes an unreasonable failure to act in violation of the Administrative Procedures Act and denies the Plaintiff due process and equal protection of the laws guaranteed by the Fifth Amendment of the United States Constitution.

SECOND CAUSE OF ACTION – WRIT OF MANDAMUS

51. Plaintiff re-alleges and incorporate by reference, as if fully set forth herein, the allegations in paragraphs 1-30 above.

52. Defendants' refusal to adjudicate his pending Form I-918, *Petition for U Nonimmigrant Status*, violates the Immigration and Nationality Act, the Administrative Procedures Act, and the Constitution. Plaintiff has a clear right to the relief requested; Defendants have a clear duty pursuant to the Immigration and Nationality Act to adjudicate the Plaintiff's I-918; and there is no other adequate remedy available.

REQUEST FOR RELIEF

WHEREFORE, the Plaintiff, PATCHAIAPPAN MURUGAVEL respectfully requests that this Court grant the following relief:

53. Order Defendants to adjudicate the Plaintiff's Form I-918, *Petition for U Nonimmigrant Status*, on or before 60 days from the filing of this complaint, or within a reasonable time period determined by this Court.

54. Award reasonable costs and attorney's fees; and

55. Grand such other relief as the Court may deem just and proper.

Dated this 3rd of June 2026

PATCHAIAPPAN MURUGAVEL

By his attorney,

/s/Nathan R. Bogart

Nathan R. Bogart
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VERIFICATION PURSUANT TO 28 U.SC. § 2242

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner's legal team the events described in this Petition. On the bases of those discussions, on information and belief, I herby verify that the factual statements made in the attached Complaint for Relief in the Nature of Mandamus are true and correct to the best of my knowledge.

Dated: Fayetteville, AR
June 3, 2026

By: */s/Nathan R. Bogart*
Nathan R. Bogart
COUNSEL FOR PETITIONER