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#### a. Reading

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- 2) Practice Advisory: *Step-by-Step Guide to Filing a FOIA Lawsuit*
- 3) Practice Advisory: *Litigation for Business Immigration Practitioners*
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- 5) Practice Advisory: *Immigration Lawsuits and the APA: The Basics of a District Court Action*
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- 11) Federal Rules of Civil Procedure (FRCP)
- 12) Text of Amendments to FRCP

#### b. Procedure, Admission, Filing

- 0) Caveat and Note
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*Example of District Court Documents—U.S. District Court for the District of Columbia:*

- 3) “Local” Rules: Rules of the U.S. District Court for the District of Columbia
- 4) Document: Electronic Filing of Complaints by Attorneys Mandated
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- 12) Pro Hac Vice Admission
- 13) Sample Pro Hac Vice Motion
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**c. AAO (Administrative Appeals Office) Samples**

- 0) Caveat
- 1) Sample Notice of Appeal or Motion (I-290B) I-140 Petition (EB-2 Classification)
- 2) Sample Supplemental Brief and Evidence in Support of Appeal
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**U.S. DISTRICT COURT SAMPLES:****2. Sample E-2 Delay**

Caveat  
Complaint

**3. Sample H-1B Delay**

Caveat  
Complaint  
Exhibits A—G  
Summons Civil Process Clerk  
Summons Blinken  
Summons Bitter  
Summons Garcetti  
Summons Garland  
Summons Mayorkas  
Summons Lacina  
Summons Mullarkey  
Summons Visek

Summons Sherman

Consent to the Exercise of Jurisdiction by a U.S. Magistrate Judge

Notice of Electronic Filing (NEF) for Complaint

Notice of Voluntary Dismissal

**4. Sample H-1B Denial**

Caveat and Note

Complaint

Civil Cover Sheet

Summons Civil Process Clerk

Summons Garland

Summons USCIS

Consent to the Exercise of Jurisdiction by a U.S. Magistrate Judge

Notice of Electronic Filing for Complaint

**5. Sample J-1 Delay**

Caveat

Complaint

Civil Cover Sheet

Summons Mayorkas

Summons Blinken

Summons Civil Process Clerk

Summons Daniel Bingham- Pankratz

Summons Cohen

Summons Turner

Summons Garland

Summons Visek

Consent to the Exercise of Jurisdiction by a U.S. Magistrate Judge

Notice of Electronic Filing for Complaint

Proof of Service-Civil Process Clerk

**6. Sample L-1A Denial**

Caveat

Complaint

Plaintiff's Notice of Motion for Summary Judgement

Plaintiff's Memorandum of Points and Authorities in support of Motion for Summary Judgement

Statement of Undisputed Facts and Genuine Disputes

**7. Sample O-1B Denial**

Caveat

Complaint

Civil Cover Sheet

Summons Civil Process Clerk  
 Notice of Electronic Filing for Complaint  
 Answer to Complaint  
 Proof of Service-U.S. Attorney  
 Notice of Filing of Administrative Record  
 Joint Stipulation on Briefing Schedule  
 Plaintiff's Motion for Summary Judgment  
 Memorandum in Support of Plaintiff's Motion for Summary Judgment  
 Defendant's Cross Motion for Summary Judgment  
 Defendant's Reply Brief in Support of Cross Motion for Summary Judgment  
 Plaintiff's Notice of Supplemental Authority

- Exhibit A (Copy of *Loper Bright Enterprises, et al. v. Gina Raimondo*, 144 S. Ct. 244 (2024))
- Exhibit B: USCIS Policy Memorandum 602-0005.1: Evaluation of Evidence Submitted with Certain Form I-140 Petitions; Revisions to the *Adjudicator's Field Manual (AFM)* Chapter 22.2, *AFM* Update AD11-14

Order and Decision

#### **8. Sample R-1 Denial**

Caveat and Note  
 Complaint

#### **9. Sample EB-1A Denial**

Caveat and Note  
 Complaint  
 Civil Cover Sheet  
 Summons  
 Docketing Statement  
 Notice of Electronic Filing for Complaint  
 Proof of Service Civil Process Clerk  
 Notice of Appearance of Counsel  
 Answer  
 Joint Rule 26F Report  
 Scheduling Order  
 Notice of Filing for Certified Administrative Record  
 Index of Certified Administrative Record  
 Plaintiffs Motion for Summary Judgment  
 Memorandum in Support of Plaintiff's Motion for Summary Judgment  
 Defendants' Opposition and Cross-Motion for Summary Judgment  
 Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment and Reply in Support of Plaintiffs' Motion for Summary Judgment

- Exhibit A: USCIS Policy Guidance Alert
- Proposed Order

Defendants' Reply in Support of Their Cross-Motion for Summary Judgment  
Sample Docketing Statement for 7th Circuit

**10. Sample EB-5 Delay (I-526 Petition)**

Caveat  
Complaint  
Civil Cover Sheet  
Summons Mayorkas  
Summon Emmel  
Summons Garland  
Summons Jaddou  
Summons Civil Process Clerk  
Consent Proceed before a Magistrate Judge  
Notice of Electronic Filing for Complaint  
Notice of Electronic Filing for Consent Proceed before a Magistrate Judge  
Disclosure Statement Pursuant to FRCP 7.1  
Notice of Electronic Filing Disclosure Statement  
Defendant's Motion to Dismiss  
Defendant's Memorandum in Support of Motion to Dismiss

**11. Sample EB-5 Delay (I-829 Petition)**

Caveat  
Complaint  
Civil Cover Sheet  
Summons Attorney General & U.S. Attorney  
Summons for Defendants  
Notice of Electronic Filing for Complaint  
Proof of Service U.S. Attorney  
Notice of Voluntary Dismissal

**12. Sample PERM Delay**

Caveat and Note  
Complaint  
Civil Cover Sheet  
Notice of Interested Parties  
Notice of Electronic Filing Complaint  
Notice of Electronic Filing Civil Cover Sheet  
Notice of Electronic Filing Notice of Interested Parties  
Docket Report  
Summons Issued  
Return of Service Executed as to USA  
Initial Standing Order for Civil Cases Assigned to Judge Birotte

Motion to Dismiss with Brief

- Exhibit A to Motion to Dismiss: OFLC FY 2023 Statistics
- Proposed Order from Defendant

Plaintiff's Opposition to Motion to Dismiss

- Proposed Order for Opposition to Motion to Dismiss

Defendant's Reply in Support of Their Motion to Dismiss Plaintiff's Complaint

Order Dismissing Lawsuit

### **13. The Equal Access to Justice Act (EAJA)**

Caveat

Initial Email to Defendants Outlining/Calculating Fees

Joint Statement on EAJA Fees

Sample Motion for Costs and Fees

### **14. Appeals to Courts of Appeals**

Sample Template for Notice of Appeal from a District Court Order or Judgment

### **15. Appendix: Additional Resources**