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Tjandra v. Atty Gen USA

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NOT PRECEDENTIAL

IN THE UNITED STATES COURT
OF APPEALS
FOR THE THIRD CIRCUIT

NO. 03-4493

KARTINI TJANDRA,
Appellant

v.

JOHN ASHCROFT
In His Capacity as Attorney General; USA

On Appeal From the United States
District Court
For the Eastern District of Pennsylvania
(D.C. Civil Action No. 03-cv-05583)
District Judge: Hon. Petrese B. Tucker

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 5, 2004

BEFORE: SLOVITER, BECKER and STAPLETON, Circuit Judges

(Opinion Filed: October 6, 2004)

OPINION OF THE COURT

STAPLETON, Circuit Judge:

Appellant Kartini TJANDRA was denied asylum and ordered removed. The BIA affirmed the removal order, and Tjandra petitioned this Court for review. After the denial by this Court of a motion to stay the order of removal, she was taken into custody pending her removal. Tjandra then filed in the United States District Court for the Eastern District of Pennsylvania a petition under 28 U.S.C. § 2241 for a writ of habeas corpus directing her custodian to explain why she should be kept in custody “pending determination of her appeal in connection with her asylum case before the Court of Appeals.” Petition at 17. That petition was denied, and this appeal followed.

While her petition for review of the removal order and her appeal from the denial of a writ of habeas corpus were pending before this Court, the immigration authorities removed Tjandra from the United States. Thereafter, on March 22, 2004, her petition for review was denied by this Court.

We will enter an order dismissing Tjandra’s appeal as moot. The only relief sought by her petition to the District Court was relief from custody pending disposition of her petition for review of her removal order. She is no longer in custody, and that petition is no longer pending.

This appeal will be dismissed as moot.