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States Court of Appeals
for the Third Circuit

6-25-2004

Imad Musa Ahmed Musa v. Atty Gen USA

Precedential or Non-Precedential: Non-Precedential

Docket No. 02-4267

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-4267

IMAD MUSA AHMED MUSA,

Petitioner

v.

JOHN ASHCROFT, ATTORNEY GENERAL
OF THE UNITED STATES OF AMERICA,

Respondent

ON PETITION FOR REVIEW OF AN ORDER
OF THE BOARD OF IMMIGRATION APPEALS
(No. A-94-006-556)

Submitted Under Third Circuit LAR 34.1(a)
June 15, 2004

Before: ALITO, SMITH, and BECKER, Circuit Judges

(Opinion Filed: June 25, 2004)

OPINION OF THE COURT

PER CURIAM:

Imad Musa petitions for review of the denial by the Board of Immigration Appeals

(BIA) of his application for asylum and other relief. On February 12, 2004, the BIA ruled that, certain irregularities in the original disposition of Musa's case by the Immigration Judge (IJ) having been brought to its attention, the prior decision of the Board was to be vacated and the case remanded to the IJ "for further proceedings and for the entry of a new decision." Accordingly, there is no longer any "final order of removal" extant that this Court has jurisdiction to review. See 8 U.S.C. § 1252(a)(1); Calcano-Martinez v. INS, 533 U.S. 348, 350 (2001). We therefore dismiss Musa's petition for lack of jurisdiction, without prejudice to whatever right he may have to raise his claims before this Court at a later date, should the occasion arise. Cf. Lopez-Ruiz v. Ashcroft, 298 F.3d 886 (9th Cir. 2002) (dismissing review petition for lack of jurisdiction where BIA has granted motion to reopen).