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for the Third Circuit

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12-30-2022

## In Re: Vamsidhar Vurimindi

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 22-3279

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IN RE: VAMSIDHAR REDDY VURIMINDI,

Petitioner

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On a Petition for Writ of Mandamus from the  
Board of Immigration Appeals  
(Related to Agency No. A096-689-764)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
December 21, 2022

Before: AMBRO, KRAUSE, and PORTER, Circuit Judges

(Opinion filed: December 30, 2022)

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OPINION\*

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PER CURIAM

Petitioner, Vamsidhar Reddy Vurimindi, is a native of India who became a lawful permanent resident in 2008. In 2017, an Immigration Judge determined that he was removable under 8 U.S.C. § 1227(a)(2)(E)(i) for having been convicted of a crime of stalking. The Board of Immigration Appeals (BIA) agreed, but, upon review, we

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\* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

determined that Vurimindi's offense of conviction does not qualify as a removable offense. Vurimindi v. Att'y Gen., 46 F.4th 134, 148 (3d Cir. 2022). Accordingly, we vacated the BIA's orders affirming the removal order and remanded the matter to the agency for further proceedings. Our mandate issued on October 17, 2022.

Approximately one month later, Vurimindi moved the BIA to terminate the removal proceedings on the ground that he had "recaptured his lost LPR status and need not seek any further reliefs before the [IJ]." Mot. 5, ECF No. 1-1, Exh. B. The BIA has not yet ruled on the motion or taken any other action in the matter.

Vurimindi now petitions this Court for a writ of mandamus compelling the BIA to terminate the removal proceedings based on our mandate. We will deny the petition.

While we have mandamus authority to compel agency action when the agency is unreasonably withholding or delaying its disposition, see Int'l Union, United Mine Workers of Am. v. U.S. Dep't of Labor, 358 F.3d 40, 42 (D.C. Cir. 2004), nothing in the record suggests that the BIA is doing so here. We are confident that the BIA will adjudicate Vurimindi's motion in due course.