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3-20-2007

Bazuaye v. Secretary Homeland

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 07-1183

JEROMI BAZUAYE,

Appellant

v.

SECRETARY MICHAEL CHERTOFF, Department of Homeland Security;
ALBERTO GONZALES, Attorney General of the United States;
JOHN P. TORRES, Action Director Office of Detention and
Removal Bureau of Immigration and Customs Enforcement;
CHRISTOPHER SHANAHAN, Field Officer, Director, Detention
and Removal Bureau of Immigration and Customs
Enforcement; WILLIAM FRASER, Warden, Monmouth County Jail

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 06-CV-01028)
District Judge: Honorable Dickinson R. Debevoise

Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6
March 1, 2007

Before: RENDELL, SMITH AND JORDAN, CIRCUIT JUDGES

(Filed: March 20, 2007)

OPINION

PER CURIAM

Jeromi Bazuaye appeals from an order of the United States District Court for the District of New Jersey, denying his motions for a temporary restraining order barring his removal and for release pending appeal. In his motions, Bazuaye sought an order granting a stay of his removal pursuant to the order of the Board of Immigration Appeals (BIA), and sought to be released from immigration custody pending appeal. As the District Court noted in its opinion, at the time Bazuaye filed his motions, this Court had already transferred Bazuaye's petition for review of the BIA's order to the United States Court of Appeals for the Second Circuit. As venue was no longer proper in this circuit, the District Court properly denied his motions.

The District Court's order will be affirmed.