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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 05-1368

OLUWAFUNMILAYO OGUNDOJU

v.

ATTORNEY GENERAL OF THE UNITED STATES

(Agency No. A39 039 008)

Present: BARRY, SMITH and HARDIMAN, CIRCUIT JUDGES

ORDER

The foregoing motion is granted. The opinion and judgment entered November 7, 2008 are hereby vacated, and an amended opinion, holding the petition for review in abeyance, is hereby filed as of the date of this order.

It is further ordered that the matter be transferred pursuant to 8 U.S.C § 1252(b)(5)(B) to the United States District Court for the Middle District of Pennsylvania for a new hearing on Petitioner's nationality claim.

Pending the proceedings on remand, the Respondent is directed to file status reports every 60 days until the issue of nationality is resolved. Once the District Court has made a determination regarding Mr. Ogundoju's nationality, Respondent shall promptly inform this Court in writing as to the date and disposition of the nationality claim.

By the Court,

/s/Maryanne Trump Barry
Circuit Judge

Dated: March 5, 2009

ARL/cc: OO; CRS; DFB; ALG