

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 29, 2010

Lyle W. Cayce
Clerk

No. 09-60233

Summary Calendar

MAMBU JUSU KOROMA,

Petitioner

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL,

Respondent

On Petition for Review of an Order
Of the Board of Immigration Appeals
Agency No. A46-943-157

Before BENAVIDES, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The petition for rehearing is DENIED. We withdraw our previous opinion, *Koroma v. Holder*, No. 09-60233, 2010 WL 597404 (5th Cir. Feb. 12, 2010) (per curiam), and substitute the following:

Mambu Jusu Koroma, a citizen of Sierra Leone, petitioned for review of

* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 09-60233

the Board of Immigration Appeals' ("BIA") March 5, 2009 order, dismissing his appeal of the Immigration Judge's ("IJ") June 7, 2006 decision denying Koroma's motion to terminate removal proceedings and ordering him removed.

Koroma separately filed a motion to reopen with the BIA, and on December 7, 2009, the BIA granted the motion. The BIA remanded the case to an IJ for further proceedings. Counsel did not inform the Court of these developments in Koroma's case and we proceeded to the merits of Koroma's petition for review of the March 5th BIA order.

The BIA's decision to reopen Koroma's removal proceedings deprives us of jurisdiction over his petition. *See* 8 U.S.C. § 1252(a)(1) (limiting this Court's jurisdiction to "final order[s] of removal"); *see also* *Moreira v. Mukasey*, 509 F.3d 709, 712–14 (5th Cir. 2007) (declining to "construe[] [the alien's petition] as requesting review of the BIA's eventual dismissal of his appeal" and dismissing the petition absent a final order of removal). Therefore, we DISMISS Koroma's petition for lack of jurisdiction.

DISMISSED.