

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES
Submitted August 18, 2023
Decided February 28, 2024

Before

DIANE S. SYKES, *Chief Judge*

JOEL M. FLAUM, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 20-3393

RAUL GARCIA MARIN,
Petitioner,

Petition for Review of an Order of the
Board of Immigration Appeals.

v.

No. A075-818-976

MERRICK B. GARLAND,
Attorney General of the United States,
Respondent.

ORDER

The Supreme Court returned this case to us for further consideration in light of the Solicitor General's change of position on the question of mootness. The government filed a Circuit Rule 54 statement and an unopposed motion to remand the case to the Board of Immigration Appeals. Without conceding error, the government now takes the position that further proceedings before the Board are warranted. In his Circuit Rule 54

statement, petitioner Raul Garcia Marin confirmed that he agrees with the motion to remand to the Board.

We held the matter based on a jurisdictional concern about the timeliness of Garcia Marin's petition for review. The same jurisdictional issue was then pending before other panels of this court; a decision in any of those cases might have affected our jurisdiction here. The issue is now resolved. *See F.J.A.P. v. Garland*, No. 21-2284, 2024 WL 804140, at *13 (7th Cir. Feb. 27, 2024) (holding that a reinstated order of removal is not final for purposes of judicial review until the immigration agency has completed withholding proceedings).

Our jurisdiction is secure. We therefore grant the unopposed motion and remand this case to the Board of Immigration Appeals for further proceedings.