

OCT 19 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BALJIT KAUR,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

No. 04-75330

Agency No. A075-302-076

ORDER

Before: REINHARDT and FISHER, Circuit Judges.

The Board of Immigration Appeals granted Kaur's motion to reopen on December 29, 2008. Because there is no longer a final order of removal to review, this court lacks jurisdiction. *See Lopez-Ruiz v. Ashcroft*, 298 F.3d 886, 887 (9th Cir. 2002). "If the BIA decides to reinstate the order of removal, [Kaur] will be able to appeal that final removal decision on any ground which [she] has raised before the BIA before the final order of removal, not just the one that caused reopening." *Id.*

The government's motion to vacate and dismiss, filed on August 27, 2010, is granted. The memorandum disposition filed by the court on March 25, 2008 is vacated. The petition for review is dismissed without prejudice. The mandate shall issue forthwith.