

AUG 24 2017

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ESTELA MARIA HERNANDEZ DE MONTES,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>JEFFERSON B. SESSIONS III, Attorney General,</p> <p style="text-align: center;">Respondent.</p>
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No. 09-72065

Agency No. A075-304-149

MEMORANDUM*

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

Argued July 12, 2017; Resubmitted August 22, 2017
San Francisco, California

Before: GRABER and FRIEDLAND, Circuit Judges, and MARSHALL,** District Judge.

Petitioner Estela Maria Hernandez De Montes petitions for review of an order by the Board of Immigration Appeals denying Petitioner’s third motion to reopen to reapply for asylum, for withholding of removal and relief under the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Consuelo B. Marshall, Senior United States District Judge for the Central District of California, sitting by designation.

Convention Against Torture, and to reapply for cancellation of removal (the “Motion”). The Motion sought relief based on Petitioner’s husband’s then-existing medical condition—“end stage renal failure awaiting availability of an organ transplantation,” which “requires hemodialysis three (3) times per week.” Petitioner’s husband has since received a kidney transplant.

Accordingly, we dismiss the appeal as moot. See Pilate v. Burrell (In re Burrell), 415 F.3d 994, 998 (9th Cir. 2005) (“A case is moot if the issues presented are no longer live and there fails to be a ‘case or controversy’ under Article III of the Constitution.”); Pub. Utils. Comm’n v. FERC, 100 F.3d 1451, 1458 (9th Cir. 1996) (“The court must be able to grant effective relief, or it lacks jurisdiction and must dismiss the appeal.”).

DISMISSED.