

SEP 18 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOSEPH KWAKU BOATENG,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-72044

Agency No. A087-454-482

MEMORANDUM*

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

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Joseph Kwaku Boateng petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252.

Boateng claims that he is a citizen of the United States. We conclude that

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

the record in this case presents a genuine issue of material fact as to whether Boateng was born in the United States, and is therefore a United States citizen. Accordingly, we transfer these proceedings to the United States District Court for the District of Arizona to conduct a de novo hearing on Boateng's claim to United States citizenship. *See* 8 U.S.C. § 1252(b)(5)(B); *Ayala-Villanueva v. Holder*, 572 F.3d 736, 738, 740 (9th Cir. 2009). We hold the petition for review in abeyance pending the district court's decision.

**MATTER TRANSFERRED TO THE DISTRICT OF ARIZONA;
PETITION FOR REVIEW HELD IN ABEYANCE.**