

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1697

CHARLES OWUSU ANI,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: November 26, 2013

Decided: December 19, 2013

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

David Goren, LAW OFFICE OF DAVID GOREN, Silver Spring, Maryland, for Petitioner. Stuart F. Delery, Assistant Attorney General, Linda S. Wernery, Assistant Director, James E. Grimes, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Owusu Ani, a native and citizen of Ghana, petitions this court for review of the Board of Immigration Appeals' ("Board") order affirming the immigration judge's denial of his request to continue his removal proceedings. Ani sought a continuance to allow his wife, who is an American citizen, to administratively appeal USCIS's* order revoking its prior approval of the I-130 visa petition she had filed for Ani's benefit. The Attorney General argues that this petition for review has been rendered moot by the Board's subsequent affirmance of USCIS's decision. We agree.

Whether the court is "presented with a live case or controversy" is an issue that "goes to the heart of the Article III jurisdiction of the courts." Friedman's, Inc. v. Dunlap, 290 F.3d 191, 197 (4th Cir. 2002) (internal quotation marks omitted). To qualify for adjudication in federal court, "an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed." Arizonans for Official English v. Arizona, 520 U.S. 43, 67 (1997) (internal quotation marks omitted). "[I]f an event occurs while a case is pending on appeal that makes it impossible for the court to grant 'any effectual relief whatever' to a prevailing party, the

* United States Citizenship and Immigration Services.

appeal must be dismissed.” Church of Scientology of Cal. v. United States, 506 U.S. 9, 12 (1992) (quoting Mills v. Green, 159 U.S. 651, 653 (1895)).

The sole issue in this petition for review is Ani’s challenge to the Board’s decision affirming the immigration judge’s denial of his request for a continuance. Even if we were to accept Ani’s arguments and remand the case, Ani’s basis for seeking a continuance is no longer viable. Therefore, we cannot render a decision that would affect Ani’s legal rights. See Qureshi v. Gonzales, 442 F.3d 985, 988-89 (7th Cir. 2006).

We accordingly dismiss this petition for review as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DISMISSED