

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2010

Lyle W. Cayce
Clerk

No. 08-60343
Summary Calendar

PRAXEDIS CASTRO-RODRIGUEZ,

Petitioner

v.

ERIC H. HOLDER, JR., U. S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A10 819 838

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

Praxedis Castro-Rodriguez has filed in this court a petition for review of an order by the Board of Immigration Appeals (BIA) affirming an immigration judge’s (IJ) decision finding him removable from the United States and denying his application for cancellation of removal. After briefing in this case was complete, the Respondent filed an unopposed motion requesting remand of this case in light of the United States Supreme Court’s decision in *Carachuri-Rosendo v. Holder*, 130 S. Ct. 2577 (2010). Because the legal basis for the BIA’s

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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determination that Castro-Rodriguez was removable and ineligible for cancellation of removal was invalidated by the Supreme Court in *Carachuri-Rosendo*, we GRANT his petition for review and REMAND this case to the BIA for further proceedings.