

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

United States Court of Appeals
Fifth Circuit

F I L E D

September 20, 2010

No. 09-60737
Summary Calendar

Lyle W. Cayce
Clerk

JUAN CORTINOVIS, also known as Juan Carlos Cortinovis,
also known as Juan Carlos Cortinovia,

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. A014 707 441

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

Juan Cortinovis 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) denial of his application for cancellation of removal. After briefing in this case was complete, Cortinovis submitted a letter pursuant to Federal Rule of Appellate Procedure 28(j) notifying us of the United States Supreme Court's decision in *Carachuri-Rosendo v. Holder*, 130 S. Ct. 2577 (2010). Because the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supreme Court's holding in *Carachuri-Rosendo* rejected the same reasoning used by the BIA in Cortinovis's case, Cortinovis argues that the BIA's decision should be overturned, and that his case should be remanded to the BIA for reconsideration of his application for cancellation of removal. The Respondent concurs with Cortinovis's request for a remand. Because the legal basis for the BIA's determination that Cortinovis was 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 to adjudicate his application for cancellation of removal. In light of the remand, we decline to address the remaining issues raised in Cortinovis's initial brief. We also deny Cortinovis's request to issue an order permitting him to reenter the United States at this time.