

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 13, 2012

No. 12-60331

Lyle W. Cayce
Clerk

DEREJE YEMANE WOLDEGIORGISE,

Petitioner

v.

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

Respondent

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

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

The Government moves to dismiss Derek Woldegiorgise’s (“Woldegiorgise”) petition for review.¹ Because we dismiss his appeal on an alternative basis, the Government’s motion is moot.

In responding to the Government’s motion, Woldegiorgise asserts that the Government has misconstrued his request for relief and clarifies that he has not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ This court previously denied Woldegiorgise’s motion for a stay in this case but granted him leave to proceed IFP on appeal.

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petitioned this court to review the Board of Immigration Appeal's final order. He explains that he instead sought this court's stay to support a coram nobis motion currently pending before the United States District Court for the Southern District of Texas. *See Woldegiorgise v. Thaler*, No. 4:12-CV-1318 (S.D. Tex. Apr. 24, 2012).

Woldegiorgise seeks relief from the district court and raises arguments before this court that have not yet been addressed by the district court. We lack jurisdiction and DISMISS his appeal. *See* 28 U.S.C. §§ 1291, 1292 (limiting our jurisdiction over district court orders to final judgments and some interlocutory orders); FED. R. APP. P. 4(a)(1)(C) (instructing us to treat appeals from coram nobis motions under the rules for civil appeals). The Government's motion is therefore MOOT.