

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 12, 2021

Lyle W. Cayce
Clerk

No. 19-60937

DALJINDER SINGH,

Petitioner,

versus

MERRICK GARLAND, *U.S. Attorney General,*

Respondent.

Petition for Review of the Order of the
Board of Immigration Appeals
BIA No. A215 908 418

Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, *Circuit Judges.*

PER CURIAM:*

The decision of this motions panel has no mandate except to grant a stay of deportation proceedings pending resolution by a merits panel. A decision “granting a stay settles no law. . . and is not binding on the merits

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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panel, leaving it as a writing in water.”¹ Yet, confusion over this basic proposition persists. To avoid any uncertainty in its efficacy arising from the opinion’s being filed after briefing on the merits had concluded, the panel’s opinion is withdrawn. The stay remains in effect pending decision by a merits panel randomly selected in the regular course, free to consider any persuasive force it may find in the writing of the judges who joined the opinion explaining the stay who remain convinced of its reasoning.

¹ *Richardson v. Hughs*, 978 F.3d 220, 244 (5th Cir. 2020) (Higginbotham, J., concurring).