

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 22 2021

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MILIAM MARGARITA BORJAS-
BORJAS,

Petitioner-Appellant,

v.

MERRICK B. GARLAND, Attorney
General, in his official capacity as Attorney
General of the United States; COREY
PRICE, in his official capacity as Interim
Phoenix Field Office Director for U.S.
Immigration and Customs Enforcement;
ALEJANDRO N. MAYORKAS, Secretary
of the U.S. Department of Homeland
Security,

Respondents-Appellees.

No. 20-16957

D.C. No.

4:20-cv-00417-RM-LCK

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona

Rosemary Márquez, District Judge, Presiding

Submitted March 16, 2021**

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Miliam Margarita Borjas-Borjas appeals the district court's order dismissing her petition for a writ of habeas corpus and complaint for injunctive and declaratory relief. Because the appeal has become moot, we dismiss it for lack of jurisdiction. *See Gator.com Corp. v. L.L. Bean, Inc.*, 398 F.3d 1125, 1128-29 (9th Cir. 2005) (en banc).

Borjas-Borjas's contentions raised in this appeal all challenge the prospect of her removal prior to the adjudication of a motion to reopen filed with the Board of Immigration Appeals ("BIA") on February 4, 2020. On February 3, 2021, the court issued an order notifying Borjas-Borjas that publicly available information indicated the BIA denied the motion to reopen on December 8, 2020, and required Borjas-Borjas to explain why this appeal should not be dismissed as moot. Borjas-Borjas's response to the court's order (Docket Entry No. 16) informed the court that she has not filed an appeal or petition for review of the BIA's denial of her motion to reopen. Because the BIA has adjudicated the motion to reopen, Borjas-Borjas's appeal is moot. Accordingly, we dismiss for lack of jurisdiction. *See Public Utilities Comm'n v. FERC*, 100 F.3d 1451, 1458 (9th Cir. 1996) (case no longer presenting a live controversy is moot and must be dismissed for lack of jurisdiction).

Borjas-Borjas's request for oral argument, raised in her opening brief, is denied as moot.

DISMISSED.