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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SILVA MAMIGONIAN,	)	
	)	2:11-cv-00404-GEB-DAD
Petitioner,	)	
	)	
v.	)	<u>ORDER DISMISSING ACTION FOR</u>
	)	<u>LACK OF JURISDICTION</u>
MICHAEL BIGGS, et al.,	)	
	)	
Respondents.	)	
_____	)	

On February 14, 2010 Petitioner filed a "Petition for Writ of Habeas Corpus[, ] Injunctive and Declaratory Relief[, and] Mandamus" and a Motion for a Temporary Restraining Order. Specifically, Petitioner seeks to enjoin her imminent deportation to Armenia on February 17, 2011, and an order compelling the U.S. Citizenship and Immigration Services ("USCIS") to adjudicate her pending Form I-485 adjustment of status applications.

An expedited briefing schedule was ordered. Respondents filed an opposition to which Petitioner did not timely reply. Instead, Petitioner filed a request for more time to submit a response. However, since the Court lacks jurisdiction this request is denied.

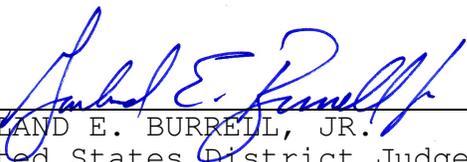
Respondents opposition shows that Petitioner's removal date has changed to March 17, 2011, and that the USCIS denied her pending Form I-485 adjustment of status applications on February 15, 2011, rendering moot her motion to compel decisions on those applications.

1 Respondents argue "[t]his Court lacks jurisdiction to review the habeas  
2 claim, because Petitioner is not in custody." (Opp'n to Temporary  
3 Restraining Order 2:10-11.)

4 Petitioner argues this Court has habeas corpus jurisdiction  
5 under 28 U.S.C. § 2241 "as Petitioner is presently subject to a final  
6 order of removal under color of authority of the United States, and [is]  
7 scheduled to be deported on February 17, 2011." (Pet. for Writ of Habeas  
8 Corpus 2:22-24.) However, this Court does not have habeas corpus  
9 jurisdiction over final orders of removal. 8 U.S.C. § 1252(b)(9);  
10 Nadarajah v. Gonzales, 443 F.3d 1069, 1075 (9th Cir. 2006) ("The REAL ID  
11 Act [of 2005] amends the Immigration and Nationality Act by eliminating  
12 federal habeas corpus jurisdiction over final orders of removal in favor  
13 of petitions for review that raise constitutional claims or questions of  
14 law.") (internal quotation marks omitted). Further, if Petitioner is  
15 seeking to have this Court review the order of removal, this Court  
16 lacks jurisdiction since "a petition for review filed with an  
17 appropriate court of appeals . . . shall be the sole and exclusive means  
18 for judicial review of an order of removal entered or issued[.]" 8  
19 U.S.C. § 1252(a)(5).

20 Accordingly, this action is DISMISSED for lack of  
21 jurisdiction.

22 Dated: February 16, 2011

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25 \_\_\_\_\_  
26 GARLAND E. BURRELL, JR.  
27 United States District Judge  
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