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09 AUG -5 AM 10:00 UNITED STATES COURT OF APPEALS

WHA JUL 01 2009

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CLERK, U.S.
NORTH DISTRICT OF CALIFORNIA

FOR THE NINTH CIRCUIT

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

HERBERT ALEXANDER FLORES-TORRES,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 08-75100

Agency No. A044-284-242

~~C 08 1037 WHA~~

ORDER

Before: KOZINSKI, Chief Judge, PAEZ and TALLMAN, Circuit Judges.

The motion to proceed in forma pauperis is granted. The Clerk shall amend the docket to reflect this status.

Respondent has filed a statement of non-opposition to the motion to stay removal pending review. Pursuant to Ninth Circuit General Order 6.4(c), the temporary stay of removal continues in effect until issuance of the mandate or further order of the court.

Respondent's motion to transfer to the United States District Court for the Northern District of California and to hold appellate proceedings in abeyance pending judicial determination of petitioner's claim of United States citizenship is

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granted. *See* 8 U.S.C. § 1252(b)(5). The issue of petitioner's citizenship is hereby transferred and the proceedings in this court are stayed.

Within 60 days after the date of this order, and every 60 days thereafter, petitioner shall file a status report with respect to the pending district court proceedings.

Within 30 days after the conclusion of the district court proceedings, petitioner shall file: (1) a motion for voluntary dismissal under Federal Rule of Appellate Procedure 42(b); (2) a status report and motion for appropriate relief; or (3) a supplemental opening brief, not to exceed 15 pages. If a supplemental opening brief is filed, the answering and optional reply briefs shall be filed in accordance with the time limits set forth in Federal Rule of Appellate Procedure 31(a).

Failure to comply with this order may result in the dismissal of this petition for review. *See* 9th Cir. R. 42-1.

The Clerk shall file a copy of this order on the Clerk of the District Court for the Northern District of California.