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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BYUN HOON CHUNG; DUK BONG CHUNG; MYUNG BIN CHUNG; KUO CHUL CHUNG, Plaintiffs - Appellants, v. ERIC H. HOLDER Jr., Attorney General; DEPARTMENT OF HOMELAND SECURITY; MICHAEL CHERTOFF, Secretary of DHS, Defendants - Appellees.	No. 08-16864 D.C. No. 3:07-cv-05554-SC MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Samuel Conti, District Judge, Presiding

Submitted September 14, 2009**

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

NED/Research

Byung Hoon Chung and Duk Bong Chung, and their children, Myung Bin Chung and Kou Chul Chung, natives and citizens of South Korea, appeal the district court's dismissal of their action for lack of jurisdiction. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *see Puri v. Gonzales*, 464 F.3d 1038, 1040 (9th Cir. 2006), and we affirm.

The district court lacked jurisdiction over the Chungs' action challenging their removal order because it was filed after the effective date of the REAL ID Act. *See id.* at 1041 ("[A]fter May 11, 2005, the only means for judicial review of [petitioner's] removal order was a petition for review in this court."). Moreover, the Chungs exercised their right to file a petition for review, which we denied in *Chung v. Holder*, No. 06-71728 (Feb. 24, 2009).

Finally, the Administrative Procedures Act, 5 U.S.C. § 701 *et. seq*, does not apply to removal proceedings. *See Marcello v. Bonds*, 349 U.S. 302, 309-10 (1955).

AFFIRMED.